

SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

“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 Ilene Simons at 978-619-5610 or isimons@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, September 27, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 25, 2018, at 10:00 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present

Council President Gerard presided.

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

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

PUBLIC TESTIMONY

1. Gary Gill – Did not Appear
2. Paula Turner, 43 Church St., Salem (Turner’s) – Carnival
3. Charles Heaps, 10 Williams St., Salem – Carnival
4. John Carr, 7 River St., Salem - Carnival
5. Carol Carr, 7 River St., Salem – Carnival
6. Scott Sternberg, 25 Pickman Rd., Salem – Resolution
7. Jeff Cohen, 12 Hancock St., Salem – Short Term Rental and Resolution
8. Steve Pelletier, 1 Washington St., Salem – Carnival
9. Jenny Pivor, 28C Federal St., Salem – Carnival
10. Scoot Sheehan, 39 Harbor St., Salem – Resolution
11. Fara Wolfson, 25 Pickman Rd., Salem – Resolution
12. Flora Tonthat, 30 Northey St., Salem – Resolution
13. Jane Stauffer, 1 Washington St., Salem – Carnival
14. Don Stone, 1 Washington St., Salem – Carnival
15. Steve Bisson, 1 Washington St., Salem – Carnival
16. Jane Arlander, 93 Federal St., Salem – Carnival
17. Claire Kallelis, 18 Washington Sq., Salem - Carnival

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#582 (#563) - NATIONAL GRID TO INSTALL CONDUIT ON DODGE STREET

A hearing was held on the matter of an Order from National Grid to install a conduit on Dodge Street, appearing in favor was Sibita Mahabier Sheehy, representative from National Grid 44 River St.

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

Councillor Turiel moved that the Order be granted with the condition that unless the work can be done by October 3, 2018 then not performed until after November 1, 2018. It was so voted.

Councillor Flynn, Furey and Sargent opposed.

#583 (#564) – AT&T MOBILITY FOR A GRANT OF LOCATION – 250 HIGHLAND AVENUE

A hearing was held on the order from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 250 Highland Ave. Appearing in favor was Michael Dolan on behalf of AT&T.

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

Councillor Flynn moved that the Order be granted. It was so voted

#584 (#565) – AT&T MOBILITY FOR A GRANT OF LOCATION – 31 SYMONDS STREET

A hearing was held on the order from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 31 Symonds St. and to install conduits or direct bury cables. Appearing in favor was Michael Dolan on behalf of AT&T.

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

Councillor Gerard moved that the order be granted. It was so voted. Councillor Dibble, Sargent, Flynn and Dominguez were recorded opposed.

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#585 (#566) - AT&T MOBILITY FOR A GRANT OF LOCATION – 27 LIBERTY HILL AVENUE

A hearing was held on the Order from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 27 Liberty Hill Ave. and to install conduits or direct bury cables. Michael Dolan appeared in favor on behalf of AT&T.

An abutter from 25 Liberty Hill Avenue appeared opposed. He stated that we just got rid of the power plant and now to put up a small cell wireless attachment will be a travesty.

Councillor Dibble agreed with the abutter. Very close to the person's home. It could go across the street by the cemetery. Michael Dolan stated that National Grid chose this pole.

Councillor Sargent stated that this matter should go to committee because of quality of life issue.

Councillor Gerard moved that the hearing remain open and to also refer this matter to the committee on Public Health Safety and Environment to be taken up and brought back out on October 11, 2018. It was so voted.

(#527) – APPOINTMENT OF PHILIP KOCH TO THE SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE

Held from the last meeting, the Mayor's appointment of Philip Koch to the Sustainability, Energy and Resiliency Committee with a term to expire on December 3, 2018 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

(#528) – APPOINTMENT OF DEBORAH GREEL TO THE LICENSING BOARD

Held from the last meeting, the Mayor's appointment of Deborah Greel to the Licensing Board with a term to expire on December 3, 2021 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

SEPTEMBER 27, 2018**CITY COUNCIL****REGULAR MEETING****(#529) – APPOINTMENT OF REBECCA ENGLISH TO THE HISTORICAL COMMISSION**

Held from the last meeting, the Mayor's appointment of Rebecca English to the Historical Commission with a term to expire on March 1, 2019 was held under the rules until the next meeting on October 11, 2018.

