

c/o # 550 c/o McCahey moved that the city solicitor and city clerk
work to present an council order to remove Eaton Place
from the city listing as an accepted street.
2nd by c/o Sargent.

voted 7 yea
1 nay c/o O'Keefe
motion passed

c/o 698 A - c/o McCahey ~~moved~~ motioned that a special committee
be formed with c/o Kovich, c/o Sarnowski, reps from each of the
taxi cab companies, Mr. Barry Neely, City Solicitor
and Salem Police Dept.

That they meet on Tuesday March 20th @ 6³⁰
to work on laws to be changed on METERS.
And report back to O&A phase efforts.
2nd by c/o Siegel

voted 5 y
0 n
motion passed

On the motion of C. ~~Siegel~~
O'Keefe

the meeting adjourned at 8:40 P.M.

Michael Beaulieu
(Chairperson)

MARCH 15, 2012

PUBLIC HEARING OF THE CITY COUNCIL
COMMITTEE ON ORDINANCES, LICENSES & LEGAL AFFAIRS
COPOSTED WITH THE COMMITTEE OF THE WHOLE

A Continuation of a Public Hearing of the City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole was held in the Council Chambers, 93 Washington Street, on Thursday, March 15, 2012 at 7:00 P.M. for the purpose of discussing the matter of the discontinuance of Eaton Place as an accepted street.

Notice of this hearing was posted on March 9, 2012 at 8:27 A.M., and advertised in the Salem Evening news on March 8, 2012.

Absent were: *NONE*

Committee Chair Michael Sosnowski presided.

APPEARING IN FAVOR WERE THE FOLLOWING:

Mr. Richard Savreby

*Dawn Stewart
Dawn + Robert*

*Rep. Eaton Place
Eto Condo Assoc.*

Rev. John Paul Small

First Church

MARCH 15, 2012

PUBLIC HEARING OF THE CITY COUNCIL
COMMITTEE ON ORDINANCES, LICENSES & LEGAL AFFAIRS
COPOSTED WITH THE COMMITTEE OF THE WHOLE

APPEARING IN OPPOSITION WERE THE FOLLOWING:

NOT AFCC OPPOSED

+/- Dawn Stewart 17 North St. Apt 2 Enter Place Condos.
+/- Apt 2 John Craig
+/- Robert Stewart. 17 North St. Enter Place Condos
concerned about trash.

Joe O'Keefe

C.

~~Joe O'Keefe~~

moved hearing be closed

^{2ND}
~~by~~ by J/M'Carthy

Voted ✓

C.

M'Carthy
C/Jonzent

moved

that the Clerk + Solicitor meet to send order to council
to remove Enter Place from list of city streets.

Voted

4 year / way C/O'Keefe opposed.

**CITY OF SALEM
PUBLIC HEARING
DISCONTINUANCE OF ACCEPTED STREET
CONTINUATION OF PUBLIC HEARING
THURSDAY, MARCH 15, 2012 AT 7:00 P.M.
CITY COUNCIL CHAMBER**

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole, will hold continuation of a public hearing in the City Council Chambers, City Hall 2nd floor, 93 Washington Street, on **Thursday, March 15, 2012 at 7:00 P.M.**, to discuss addressing the incorrect placement of Eaton Place on the City's list of accepted public streets.

ALL RESIDENTS INVITED

ATTEST:

03/08/2012

CHERYL A. LAPOINTE
ACTING CITY CLERK

#550



CITY OF SALEM
LEGAL DEPARTMENT

93 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TEL: 978-745-9595 ♦ FAX: 978-744-1279

KIMBERLEY DRISCOLL
MAYOR

ELIZABETH RENNARD, ESQ.
CITY SOLICITOR

ROBIN STEIN, ESQ.
ASST. CITY SOLICITOR

September 8, 2011

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council

As many of you know, in 1996, the City Council voted by Council Order to accept a large number of streets, but did not take the proper steps to legally accept certain streets shown on the Order. One such street is Eaton Place, a private lot owned by Mr. Richard E. Savickey.

The acceptance of Eaton Place did not follow the required process for street acceptance as provided in City Ordinance at Chapter 38, Sections 51 through 57 and 91 and Massachusetts General Law Chapter 82. The City Council record indicates that the Council failed to take any of the steps, as shown on the attached Street Acceptance Procedure Summary, when accepting Eaton Place.

Mr. Savickey has requested that this matter be corrected and as such, I respectfully request that this matter be referred to the Committee on Licenses and Legal Affairs so that a public hearing may be scheduled and ultimately the matter be referred back to the City Council to be properly remove Eaton Place from the list of accepted City streets.

Thank you for your consideration.

Sincerely,

Elizabeth Rennard

STREET ACCEPTANCE PROCEDURE SUMMARY

- The city council may with approval of the city solicitor lay out a street. City Ordinance Section 38-51.
- At least seven days prior to the laying out of a street, the city council must provide written notice of its intention to lay out the street. Such notice must be left at the dwelling house of owners of land over which such street is proposed to be laid out. Further, the notice shall specify the time and place appointed by the city council for a meeting for all interested parties who wish to be heard regarding the proposed laying out of the street. City Ordinance Section 38-52.
- The notice in Section 38-52 may not be issued until a detailed plan of the proposed laying out...drawn by a competent engineer has been filed in the office of the city clerk. City Ordinance Section 38-53. Further, such plan shall show the present length, width, lines and grade of the street to be laid out; the abutting lands, with the fences and buildings thereon, and the length of frontage of each estate; the lands to be taken and the names of the owners of such lands; and also showing in red ink the proposed lines and grade of such street. City Ordinance Section 38-91.
- The city council shall hold a hearing for all parties who wish to be heard regarding the proposed laying out. If the city council, in its judgment, deems that the common convenience and benefit of the city inhabitants requires such street to be laid out, it may proceed to lay out such street and shall fix the boundaries and measurement of the street and determine what damages, if any, are sustained by any person in his property by the laying out of such street; shall determine the amount of compensation such person shall receive; shall specify the manner in which such laying out shall be completed; and shall determine the time allowed the owner of the land through which street may pass to take off trees, fences and other property that may obstruct the building of such street. City Ordinance Section 38-55.
- All costs, including the engineer's plan, are paid by the developer or proponent.