

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 Ordinances, Licenses & Legal Affairs coposted with the Committee of the Whole

met in the Council Chamber on Wednesday, October 12, 2011 at 6:30 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on October 7, 2011 at 9:49 A.M.

(This meeting is being recorded.)

**ATTENDANCE**

ABSENT WERE: C O'Keefe C Pelletier

**SUBJECT(S)**

#550 - Public Hearing to remove Eaton Place from list of accepted streets (COPOSTED)

#533 - Ord. amending Ch. 12 Maintenance of structures & Property (COPOSTED)

#592 - Lifebridge Issues (OLLA Only) See Appendix A

#550 Motion C Susnowski maintain public hearing & matter remain in committee for review in 90 days

Second C Sargent

All in favor none opposed voted

C Susnowski

#533 Motion keep matter in committee

Second C Sargent

All in favor none opposed vote

#592 - No one appeared - keep matter in committee

## APPENDIX A

### To be attached to Committee on Ordinances, Licenses and Legal Affairs Committee Report dated 10/12/11

**Committee Members Present: Lovely, Sargent, Sosnowski**

**Committee Members Absent: O'Keefe excused absence, Pelletier**

**Committee of the Whole Members Present: Pinto, Prevey**

**The committee discussed the following posted agenda items:**

**Public Hearing to remove Eaton Place from accepted streets (co-posted with COW)**

**Ordinance Amending Maintenance of Structures & Property (co-posted with COW)**

**Lifebridge Issues**

**INVITED: Solicitor, Eaton Place Abutters, John Femino, GESNA, Mark Cote, Attorney George Atkins, Tom St. Pierre**

#### **Order #550 Public Hearing to remove Eaton Place from accepted streets**

Solicitor	In 1995 Eaton Place was not an accepted street In 1996 City Engineer submitted ordinance change to accept streets without going through the legal process Street improperly accepted by city council Eaton Place is currently not an accepted street Purposes of meeting is to open discussion with Mr. Savickey
C. Prevey Solicitor	Legally how is city liable for property damage personal injury? Could create another defense but complicated City does not now plow Eaton Place owner does
C. Sosnowski Solicitor	Now what? If city wants to correct the matter city council can accept the street Abutters will want to make sure easements are properly titled Many of the streets are old town ways including paper streets
Richard Savickey	Owns property at 3 Eaton Place since 1977 Had it surveyed in 1981 Pays taxes on the street Problem arose 2 years ago when tenant was ticketed Found out that street was accepted Wants it back to private way Here to have it corrected Not here to prevent easements or access to easements
James Tanch	Represents the First Church Has an easement dated 6/15/56 No objection to keeping it a private way

Darrow Lebovici 122 Federal Street  
 President and representing HSI  
 HSI owns Bowditch House at corner of North and Eaton Place  
 Primary interest is preserving access to the building to access parking lot and entrances for HSI offices and tenants above and bulkhead to basement and HC access to the building  
 Wants to see continuity of city services, snowplowing and rubbish removal  
 HSI needs to determine legal easement  
 Retained counsel to determine same via research

Robert Stewart 17 North Street condo owner  
 Wants to make sure city services continue

Solicitor Easement document exists for the Elks building  
 C.Sosnowski Where does trash currently get picked up?  
 If it goes back to private way will trash get picked up at current location

Robert Stewart Trash gets picked up on Eaton Place  
 Solicitor Need to work out details for trash pick-up  
 Other private ways have to bring their trash to public streets

Christina Sacony 5 Eaton Place condo owner  
 Parking issues with her parking lot  
 Tight squeeze getting in and out  
 If goes back to private way will there be issues with parking?  
 What rights to city streets get as opposed to private streets?  
 Would like it to be an accepted city street

C. Sargent Common issue downtown with lack of parking  
 Orlando Soto 17 North Street condo owner  
 Does the deeded easement require easement to be accessible?  
 What happens if the easement is blocked?

Solicitor Easement rights may not be blocked  
 Car blocking would need to call private tow company

Orlando Soto Refuse removal  
 Concerned about number of barrels that would need to go out to North Street  
 Block pedestrian access and bus stop there  
 Mail service rerouted? Mailman uses Eaton Place to get into entrance at 17 North – will mailboxes need to be out at the street

Solicitor Mail would not be rerouted  
 City can dictate refuse removal where

C.Sosnowski Asked Mr. Savickey if trash removed by city  
 Yes for decades

Coleen Haine Condo owner  
 Major concern is parking and access

Dawn Stewart North Street condo owner  
 Eaton Place plowed but not by condo owner

Which has precedent easement or owner of property  
Is there a document for the easement?

Solicitor Tinti, Quinn, Grover & Frey did the condo docs/plans  
Darrow Lebovici Trash picked up by way of Eaton Place in back at parking lot  
Recycling gets picked up on North Street  
Snow removal – Dick Thompson of HSI says he has seen city plow street  
sometimes  
City pushes the snow to the rear of Eaton Place through HSI parking lot to  
property behind the parking lot

Mr. Savickey Plows every place he can possibly plow  
Plows HSI parking lot  
Elks condos have private contractor plow

Peter Merry 413 Lafayette Street  
Accepted street does not affect ownership  
Represented HSI when city conveyed it  
Relatively short private way good neighbors make arrangements to get along  
Should city revoke its rights neighbors should be able to work it out

Solicitor City's position that Eaton Place not an accepted city street at this time since  
Street Acceptance Procedure Summary was not followed

C. Sosnowski What should we do?  
Solicitor Need more research by condo owners and HSI  
Recommends continuing the public hearing until such time that all easement  
owners can assert their rights

C. Sosnowski Motion to continue the public hearing and that the matter remain in committee for  
review in 90 days to allow solicitor to work with easement owners regarding  
easements over Eaton Place

C. Sargent Second  
All in favor none opposed Voted

**Order #533**

**Ordinance Amending Maintenance of Structures & Property**

Solicitor Submitted revised ordinance  
Added section numbers  
Made change at 12-98 Notice not to every resident but via Collector's office  
Discussed Municipal charges/liens MGL Chapter 40 section 58  
Add liens yearly recorded at Registry of Deeds

C. Sosnowski What does it cost to file at ROD  
Solicitor \$75 but statute allows to recoup that money plus interest  
Tom St. Pierre May not apply to every property but to those properties where no owner can be  
identified – 10-15 problem properties

C. Sosnowski Motion to adopt the ordinance as written  
Ask solicitor to draft new ordinance on liens pursuant to MGL c.40, s.58

C. Sargent Second

C. Sosnowski Motion withdrawn

C. Prevey . What is the procedure pursuant to the ordinance?  
Property foreclosed on  
Property registered by legal owner with payment of \$300 fee  
City will identify legal owners for payment of fee  
Solicitor Wants to speak to Lynn to see how they administer  
Wants to tweak the ordinance more  
C. Sosnowski Motion to keep matter in committee to give solicitor time to tighten ordinance  
C. Sargent Second  
All in favor none opposed Voted

**Order #592 Lifebridge Issues**  
No parties were able to appear  
C. Sosnowski Motion matter remain in committee  
C. Sargent Second  
All in favor none opposed Voted

**Meeting date(s) and subject matter(s) and invitees may change due to unforeseen circumstances. Please refer to the City's meeting calendar for official meeting postings.**

**Motion C. Sosnowski to adjourn.**  
**All in favor None opposed Approved**  
**Meeting was adjourned at 8:00PM**