(#530) – APPOINTMENT OF CLAUDIA CHUBER TO THE HOUSING AUTHORITY

Councillor Milo recused herself. Held from the last meeting, the Mayor's appointment of Claudia Chuber to the Salem Housing Authority Board with a term to expire on July 19, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative. Councillor Milo was recorded as absent. Councillor Milo returned to the Chambers.

(#531) – APPOINTMENT OF DAVID GAUTHIER TO THE CABLE TELEVISION AND TECHNOLOGY COMMISSION

Held from the last meeting, the Mayor's appointment of David Gauthier to the Cable Television and Technology Commission with a term to expire on September 13, 2020 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

(#532) – APPOINTMENT OF TYLER CARLTON TO THE SCHOLARSHIP AND EDUCATION COMMITTEE

Held from the last meeting, the Mayor's appointment of Tyler Carlton to the Scholarship and Education Committee with a term to expire on June 1, 2019 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

SEPTEMBER 27, 2018CITY COUNCILREGULAR MEETING(#533) – APPOINTMENT OF DATANIS ELIAS TO THE BOARD OF HEALTH

Held from the last meeting, the Mayor’s appointment of Attorney Datanis Elias to the Board of Health with a term to expire on July 21, 2019 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

#586 – REAPPOINTMENT OF ROBIN SEIDEL TO THE TRAFFIC AND PARKING COMMISSION

The Mayor’s re-appointment of Robin Seidel to the Salem Traffic & Parking Commission with a term to expire on September 27, 2021 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

#587 – ORDINANCE TO AMEND SHORT-TERM RENTALS TO ALLOW REGISTRATION FEES

The following ordinance recommended by the Mayor was adopted for first passage.

In the year Two Thousand and Eighteen

An Ordinance to amend the Ordinance regarding Short-Term Residential Rentals to allow registration fees for short-term rentals in the City of Salem.

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

Section 1. An amendment to **City of Salem Code, Ordinances, PART III, Chapter 15, Section 15-6 Requirements for Short-Term Rentals, Subsection a. Registration**, is hereby enacted to include the following additional language at the end of the subsection:

“To cover the expenses associated with monitoring compliance with the requirements of the ordinance, the Director of Inspectional Services shall be authorized to set an annual registration fee per Short-Term Rental unit, in addition to any fee that may be charged for certificate of fitness inspection(s), not to exceed the pro-rata cost to the City for monitoring and enforcement of this section.”

SECTION 2. This ordinance shall take effect on April 15, 2019.

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#588 – EXPAND THE HOUSING DEVELOPMENT ZONE TO INCLUDE ADDITIONAL PARCELS

The following Order introduced by the Mayor was referred to the Committee on Community and Economic Development co-posted with the Committee of the Whole

ORDERED: In accordance with the 760 CMR 66.08, the Mayor on behalf of the City of Salem is hereby authorized to submit to the MA Dept. of Housing & Community Development (DHCD) an amendment to the existing Downtown Salem Housing Development Zone and Housing Development Incentive Program Plan originally approved by DHD in 2017. The HD Zone shall be expanded to include all parcels within the Center Development (B5) Zoning District, the adjacent North River Canal Corridor Zoning District and three additional parcels, specifically 5 Broad St., 17 Hawthorne Blvd., and 150 Federal St.

#589 – HOUSING DEVELOPMENT INCENTIVE PROGRAM AMENDMENT PROPOSAL

The Mayor submitting a Draft of the Housing Development Incentive Program (HDIP) Zone Amendment Proposal (the entire document can be viewed at the City Clerk's office during normal business hours) was referred to the Committee on Community and Economic Development co-posted with the Committee of the Whole

#590 – RESOLUTION VOTE YES ON QUESTION #3 ON NOVEMBER 6, 2018

Councillor Turiel introduced the following resolution which was adopted. Councillor Milo motioned to refer matter to Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole was seconded by Councillor Sargent. This matter did not carry by hand count 5 in favor 6 opposed. This Resolution passed by a hand count vote of 8 in favor (Councillors Dominguez, Flynn, Furey, Madore, McCarthy, Peterson, Turiel and Gerard) 2 present (Councillor Dibble and Sargent) and 1 opposed (Councillor Milo)

RESOLUTION:

A Resolution Reaffirming Current City of Salem and Massachusetts Non-Discrimination Laws Prohibiting Discrimination in Places of Public Accommodation on the Basis of Gender Identity and Gender Expression.

WHEREAS, *The Massachusetts House of Representatives and Senate approved the addition of gender identity to the Massachusetts Public Accommodations Law (M.G.L c. 272, §§ 92A, 98 and 98A) on July 7, 2016; and*

WHEREAS, *Governor Charlie Baker signed this legislation, An Act relative to transgender anti-discrimination (S. 2407), into law on July 8, 2016; and*

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WHEREAS, *The updated Public Accommodations Law has been in full effect since October 1, 2016; and*

WHEREAS, *Two years prior to enactment of these protections statewide, the City of Salem demonstrated leadership on this issue when the City Council unanimously passed a Non-Discrimination Ordinance, as the fifth community in Massachusetts and the first on the North Shore, thereafter including gender identity and gender expression in this policy, ensuring equal opportunity and protection from discrimination by the City of Salem and those doing business with the City of Salem; and*

WHEREAS, *The November 6, 2018 statewide election includes a ballot question seeking to repeal the provision in the Massachusetts Public Accommodations Law prohibiting discrimination on the basis of gender identity in places of public accommodation; and*

WHEREAS, *Repeal of this law would have a devastating effect for transgender and gender non-binary members of our community and would be against principles we as a city uphold and reaffirm; and*

BE IT RESOLVED, *We the members of the Salem City Council, do hereby express our commitment to defend transgender equality in Salem and will hereby pledge to sign on to Freedom For All Massachusetts' Yes on 3 Coalition to say clearly: Discrimination has no place in Massachusetts and no place in Salem.*

BE IT FURTHER RESOLVED, *That on this 27th day of September in the year Two Thousand and Eighteen, a copy of this resolution be spread upon the records of the City of Salem.*

#591 – ELECTION ORDER FOR STATE FINAL, NOVEMBER 6, 2018

Councillor Furey introduced the following Order which was adopted.

ORDERED: That the meetings of the qualified voters of the City of Salem be held in the several voting precincts in the city at the polling places designated hereinafter on **Tuesday, November 6, 2018** from 7:00 A.M. to 8:00 P.M. for the purpose of casting votes in the State Election for the candidates for the following offices and questions:

- SENATOR IN CONGRESS.....FOR THIS COMMONWEALTH
- GOVERNORFOR THIS COMMONWEALTH
- LIEUTENANT GOVERNORFOR THIS COMMONWEALTH
- ATTORNEY GENERAL.....FOR THIS COMMONWEALTH
- SECRETARY OF STATEFOR THIS COMMONWEALTH
- TREASURER AND RECEIVER GERNERAL.....FOR THIS COMMONWEALTH
- AUDITOR.....FOR THIS COMMONWEALTH
- REPRESENTATIVE IN CONGRESS.....SIXTH CONGRESSIONAL DISTRICT
- COUNCILLOR.....FIFTH DISTRICT
- SENATOR IN GENERAL COURT.....SECOND ESSEX DISTRICT
- REPRESENTATIVE IN GENERAL COURT.....SEVENTH ESSEX DISTRICT
- DISTRICT ATTORNEY.....EASTERN DISTRICT

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CLERK OF COURTS.....ESSEX COUNTY
REGISTER OF DEEDS.....ESSEX SOUTHERN COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care as follows:

- In units with step-down/intermediate care patients: 3 patients per nurse;
- In units with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse; 2 patients post anesthesia per nurse;
- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient's condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients (a) active labor patients: 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum: 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined stable : 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical telemetry, or observational /outpatient treatment patients, or any other unit : 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

Question #2 -Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of

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constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

A YES VOTE would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

A NO VOTE would not create this commission.

Question #3 Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on July 7, 2016?

SUMMARY

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A "place of public accommodation, resort or amusement" is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. "Gender identity" is defined as a person's sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person's admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and females (such as restrooms) to allow access to and full use of those areas consistent with a person's gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.

The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

A YES VOTE would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

A NO VOTE would repeal this provision of the public accommodation law.

BE FURTHER ORDERED: That the following places be and hereby are designated as polling places for said voting:

PRECINCT ONE

WARD ONE

Bentley School Gymnasium, 25 Memorial Drive

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PRECINCT TWO	135 Lafayette Street - Community Room
	WARD TWO
PRECINCT ONE & TWO	St. Peter's Church Parish Hall, St. Peter's Street
	WARD THREE
PRECINCT ONE & TWO	Salem High School Auditorium, 77 Willson St.
	WARD FOUR
PRECINCT ONE & TWO	Witchcraft Heights School Gymnasium, 1 Frederick St.
	WARD FIVE
PRECINCT ONE & TWO	Saltonstall School Auditorium, 211 Lafayette St.
	WARD SIX
PRECINCT ONE	Bates School, Liberty Hill Avenue
PRECINCT TWO	Mack Park, Tremont Street
	WARD SEVEN
PRECINCT ONE & TWO	Salem State Enterprise Ctr., 121 Loring Ave.

BE IT FURTHER ORDERED: That the polls for said voting be opened at 7:00 A.M. and closed at 8:00 P.M. and that the City Clerk be instructed to post this notice as required by law

#592 – REGULAR CITY COUNCIL MEETINGS FOR NOVEMBER AND DECEMBER AND CHANGE OF DATE FOR OCTOBER MEETING

Councillor Furey introduced the following Order which was adopted.

ORDERED: That the regular meetings of the City Council, for the month of November and December, be held on Thursday, November 15, 2018 and Thursday, December 6, 2018 and be it further Ordered that the regular meeting of the City Council scheduled for Thursday, October 25, 2018 meeting be moved to Thursday, October 18, 2018 due to Early Voting

#593 – TRAFFIC AND PARKING COMMISSION RECOMMEND UPDATES TO THE RESIDENT STICKER PARKING

Councillor Madore introduced the following Order which was adopted.

ORDERED: That the Traffic & Parking Department shall in conjunction with the Traffic & Parking Commission recommend to City Council updates to the City's traffic ordinance, rules, and regulations as related to resident sticker parking by January 15, 2019.

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REGULAR MEETING

#594 – NEW PA SYSTEM FOR THE COUNCIL CHAMBERS

Councillor McCarthy introduced the following Order which was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss a new PA system for the Council Chambers and that the information researched by the City Clerk be included.

#595 – VETERAN SQUARES TO BE NAMED

Councillor Flynn introduced the following Order which was adopted.

ORDERED: That the following Veteran Squares be adopted

Swiniarski Square: to be located in Ward 1 at corner of Turner and Essex Streets. In honor of US Army Master Sergeant Benny S. Swiniarski, who was killed in action on 8 January 1952 during the Korean War. A 17 year veteran of the Army, he served with distinction in both World War II and Korea. He was awarded the Silver Star in WWII, along with several Purple Hearts for wounds received during both WWII and Korea.

Tondreau Square: to be located in Ward 5 at the corner of Cherry and Porter Streets. In honor of US Army Corporal George A. Tondreau, who died on, or about, 20 February 1951 while imprisoned as a POW in North Korea during the Korean War.

Carson Square: to be located in Ward 6 at the corner of Garden Terrace and North Street. In honor of US Army Sergeant Paul R. Carson, who was killed in action on 6 October 1971 during the Vietnam War while assigned to Battery C, 3rd Battalion, 23rd Infantry.

The Salem Veterans Council fully endorses the naming of the below city squares, as requested by family members, in honor of the sacrifices of these Salem veterans.

1. All the veterans meet the eligibility criteria for veteran square nomination.
2. It is requested that these be given favorable consideration by the Salem City Council.

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#596 – ORDINANCE AMENDING THE SALEM COMMON USE POLICY – PROHIBITED ACTIVITIES

Councillor Madore introduced the following ordinance was adopted as amended for first passage.

ORDINANCE: *In the year Two Thousand and Eighteen*

An Ordinance to amend an Ordinance relative to use of Salem Common

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

Section I. Article III – Common Use Policy of Chapter 26 Parks and Recreation is hereby amended by deleting sub-paragraph (8) of Division 2, Sec. 26-75. – *Prohibited activities* in its entirety and replacing it with the following:

“(8) Mechanical rides or amusements, including carnivals and circuses, except in connection with a City Council permitted event.”

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

The amended Ordinance appears as follows:

ORDINANCE: *In the year Two Thousand and Eighteen*

An Ordinance to amend an Ordinance relative to use of Salem Common

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

Section I. Article III – Salem Common – Division 2. Prohibited Activities; permitted and non-permitted events Section 26-75 Prohibited Activities; subparagraph (8) be amended by adding the following to the end of the sentence:

“, except that a Children’s Fair may be held during the month of October with the approval of the City Council.”

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

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#597 (#553) - ORDINANCE TO AMEND FINES FOR RESIDENT STICKER PARKING

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & 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 & Legal Affairs co-posted with the Committee of the Whole. to whom was referred the matter of an ordinance to amend an ordinance relative to Traffic Ch. 42, Sec. 17A Schedule of fines by repealing \$15 fine & \$40 Fine on Friday, Saturday and Sunday during the month of October for violation of Resident Sticker Parking and replacing with a \$50.00 fine Monday – Sunday during the month of October and would recommend this Ordinance be made an Order and that the fine will cover all parking violations for Residential Parking for either existing or temporary streets for the month of October be \$50.00.

#598 (#544) – CERTAIN STREETS TEMPORARY RESIDENT STICKER PARKING DURING OCTOBER

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation as amended.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. to whom was referred the matter of given certain streets temporary status (Broad, Downing, Endicott, Hathorne, Margin, Mt. Vernon, Prescott, Summer, Winthrop and Union) as Resident Sticker from 10/1/18 – 10/31/18 and fines for violations has considered said matter and would recommend that the Order be adopted as amended to include Phelps St. and Ward St. and to make the fines \$50.00 Monday – Sunday during the month of October for violation of Parking Prohibitions Towing Zone (Resident Sticker Parking). And to make Margin Street (West Side Only) and to add Becket Ave., Fort Ave., from Webb to the last house on the left before the entrance to the SESD. And that homes receive to guest passes

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#599 – (#548) – CONDO OWNERS OF CERTAIN STREETS RESIDENT STICKER PARKING

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & 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 & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of residents of the following addresses (7 Crombie St., 11 Church St., 281 Essex St., 51 Lafayette St., 50 St. Peter St., Townhouse Square Condos, 141 Washington St.) required to purchase parking passes at the garages shall be granted a one (1) month parking pass, allowing them to park upon any street granted temporary resident only parking status between 10/1/18 -10/31/18, either by ordinance or an order has considered said matter and would recommend that a section of the roof at the Museum Place Garage be sectioned off and that up to 176 parking spaces be reserved for the residents of the above addresses and that they shall pay \$125.00 for the month of October to park

#600 – CLOSE WASHINGTON AND FEDERAL STREET FOR CARNIVAL

The following Order which was introduced by the Chief of Police was adopted by a roll call vote of 6 yeas, 5 nays and 0 absent. Councillor Furey, Madore, McCarthy, Peterson, Turiel and Gerard all were recorded as voting in the affirmative. Councillor Dibble, Dominguez, Flynn, Milo and Sargent were recorded as voting in the negative.

ORDERED: That the City Council hereby authorizes the closure of the following roadways from October 16, 2018 through November 2, 2018:

1. The right-hand southbound lane of Washington Street between a point approximately 125 feet north of Federal Street and the southernmost end of Washington Street's intersection with Federal Street; and
2. Federal Street from Washington Street to a point approximately 180 feet to the west.

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#601 – SAFETY ENHANCEMENT ZONE BE EXTENDED TO INCLUDE CERTAIN DATES

The following Order introduced by the Chief of Police was adopted.

ORDERED: Pursuant to City Ordinance Ch. 1, Sec. 1-11 Safety Enhancement zone; violations and penalties, the City Council hereby Orders that the Safety enhancement zone designation dates shall be extended as provided in Sec. 1-11(b)(3), to include Friday, October 26, 2018 at 12:01 AM through Sunday, October 28, 2018 at midnight thereby establishing the dates of the Safety Enhancement Zone designation from 12:01 am on Friday, October 26, 2018 through midnight on Friday, November 2, 2018.

#602 – HONEY DEW DONUTS FOR EXTENDED HOURS OF OPERATION

A hearing was ordered for October 11, 2018 for the request from Honey Dew Donuts located at 138 Canal Street for extended hours of operation continue to operate from 5:00 A.M. to 8:00 P.M. Monday through Sunday

#603 – FIESTA SHOW CARNIVAL APPLICATION

The request from Fiesta Shows to hold a Carnival from October 19 to October 31, 2018 located at Federal St., Washington St., District Court parking lot was granted by a roll call vote of 6 yeas, 5 nays and 0 absent with the following conditions: that the District Court Parking Lot be deleted from the event location and to remove the 2-3 amusement games and rides from the event description and that the conditions from the Fire Chief and Police Chief be adhered to. Councillor Furey, Madore, McCarthy, Peterson, Turiel an Gerard all were recorded as voting in the affirmative. Councillor Dibble, Dominguez, Flynn, Milo and Sargent were recorded as voting in the negative. Councillor Turiel motion for immediate reconsideration in the hopes that it does not prevail was denied.

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The following Public Guide applications were granted.

Chris Dowgin 202 Jefferson Ave. #3, Salem
Richard O’Keefe 7 Essex St., Salem
Erin Shine 1 Loring Ave. Viking Hall, Salem
Adrianna Neefus 1 Daniels St. Ct., Salem
Bessie Dragonis 5 Margin St., Salem
Jessica Brennan 212 Loring Ave., Salem
Blake Campbell 16 Roslyn St. Apt 1, Salem
Kiana Reid 75 Lyman St., Pittsfield

#605 - #606 – TAG DAYS

The Following Tag Day License Applications were granted

TAG DAYS: S.H.S. Boys Lacrosse 10/14/2018
 S.H.S. Wrestling 12/2/2018

#607 - # 613

The Following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs:

Jesse Gaudet 14 Shillaber St., Salem
Savita DeFreitas 15 Highland St., Woburn
Linda LaClair 12 Fox Run Ln., Marblehead
Sheree Price 137 rainbow Ter., Salem
Ramesh Rao 945 North St., Salem
Mark Colon 12 Messervy St., Salem
Daniel Szymczak 25 Mulberry St., Beverly

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CITY COUNCIL

REGULAR MEETING

(#484) – SECOND PASSAGE – ORDINANCE ALLOWING SHORT TERM RENTALS IN SALEM

The matter of Second and Final Passage of an Ordinance allowing Short Term Rentals in Salem was taken up. It was adopted for second and final passage.

AMENDMENT SUMMARY

The City of Salem Code of Ordinances is amended to include a new section, PART III, CHAPTER 15 SHORT-TERM RENTALS, permitting and regulating the use of certain residential units as short-term (under 30 days) rentals.

Allowed Short-Term Rental Uses

1. An Operator may use his or her entire **Home Share Unit** (defined as an entire Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence) provided it is his/her Primary Residence without a limitation as to the number of days per year. Individual rooms within Home Share Units may not be offered as separate Short-Term Rentals.
2. An Operator may use his or her **Limited Share Unit** (defined as a Residential Unit that is the Operator's Primary Residence, a portion of which is offered as a Short-Term Rental while the Operator is present) without limitation as to the number of days per year. Occupancy shall be limited to three bedrooms including the bedroom of the Operator in a Limited Share Unit.
3. An Operator may use his or her **Owner-Adjacent Unit** as a Short-Term Rental (defined as an entire Residential Unit offered as a Short-Term Rental that is not the Owner's Primary Residence but that is located within the same dwelling or is otherwise within the same property) without limitation as to the number of days per year. Rentals of Owner-Adjacent Units must be for the entire unit; individual rooms within Owner-Adjacent Units may not be offered as separate Short-Term Rentals.
4. An Operator may use his or her **Non-Owner Occupied Unit** as a Short-Term Rental only if the Operator was engaged in the Short-Term Rental of the property as of the date this Ordinance was filed (July 19, 2018) and provided that the Operator obtains a Special Permit from the Zoning Board of Appeals. Qualifying Operators must petition for a Special Permit within 60 days of the date of passage of this Ordinance in order to be eligible for this exception. Rentals of Non-Owner Occupied Units must be for the entire unit; individual rooms within Non-Owner Occupied Units may not be offered as separate Short-Term Rentals. Non-Owner Occupied Units shall be required to pay a trash fee under section 36-6.
5. Currently licensed lodging houses, existing bed and breakfasts, residential units contracted for hospital stays, residential units used for furnished institutional or business stays are not considered short-term rentals for the purposes of this Ordinance.

Ineligible for Short-Term Rental Use

1. Residential Units where the Operator or Owner does not live in either the unit, the building, or within the property and it is not the Operator's primary residence, unless it was in existence as a Short-Term Rental as of the date the Ordinance was filed and receives a Special Permit from the Board of Appeals.
2. Residential Units that are located within properties designated as a "Problem Property."

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3. Residential Units that are the subject of three or more findings of violations of this or of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period.
4. Residential Units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the City.

Additional Requirements for Short-Term Rentals

1. The owner and/or operator of the Short-Term Rental must register their property and obtain a certificate of fitness pursuant to Section 2-705.
2. When registering, an Operator must provide his or her name and contact information, and/or the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two hours of being notified. Contact information must include a telephone number that is active 24 hours per day.
3. The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section for a period of three years from the date the Residential Unit is last registered for a certificate of fitness inspection.
4. The Operator shall furnish each guest with a Community Information Card containing emergency telephone numbers for the Salem Police and Fire Departments, a description of any on-street parking regulations, information regarding trash and recycling requirements and collection dates, and a copy of the City's noise ordinance. The Operator shall also post a sign providing guests with information on the location of all fire extinguishers, exits, and alarms in the unit.
5. The Operator, upon listing or modifying a Short-Term Rental with a Booking Agent shall file with the City an exact duplicate of the listing, including property address and shall also furnish a copy of the Community Information Card at the time of registration or inspection.
6. Booking Agents shall provide quarterly reports to the City which shall include a breakdown of where the listings are located, type of listing, the number of nights each unit was reported as occupied, and the Operator's name and full contact information
7. Should an excise tax be adopted applicable to Short-Term Rentals, the Operator is solely responsible for collecting and remitting the applicable tax although the Booking Agent may collect and remit the tax to the City.

Violations and Enforcement

1. Complaints shall be made to the Inspectional Services Department and may, if proven, result in a warning or an Ordinance ticket and the maximum appropriate fine.
2. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, § 21D and/or by seeking to restrain a violation by injunction.

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3. The City shall enter into agreements with Booking Agents whereby the Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental and agrees to prohibit a host from listing any Short-Term Rental without proof of registration. Any Booking Agent that fails to enter into such agreements to with respect to ineligible listings shall be prohibited from conducting business in the City.
4. The Ordinance is severable and if any provision is invalidated by subsequent legislation regulation, or court decision, then the remainder of the Ordinance shall remain in full force and effect.
5. This ordinance shall take effect on April 15, 2019

(#485) – SECOND PASSAGE – ORDINANCE AMENDING FINES FOR VIOLATIONS OF SHORT TERM RENTALS

The matter of Second and Final Passage of an Ordinance amending fines for violations of short term rentals was taken up. It was adopted for second and final passage.

An Ordinance to amend the ordinance to set fines for violation of short-term rentals ordinance in the City of Salem.

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

AN ORDINANCE TO AMEND THE ORDINANCE TO INCLUDE FINES FOR VIOLATIONS OF THE SHORT-TERM RESIDENTIAL RENTAL ORDINANCE IN THE CITY OF SALEM

SECTION 1. An amendment to the City of Salem Code, Ordinances, PART II, CHAPTER 1, Sec. 1-10 (c). - *Noncriminal disposition of ordinance violations* is hereby enacted as follows:

“CHAPTER 15 SHORT-TERM RESIDENTIAL RENTALS:

Sections 15-1 through 15-9, Violations of Short-Term Rental Ordinance.

Penalty:

First offense \$ 50.00

Second offense \$150.00

Third and all subsequent offenses \$300.00

Enforcing persons: Building inspector(s), board of health personnel, and police department personnel.”

SECTION 2. This ordinance shall take effect as provided by City Charter.

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REGULAR MEETING

(#549) – SECOND PASSAGE – TRAFFIC ORDINANCE - ONE WAY STREETS

The matter of Second and Final Passage of an Ordinance amending Traffic – One Way Streets, was taken up. It was adopted for second and final passage.

Second Passage: **An Ordinance to Amend an Ordinance relative to Traffic, Ch. 42 Sec. 10 “One Way Streets”**

Section 1. Ch. 42, Section 10 is hereby amended by adding the following:

Brown Street – One Way Streets – from opposite #2 Brown Street to Washington Square West, one way in an easterly direction, with two dedicated turn lanes, one to turn right and one to turn left

Washington Square North – One Way Streets – from 19 ½ Washington Square North to 2 Brown Street, one way in a southwesterly direction.

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

(#550) – SECOND PASSAGE – TRAFFIC ORDINANCE – BUS STOPS AND PARKING METER ZONES

The matter of Second and Final Passage of an Ordinance amending traffic was taken up. It was adopted for second and final passage.

Second Passage: **An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops and Section 56 “Parking Meter Zones Established”**

Section 1. Ch. 42 Sec. 11 Bus Stops is hereby amended by repealing the following:

Washington Street – Bus Stops – easterly side, from a point beginning on the southerly side of Federal Street and Washington Street and proceeding thirty (30) feet in a southerly direction.

Washington Street – Bus Stops – easterly side, from a point beginning twenty (20) feet from the southerly side of Federal Street in a southerly direction to a point located twenty (20) feet from the northerly side of Church Street.

Section 2. Ch. 42, Sec 56 is hereby amended by replacing the following:

Washington Street – Parking Meter Zones Established – easterly side, from Church Street to Essex Street. Four (4) hour parking and replacing with

Washington Street – Parking Meter Zones Established – easterly side, from a point beginning sixty (60) feet north of Federal Street to Essex Street. Four (4) hour parking.

Section 3. This Ordinance shall take effect as provided by City Charter

SEPTEMBER 27, 2018**CITY COUNCIL****REGULAR MEETING****(#551) – SECOND PASSAGE – TRAFFIC, PARKING TIME LIMITED**

The matter of Second and Final Passage of an Ordinance amending traffic was taken up. It was adopted for second and final passage.

Second Passage: An Ordinance to Amend an Ordinance relative to traffic Ch. 42, Sec. 57A “Parking Time Limited: Unmetered Zones”

Section 1. Section 57A of Article V be amended by repealing the following:

Loring Avenue – Parking Time Limited: Unmetered Zones – southeasterly side beginning at a point of forty (40) feet north of College Drive and continuing to the intersection of Linden Street and the marked crosswalk, excluding existing marked bus stops and handicap zones. Fifteen (15) minute parking only tow zone, Monday through Friday 7:00 A.M. to 4:00 P.M., or by special permit only issued by the Horace Mann Laboratory School (HMLS).

And replacing it with the following:

Loring Avenue – Parking Time Limited: Unmetered Zones – southeasterly side beginning at a point of forty (40) feet north of College Drive and continuing to the intersection of Linden Street and the marked crosswalk, excluding existing marked bus stops and handicap zones. Four (4) hour parking as marked by signs, Monday through Friday, 8:00 A.M. to 8:00 P.M.

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

(#552) – SECOND PASSAGE – TRAFFIC BUS STOPS

The matter of Second and Final Passage of an Ordinance amending traffic, bus stops was taken up. It was held for second and final passage until the next meeting (error by SEN ad was not published)

Second Passage: **An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops Section 1.** Ch. 42, Sec.11 Bus Stops is hereby amended by repealing the following:

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting at the beginning of the Bridge curbing. Near 26 Congress Street. Tour Bus Parking only, Tow Zone.

And replacing it with

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting one hundred fifty (150) feet from the beginning of the Bridge curbing. Tour Bus Parking only, Tow Zone.

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Section 2. Ch. 42, Sec. 11 Bus Stops is hereby amended by adding the following:

Congress Street – Bus Stop – Inbound, northwesterly direction for a distance of fifty (50) feet beginning eighty-six (86) feet from the intersection of Peabody Street. Tour Bus Parking Only. Tow Zone.

Section 3. This Ordinance shall take effect as provided by City Charter

On the motion of Councillor Furey the meeting adjourned at 11:10 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK