



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Donald Bates, of 31 Settlers Way, to the Board of Registrars of Voters for a term of three years to expire July 19, 2021.

I recommend confirmation of his reappointment to the board and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll". The signature is written in a cursive style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Patrick Shea, of 31 Highland Street, to the Salem Zoning Board of Appeals to complete the remainder of the term previously held by Rebecca Curran, expiring May 1, 2019. Ms. Curran has stepped down from the board due to work obligations. I hope you will join me in thanking Ms. Curran for her five years of dedicated volunteer service on the ZBA, including time as the board's Chair.

Mr. Shea currently owns and operates Professional Roofing Contractors, Inc., his own business that he started in 2009. He is also a real estate and private equity investor, supporting small businesses and projects throughout the region. A graduate of Salem High School, Mr. Shea received a Bachelor's degree in economics from Assumption College and a Master's degree in finance and banking from Suffolk University. Mr. Shea served on the City's Imagine Salem working group as a volunteer member and contributed greatly to the initiative's efforts.

I strongly recommend confirmation of Mr. Shea to the Zoning Board of Appeals. We are fortunate that he is willing to serve our community in this important role and lend his expertise and dedication to this board and its work.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS
Kimberley Driscoll
Mayor

July 19, 2018

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request to appropriate Ninety-Five Thousand, Five Hundred and Sixty-One Dollars and Sixty-Eight Cents (\$95,561.68) from General Fund Balance Reserved for Free Cash (1-3245) to the following special fund.

<u>Fund Name/Description</u>	<u>Amount</u>
Capital Improvement Fund 2000	\$95,561.68

At this time in the fiscal year, unutilized free cash is moved to stabilization funds as a routine financial practice. Appropriating these funds to our capital outlay account will enable the City to make use of them for unforeseen capital needs as they arise.

I recommend passage of this accompanying Order.

Sincerely,

A handwritten signature in black ink that reads "Kimberley Driscoll".

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council, July 19, 2018

Ordered:

That the sum of Ninety-Five Thousand, Five Hundred and Sixty-One Dollars and Sixty-Eight Cents (\$95,561.68) is hereby appropriated from General Fund Balance Reserved for Free Cash (1-3245) to the following special revenue funds. This transfer is requested in accordance with the recommendation of Her Honor the Mayor.

Fund Name/Description	Amount
Capital Improvement Fund 2000	<u>\$ 95,561.68</u>



City of Salem, Massachusetts

Finance Department
93 Washington Street
Salem, MA 01970
www.salem.com

Kimberley L. Driscoll, Mayor

Laurie A. Giardella, Finance Director

July 16, 2018

Honorable Salem Mayor Kimberley Driscoll
Salem City Hall
Salem, Massachusetts

Dear Honorable Mayor Driscoll:

I am respectfully requesting the amount of ninety-five thousand, five hundred sixty-one dollars and sixty-eight cents (\$95,561.68) be transferred from general fund free cash to the short-term capital fund to cover costs associated with short term capital as identified needs arise.

Please let me know if you need any further information.

Regards,


Laurie A. Giardella
Finance Director

CITY OF SALEM
Stabilization & CIP Annual Free Cash Appropriation

Date 7/13/18

Transfer To: 83011-4970 Desc: Stabilization Fund

Amount: \$

Transfer To: 20001-4970 Desc: Capital Improvement Fund

Amount: \$

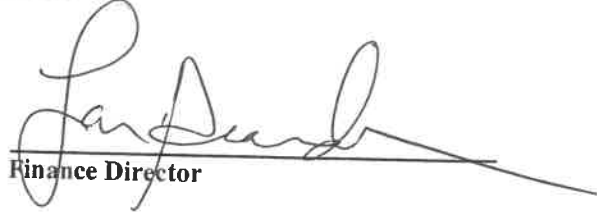
Reason: EOY Free Cash Transfer

For Finance Dept and Mayor's Use Only:

Free Cash Balance: 95,561.68

Recommendation:

Approved Denied


Finance Director

Processed: Date: _____ By: _____

CO # _____ JE#: _____ Transfer #: _____

CITY OF SALEM, MASSACHUSETTS
FY 2018 FREE CASH SUMMARY

7/13/2018
10:02 AM

Description	Date To Council	Pending Free Cash	Date Approved	C.O. #	Approved Free Cash	Reason
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CERTIFIED FREE CASH

4,922,937.00

20% To Stabilization	11/16/17		11/16/17	649	(984,587.40)	Free Cash transfer per Finance Policies
20% to CIP	11/16/17		11/16/17	649	(984,587.40)	Free Cash transfer per Finance Policies
5% to OPEB	11/16/17		11/16/17	649	(246,146.85)	Free Cash transfer per Finance Policies
Board of Health - Overtime	11/16/17		11/16/17	655	(2,000.00)	Unanticipated additional weekend hours for pop-up events
COA-Printing & Binding	11/16/17		11/16/17	652	(20,000.00)	Expenses for Salem for All Ages
Electrical - Street Lighting	12/07/17		12/07/17	698	(12,000.00)	To hire contractor to cover inspections for employee out on medical leave
Offset Tax Rate	12/07/17		12/07/17	692	(1,694,429.00)	Free cash to offset tax rate
Planning Contracted Services	12/07/17		12/07/17	699	(2,000.00)	Research, data input and analysis for green communities initiatives
Planning Overtime	01/11/18		01/11/18	11	(5,200.00)	Unanticipated OT needed for document handling for City Hall Annex move
HR Overtime	01/11/18		01/11/18	11	(1,800.00)	Unanticipated OT needed for document handling for City Hall Annex move
Building Insp Overtime	01/11/18		01/11/18	11	(1,200.00)	Unanticipated OT needed for document handling for City Hall Annex move
Health Overtime	01/11/18		01/11/18	11	(1,800.00)	Unanticipated OT needed for document handling for City Hall Annex move
Veterans In-State Travel	01/25/18		01/25/18	64	(1,500.00)	Unanticipated training for Veterans Administrations Claims
City Council Advertising	01/25/18		01/25/18	62	(28,000.00)	Unanticipated funds needed due to increased volume of advertising needed for council.
Planning Contracted Services	01/25/18		01/25/18	63	(2,500.00)	City share of North Shore Mobility Study
Police Medical	01/25/18		01/25/18	60	(45,000.00)	Additional funds needed for police medical expenses
DPS Equipment Lease	01/25/18		02/08/18	66	(106,696.00)	Funds needed for DPS Equipment Lease
DPS Equipment Repairs	01/25/18		02/08/18	68	(18,500.00)	Additional Funds needed for DPS equipment repairs
Electrical Street Lighting	02/08/18		02/08/18	102	(12,000.00)	Additional Funds needed to cover for employee out on medical leave
DPS Spray/Tree Removal	03/08/18		03/08/18	175	(48,000.00)	Tree maintenance, removals and plantings city-wide.
Retirement Stabilization	03/08/18		03/08/18	177	(18,000.00)	Additional funds needed to contractual buybacks
Retirement Stabilization	03/22/18		03/22/18	203	(250,000.00)	Additional funds needed for retirement buybacks for remainder of 2018
DPS Contracted Services	04/12/18		04/12/18	223	(30,000.00)	Additional Funds needed for spring 2018 mowing of parks and bikepaths
Collector's FT Salaries	04/12/18		04/12/18	225	(12,000.00)	Additional funds to cover pay for temp while 2 employees out on maternity leave
Mayor Contracted Services	05/10/18	(10,000.00)				Funds needed for assessment center for new Fire Chief
City Council Advertising	05/24/18		05/24/18	328	(20,000.00)	Additional funds needed due to increased volume of advertising needed for council.
City Council Printing and Binding	05/24/18		05/24/18	328	(10,000.00)	Additional funds needed due to pay Muni code for additional ordinances
Police Medical	05/24/18		05/24/18	329	(17,640.00)	Additional funds needed for police medical expenses
Fire Medical	05/24/18		05/24/18	327	(52,397.67)	Additional funds needed for Fire medical expenses
School - Bentley Roof	05/24/18		06/14/18	340	(73,706.00)	Additional funds needed for Bentley Roof replacement
Purchasing Telephone	06/14/18		06/14/18	385	(8,000.00)	Additional funds needed for telephones for remainder of year
Planning Contracted Services	06/14/18		06/14/18	384	(10,000.00)	Funds needed for REI for Winter Island Hanger
Treasurer Credit Card Fees	06/28/18	(33,000.00)				Funds needed for credit card fees for parking meters and kiosks
Recreation-Willows Pier	06/28/18		06/28/18	440	(64,685.00)	Additional funds needed for repair of Salem Willows pier
CIP	06/19/19	(95,561.68)				EOY Balance of Free Cash to CIP fund

TOTAL FREE CASH USED
BALANCE

(138,561.68)
(0.00)

(4,784,375.32)
138,561.68



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order appropriates \$40,000 from retained earnings in our trash enterprise fund to cover unanticipated additional costs that arose partially through FY2018 and are reflected on the City's final invoice for that fiscal year from Waste Management. These additional costs came from two primary causes.

The first cause was a market-wide change in the value of recyclable materials. In March, China imposed a new standard on contamination in recycled materials, as well as a ban on 24 categories of scrap and recyclables. The impact on recycling costs has been felt across the United States and Salem is no exception. Where previously we had been paying \$20 per ton for recycling processing, in the last invoice from Waste Management for the previous fiscal year that rate rose to \$51 per ton. For comparison, we currently pay \$72 per ton for disposing of trash.

The second cause of the increase in cost was due to a change in City policy to allow residents to place up to two bulk items for disposal curbside every other week, up from the original policy that limited the number to one bulk item per week. When this policy was changed the number of bulk items collected per month on average increased by 45%. While other communities charge their residents for bulk item collection, we continue to provide this service free to residents and subsidize it through the City's payment to Waste Management itself.

I recommend adoption of the enclosed Order so that the final FY2018 invoice from Waste Management can be processed and paid as per our contract with the company.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council,

July 19, 2018

Ordered:

That the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated from the "Retained Earnings – Trash Fund" account (6200-3120) to the "Engineering – Solid Waste Collection" Account (620032-5291) in accordance with the recommendation of Her Honor the Mayor.



CITY OF SALEM
SALEM, MASSACHUSETTS
ENGINEERING DEPARTMENT
120 WASHINGTON STREET, 4TH FLOOR
SALEM, MA 01970
Phone: (978) 745-619-5673


Kimberley Driscoll
Mayor

DAVID H. KNOWLTON, P.E.
CITY ENGINEER/DPS DIRECTOR

MEMORANDUM

July 12, 2018

To: Dominick Pangallo, Chief of Staff

From: David H. Knowlton, P.E., City Engineer/DPS Director 

RE: Request to Appropriate \$40,000 from Trash Enterprise Retained Earnings

This memo has been prepared to request a transfer of \$40,000 from the Trash Enterprise Retained Earnings to fund the final FY 2018 Waste Management invoice.

The FY 2018 budget line was insufficient for two main reasons:

- The recycling processing line was budgeted at \$20 per ton, it has risen to \$51 per ton
- The bulk item line was budgeted at 550 items per month, we have actually collected an average of 800 items per month due to increasing the allowance from one to two items per recycling week in June 2017

The funds should be transferred to the Trash Encumbrance Line to process this final invoice.

If you have any questions, or require additional information, please call. The Engineering Departments will be available to meet with the City Council to discuss this request.

Cc: Laurie Giardella, Finance Director

CITY OF SALEM - Finance Department

Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: Engineering Department  July 12, 2018
Department Department Head Authorizing Signature Date

Budget or R/Res Transfers To: _____ Desc: _____ Budget Amt: _____
(Org/Object) Balance: _____
 From: _____ Desc: _____ Budget Amt: _____
(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines) Balance: _____
 Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or Retained Earnings (Trash) To: 6200-32-5291 Desc: Solid Waste Collection Budget Amt: \$40,000
(Org/Object) Balance: \$0

Raise & Appropriate
 Please circle one

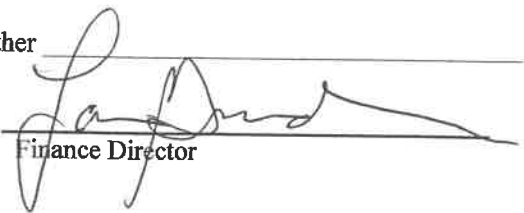
Amount Requested: \$ 40,000

Reason (Be Specific) The Solid waste line included an assumption of \$20 per ton for recycling processing, currently the processing fee is over \$50 per ton due to market conditions. The budget also assumed 550 bulk items per month-we have actually 800 per month because of the June 2017 increase from 1 to 2 items per recycling week.

For Finance Department and Mayor's Use Only:

_____ Budget Transfer _____ Mayor Approval _____ City Council Approval
 _____ Free Cash Appropriation - City Council Approval - Gen Fund \$ _____
Free Cash Balance
 _____ R/E Appropriation - Water \$ _____ _____ R/E Appropriation Sewer \$ _____
R/E Balance R/E Balance
 _____ Receipts Reserve - City Council Approval \$ _____
R/Res Fund Balance
 _____ Raise & Appropriate _____ Other _____

Recommendation: _____ Approved _____ Denied


 Finance Director

Completed: Date: _____ By: _____ CO # _____ JE#: _____ Transfer #: _____



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Two Hundred and Eight Thousand Four Hundred and Forty-Five dollars and twelve Cents (\$208,445.12) appropriated in the "Retirement Stabilization Fund-Vacation Sick/leave buyback account (83113-5146) to fund the retirement buyback costs to be expended for FY 2019 contractual buybacks.

Name	Department	Amount
Robert Strom	School	15,960.00
Sandra Roach	School	15,579.60
Perla Peguero	School	35,771.20
Kathleen Marchetti	School	12,219.30
Nancy Lincoln	School	16,958.00
Barbara Grab	School	33,835.20
Jan Fellows	School	16,514.40
Marc Darisse	School	17,152.00
Pamela Scharffenberg	School	35,560.25
Joanne Griffin	School	8,895.17
	Total:	<u>208,455.12</u>

I recommend passage of the accompanying Order.

Very truly yours,

Kimberley Driscoll
Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

July 19, 2018

That the sum of Two Hundred and Eight Thousand Four Hundred and Forty-Five Dollars and Twelve Cents (\$208,445.12) in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2019 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
Robert Strom	School	15,960.00
Sandra Roach	School	15,579.60
Perla Peguero	School	35,771.20
Kathleen Marchetti	School	12,219.30
Nancy Lincoln	School	16,958.00
Barbara Grab	School	33,835.20
Jan Fellows	School	16,514.40
Marc Darisse	School	17,152.00
Pamela Scharffenberg	School	35,560.25
Joanne Griffin	School	8,895.17
		208,445.12



CITY OF SALEM, MASSACHUSETTS

HUMAN RESOURCES
120 WASHINGTON STREET
TEL. (978) 745-9595 EXT. 5630
FAX (978) 745-7298

KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Robert Strom

40 sick days @ \$399.00 per day	\$15,960.00
Total:	\$15,960.00

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

Finance Director



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Sandra Roach

40 sick days @ \$389.49 per day \$15,579.60
Total: \$15,579.60

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

Handwritten signature of Lisa B. Cammarata

Handwritten signature of Laurie Giardella
Finance Director



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Perla Peguero

80 sick days @ \$447.14 per day \$35,771.20
Total: \$35,771.20

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

Handwritten initials LBC

Handwritten signature of Laurie Giardella
Finance Director



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Kathleen Marchetti

30 sick days @ \$407.31 per day \$12,219.30

Total: \$12,219.30

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

Finance Director



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

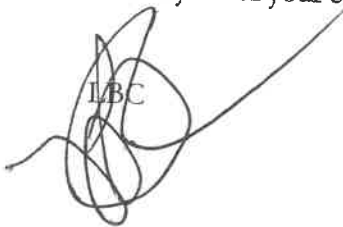
This former employee is contractually entitled to the following amount of sick leave buy back.

Nancy Lincoln

40 sick days @ \$423.95 per day	\$16,958.00
Total:	\$16,958.00

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.


LBC


Finance Director 7/14/18



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Barbara Grab

80 sick days @ \$422.94 per day	\$33,835.20
Total:	\$33,835.20

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

Finance Director 7/16/18



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Jan Fellows

40 sick days @ \$412.86 per day \$16,514.40

Total: \$16,514.40

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

[Handwritten signature]

[Handwritten signature: Laurie Giardella 7/16/18]
Finance Director



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Director of Finance
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is contractually entitled to the following amount of sick leave buy back.

Marc Darisse

40 sick days @ \$428.80 per day	\$17,152.00
Total:	\$17,152.00

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

Finance Director 7/12/18



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Finance Director
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached is a PAF for a former employee of the Salem Public Schools.

This employee is contractually entitled to the following amount of sick and vacation buyback.

Pamela Scharffenberg	
47.5 vacation days @ \$258.62 per day	\$12,284.45
90 sick days @ \$258.62 per day	\$ 23,275.80
TOTAL DUE:	Total: \$35,560.25

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

Finance Director 7/12/18



CITY OF SALEM, MASSACHUSETTS

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KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Laurie Giardella, Finance Director
DATE: July 12, 2018
RE: Retirement Stabilization Fund

Attached is a PAF for a former employee of the Salem Public Schools.

This employee is contractually entitled to the following amount of sick and vacation buyback.

Joanne Griffin

5.75 vacation days @ \$92.90 per day	\$534.17
90 sick days @ \$92.90 per day	\$ 8,361.00
TOTAL DUE:	Total: \$8,895.17

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

Finance Director 7/14/18



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order appropriates \$2,000 from the retirement stabilization/sick leave buy-back account (83113-5146) for the purposes of funding negotiated sick leave buy-backs from active employees, not retirees, in conformance with the contractual language negotiated that allows members to buy back unused sick leave time on either a one-time basis or an annual basis, depending on the collective bargaining agreement.

I recommend adoption of the enclosed Order.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council,

July 19, 2018

Ordered:

That the sum of Two Thousand Dollars (\$2,000.00) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the negotiated sick leave buyback provision as needed in accordance with the recommendation of Her Honor the Mayor.



**KIMBERLEY L. DRISCOLL
MAYOR**

**LISA B. CAMMARATA
DIRECTOR OF HUMAN
RESOURCES**

CITY OF SALEM MASSACHUSETTS

**HUMAN RESOURCES
98 WASHINGTON STREET, 3RDRD FLOOR
TEL. 978-619-5630**

July 17, 2018

Kimberley Driscoll, Mayor
City of Salem
93 Washington Street
Salem, Massachusetts 01970

RE: Retirement Stabilization

Dear Mayor Driscoll:

I am respectfully requesting the amount of two thousand dollars (\$2,000.00) be appropriated in the Retirement Stabilization Fund for sick leave buybacks requests submitted in accordance with collective bargaining agreements with our various unions.


Sick leave buy-backs to be filled under this particular appropriation request are for these active employees, not retirees, who wish to take advantage of contractual language allowing members to buyback sick leave on either a one-time basis, or an annual basis, depending upon their respective collective bargaining agreements. A lump sum request for this purpose will allow us to process those requests in an efficient and timely manner.

Thank you for your attention and cooperation with this request, and if you have any questions, please do not hesitate to contact me.

Very truly yours,


Lisa B. Cammarata

cc: File


Finance Director



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order authorizes the City to enter into a five-year extension of an existing lease with American Tower. The lease enables the City to utilize American Tower's infrastructure for placing equipment necessary for the City's radio system.

I recommend adoption of the enclosed Order.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, July 19, 2018

Ordered:

The Mayor is hereby authorized to execute, on behalf of the City of Salem, a five-year extension of a lease between the City of Salem and American Tower Asset Sub II, LLC to enable the City to attach equipment to American Tower's pole for the City's two-way radio system.



KIMBERLEY DRISCOLL
MAYOR

DAVID H. KNOWLTON, P.E.
CITY ENGINEER

CITY OF SALEM, MASSACHUSETTS

ENGINEERING DEPARTMENT
98 WASHINGTON STREET 2ND FLOOR
TEL.(978) 619-5673

July 16, 2018

Honorable Mayor Kimberley Driscoll
93 Washington Street
Salem, MA 01970

RE: American Tower Lease

Dear Mayor Driscoll:

I am requesting that you submit an Order to the council pursuant to Sec. 2-1688, Contracts beyond three years, which provides that "No officer or board shall make any contract in behalf of the city, the execution of which will necessarily extend beyond three years from the date thereof, unless special permission to do so has been given by vote of the city council or by the commonwealth statutes" so the City may extend its current lease with American Tower for an additional five years.

This lease extension is at no cost to the City and will enable us to maintain a pole attachment for two-way radio equipment used by the City.

Sincerely,

David Knowlton
City Engineer/DPS Director



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order authorizes the City to transfer a portion of the eastern edge of the new open space currently under construction at 289 Derby Street to the Salem Redevelopment Authority. A copy of the plan, as well as additional background about the SRA, are also enclosed for your information. If approved by the Council, the lot will require a subdivision by the Planning Board. The SRA will then be able to undertake a negotiation with adjacent private property owners that would make it possible for them to utilize the area in conjunction with their plans to renovate 285 Derby Street.

Their intention is to convert their building so it has west-facing retail and restaurant spaces; having the ability to enter into an agreement with the SRA would enable for outdoor seating and similar configurations for café style offerings that will help enliven the new park once it is complete. Our goal is to leverage the commercial activity of these new small businesses to help enrich the public space, provide an added measure of public safety by generating productive activity in the vicinity, and create an amenity for the community similar to what we have seen at Lappin Park.

I am excited about the many possibilities that the new park at 289 Derby Street presents and I strongly recommend adoption of the enclosed Order.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, July 19, 2018

Ordered: The Salem City Council hereby declares that Lot 2, comprising 3,903+/- S.F. of land shown on a Plan entitled "Plan of Land in Salem, 289 Derby Street, Property of City of Salem; 285 Derby Street, Property of South Harbor Holdings, LLC, Scale 1"=20', March 15, 2018, North Shore Survey Corp., 14 Brown Street, Salem, MA," hereinafter "Lot 2", is surplus property.

Be it further Ordered that the Salem City Council, in accordance with City Ordinance Chapter 2, Section 2-277, hereby authorizes the Mayor to execute a deed on behalf of the City of Salem conveying Lot 2 to the Salem Redevelopment Authority for consideration of Ten Dollars. Such a conveyance is consistent with the public procurement law, Chapter 30B, as agreements between agencies, boards, commissions, authorities, departments or public instrumentalities of one city or town are exempt from public bidding laws. The City Solicitor shall ensure that the deed to the Salem Redevelopment Authority contains restrictions consistent with the Order of Taking dated December 8, 2016.



Salem Redevelopment Authority

The opportunity for cities and towns in Massachusetts to establish redevelopment authorities was created through legislation in the early 1960s. Massachusetts General Laws Chapter 121B is the law pursuant to which the Salem Redevelopment Authority (SRA) was organized and authorized in 1963. Redevelopment Authorities were created to assist in the redevelopment of blighted or economically underutilized areas in a city or town.

With the above referenced statute, the SRA has numerous capabilities and tools to undertake its charge. The SRA has the ability to purchase real estate, via a negotiated sale or eminent domain taking and to license, lease or sell property to interested and amenable purchasers. In addition, the SRA has the right of review of all construction and reconstruction projects, exterior improvements, and site work within the boundaries of the City's urban renewal areas, to ascertain their conformance with the use and design guidelines established by the SRA's renewal plans. The SRA can also receive public property from the City or other public entities. To receive property from the City, the City Council must vote to so transfer it to the SRA.

Based on the standards set forth in M.G.L. Chapter 121B, the SRA is required to follow a designated process when it licenses, leases or disposes of real property including obtaining appraisals and issuing formal public notices. There are many benefits to conveying the property to the SRA. The SRA has an ability to negotiate with licensees, lessees or purchasers that the City, due to M.G. L. Chapter 30B, does not. The SRA has the ability to choose its partners and what projects might spur local economic benefits and community enhancements. Through Chapter 30B, this objective is far more difficult to accomplish. Finally, the SRA can ensure that all of the requirements set forth in the City's urban renewal plans and design standards are achieved.



LOCUS MAP
SCALE 1" = 800'

PLANNED BOARD APPROVAL UNDER
THE SUBDIVISION CONTROL LAW NOT REQUIRED
SALEM PLANNING BOARD

THE ABOVE AMENDMENT IS MADE AT THE DISCRETION
OF COMPLIANCE WITH ZONING REGULATIONS

NOTES:

1. LOTS 1 & 2 ARE CURRENTLY THE PROPERTY OF THE CITY OF SALEM. LOT 1 IS TO BE COMBINED WITH ADJACENT LAND OF SOUTH HARBOR HOLDINGS LLC TO FORM A SINGLE LOT. LOT 2 IS TO BE A SEPARATE LOT.
2. ZONING DISTRICT - CENTRAL DEVELOPMENT.

PLAN OF LAND
SOUTH HARBOR HOLDINGS, LLC
200 DERBY STREET
CITY OF SALEM
205 DERBY STREET
CITY OF SALEM
SOUTH HARBOR HOLDINGS, LLC
SCALE 1" = 30' MARCH 18, 2018
NORTH BRIDGE SURVEY CORPORATION
10 BRIDGE STREET, SALEM, MA
978-744-4200

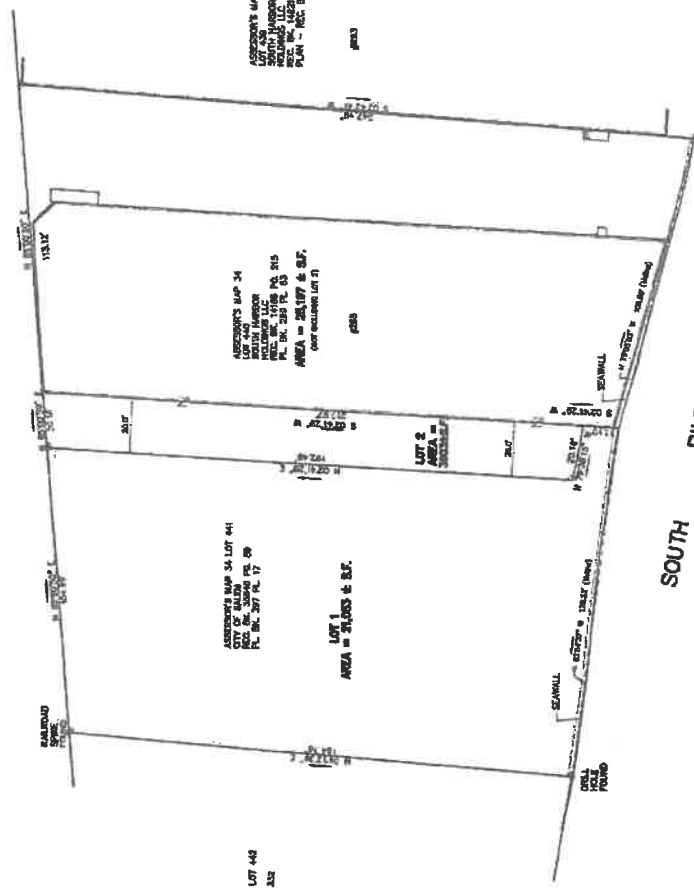


I CERTIFY THAT THIS PLAN CONFORMS TO THE
RULES AND REGULATIONS OF THE BOARD OF DEEDS
DATE: 3/16/18
DATE: _____
CERTIFIED PROFESSIONAL LAND SURVEYOR

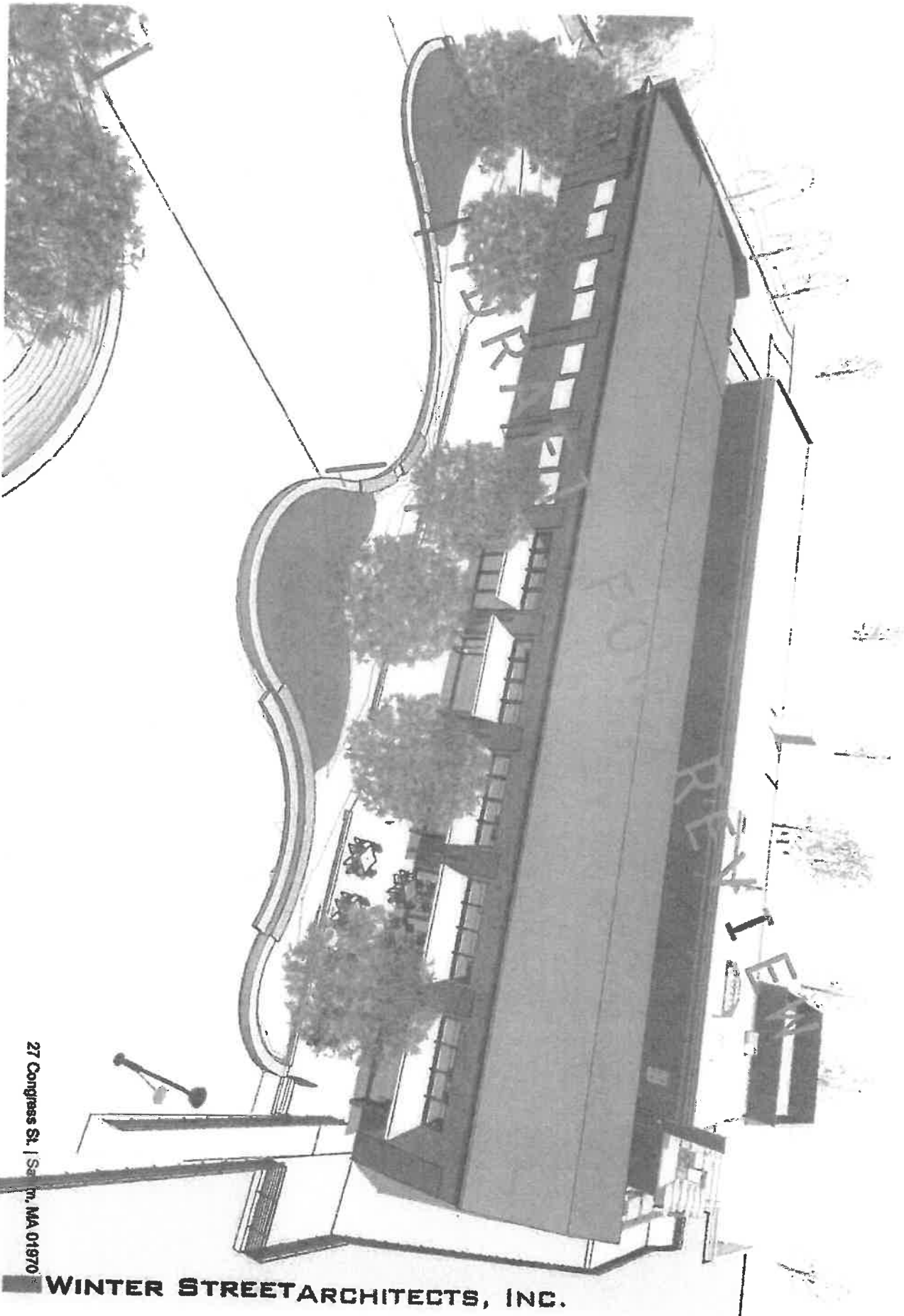
DERBY STREET
(OVERLAP - VARIABLE WIDTH)

DERBY STREET

SOUTH RIVER



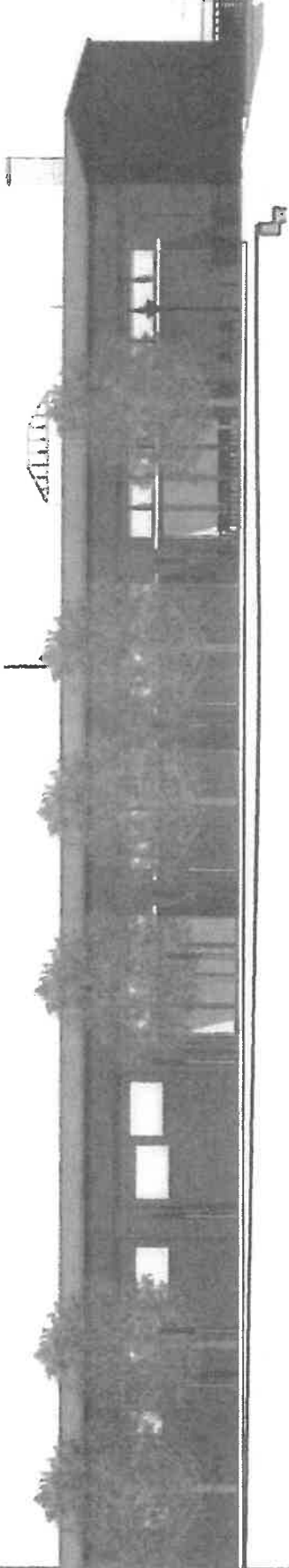
FOR REENTRY USE ONLY

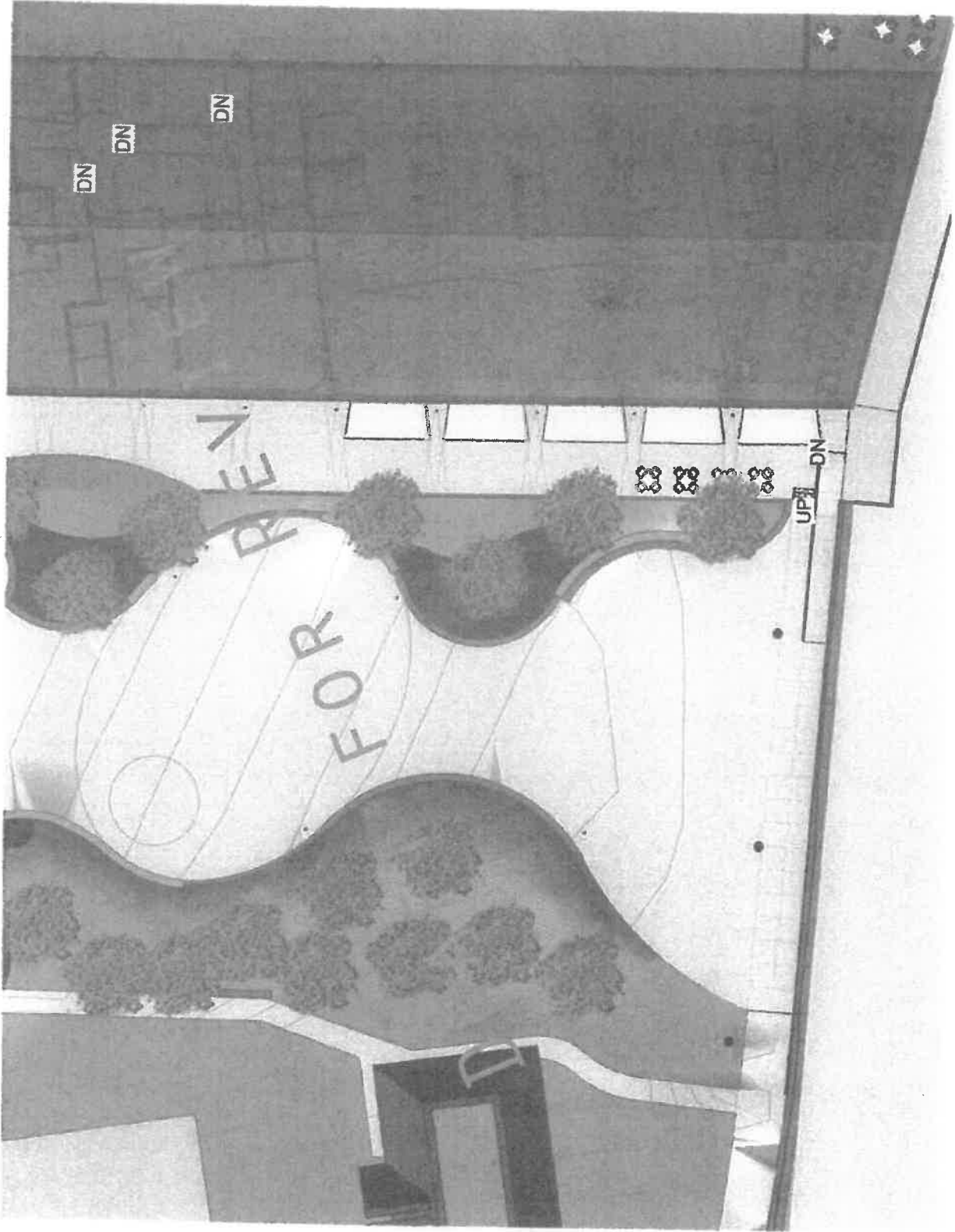


27 Congress St. | Salem, MA 01970

WINTER STREETARCHITECTS, INC.

DRAFT FOR REVIEW





WINTER STREET ARCHITECTS, INC.

27 Congress St. | Salem, MA 01970



CITY OF SALEM, MASSACHUSETTS

**Kimberley Driscoll
Mayor**

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed please find an Order waiving Section 24-18 of the Code of Ordinances for the period of October 9 through November 2, 2018. This Section of our Code prohibits carnivals and similar activities from Riley Plaza.

As you know, with 289 Derby Street under construction for a new waterfront public park, the parcel historically utilized for the October carnival is no longer available starting this October. Working with Fiesta Shows, we have studied multiple potential locations in and around downtown Salem, in an effort to identify a site that will be of sufficient size, access, and distance from residences. There are also technical requirements for a carnival site, including clearance from utilities and so forth. After nearly a year of study, we have identified the northern portion of Riley Plaza, roughly 40% of the lot, as the most suitable location.

This plan has been reviewed by Salem Police and Fire, as well as the Traffic and Parking Department, special events coordinator, and other City staff. It is being simultaneously filed with the Traffic and Parking Commission for their review. As proposed, the carnival would occupy a total of 44 of the 112 spaces in the lot, leaving 68 spaces still available to the public.

The plan as designed will take one handicapped parking space, which will be replaced by a new handicapped space in the southern portion of the parking lot for the duration of the carnival. Of the remaining 43 spaces being taken up, 32 are Zone 1 monthly pass spaces and 11 are metered spaces. Of the 68 spaces not effected by the proposal, we will retain all 39 spaces for the Norman Street condominium residents, as well as 26 Zone 1 monthly pass spaces, about enough to cover the 30 Zone 1 monthly passes sold to date.

The total potential revenue loss from those 44 spaces, for the 25 day duration of the carnival's time, would be a little over \$2,000. To put that into context, last year the carnival generated about \$30,000 in revenues for the City, more than off-setting this loss of parking revenues. I would like to emphasize that, while the carnival is a fun and family-friendly component of our October

festivities, it also serves an important public safety purpose, by providing a productive activity for youth. Furthermore, the revenues it brings in are a vital component of the October public safety and public works balance sheet; without those funds, we will be less able to afford the necessary first responder, emergency preparedness, or public works services that are critical to a safe October in Salem.

I recommend adoption of the enclosed Order and welcome the opportunity to discuss it with you, representatives of Fiesta Shows, and City and Police staff who have been working on this plan for the last several months. Our hope is to have this finalized in September, in advance of the October 9th start date for this year's carnival.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll". The signature is written in a cursive, slightly slanted style.

Kimberley Driscoll
Mayor
City of Salem

CC: Traffic and Parking Commission



CITY OF SALEM

In City Council, July 19, 2018

Ordered:

The City Council hereby waives City Ordinance Sec. 24-18. *Circuses and carnivals prohibited within Riley Plaza* for the period of October 9, 2018 through November 2, 2018 to enable Fiesta Shows to hold a carnival at Riley Plaza.





CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

July 19, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed please find three Ordinances regarding short-term rentals in Salem; for the purposes of these measures we define a short-term rental as a residential unit used for occupancy by a person or persons for a period of fewer than 30 consecutive days for a fee. These documents are the culmination of several months of research, review, and public input. I believe they reflect an appropriate path forward to regulate these growing use, allowing it to continue within reasonable limits and on an even playing field with our established lodging operators.

One of the most important ways we can level that playing field is through the extension of the room excise tax to all lodging operators – hotels, motels, inns, bed and breakfasts, and short-term rentals; I am glad that we have sent the legislature a home rule petition to extend this excise to short-term rentals and I hope they will act on this issue before the conclusion of this legislative session.

The new requirements proposed here are in addition to our requirement adopted last year that all short-term rentals undergo an annual certificate of fitness inspection, which is the same inspection required of all other residential rentals. In addition, all existing building and occupancy codes, sanitary codes, noise, nuisance, parking, and trash ordinances continue to apply to these uses, as they do to all properties.

With these proposed measures we are seeking a balanced approach that recognizes many Salem homeowners use short-term rentals as a means to supplement their income. According to Airbnb, the average Salem host took in \$8,900 in 2017, which can be a great help to our residents, especially those on fixed incomes and to retirees, who may rely on this income to be able to remain in their home. These uses also help support our tourism economy, as visitors who are able to stay in Salem – as opposed to an out-of-town hotel – tend to spend more locally. However, while Airbnb data reports that around 10,600 guests stayed in Airbnb units in Salem in 2017, we also know that somewhere around 1 million visitors came to Salem last year, indicating that,

while Airbnb guests are part of the tourism economy, they are only a small part of it. We also know that high-turnover of these rentals can create disruption in neighborhoods, with parking and noise impacts. The proposed ordinance will help to ensure that hosts provide guests with information about the neighborhood they are staying in, what our standards and requirements are, and that the City has a local point of contact in the event of problems or emergencies. Moreover, the proposed ordinance prohibits ‘problem properties’, where there have been negative interactions with city public safety or inspectional services staff, including code violations and/or calls for police service, from participating as a short-term rental.

We also recognize the potential impact on the availability of housing for long-term rentals, though the extent of that, for now, appears to be minimal: Airbnb reported that they had 150 hosts in Salem in 2017, though there are certainly some hosts with multiple listings. Because the enclosed measures will provide the City with data on the number and location of short-term rentals, we will monitor the proportion of short-term rentals to the overall number of rental units and residential units. In the event in the future the City identifies that short-term rentals are increasing as a share of our housing stock, we would recommend additional regulations to discourage the use and encourage traditional residential rental use instead.

Hopefully you had a chance to review the proposed draft Ordinance that we circulated on June 5th. You will find that there are a few changes between that draft and the version that we formally filed with you today. You will notice that we have incorporated public comment expressing a belief that the limit on the number of days for all types of owner occupied short-term rentals be lifted. We maintained, however, the draft’s original prohibition on renting out of individual rooms excepting those units where the owner lives and is present at the time of rental and we have eliminated investor-owned short-term rental units.

All other elements of the draft Ordinance from June remain: ineligible (problem properties, properties with Ordinance violations, etc.) and exempt units (institutional properties, etc.), registration requirements, the local contact and Community Information Card requirement, a requirement that a duplicate copy of the short-term listing submitted to the platform also be submitted to the City, and the procedures for complaints, enforcement, and fines. Fines are set by an additionally enclosed Ordinance at \$50 for a first offense, \$150 for a second, and \$300 for a third. Three violations of the Ordinance within a six-month period renders the unit ineligible for use as a short-term rental for a period of six months. We require the listing companies, like Airbnb, who post listings in Salem to provide data on a quarterly basis to the City. Finally, we maintain the proposal for a “featured” short-term rental listing of hosts who excel at compliance and are models of how to be part of the neighborhood in a productive, non-disruptive manner.

The most significant change from the draft Ordinance, however, is that it prohibits non-owner occupied/investor owned properties from being used as short-term rentals unless they were in existence prior to the date of this filing (July 17, 2018). The accompanying Zoning Ordinance amendments provide that currently operating investor-owned short-term rentals as of this date, July 17 2018, are provided with a potential path to continued operation via a special permit from the Zoning Board of Appeals. The property must be in a zone where either bed and breakfast use, lodging house use or inn use is already allowable (bed and breakfasts: R2, B1, and B2; inns: R3, B2, B4, and B5; lodging houses R2, B1, B2) and meet the ZBA’s determination that it is

not substantially more detrimental to the neighborhood, the standard basis for granting special permits. Non-owner-occupied short-term rentals so permitted must pay the non-owner-occupied rental trash fee and will be considered commercial properties for tax classification purposes.

I believe that these measures provide a reasonable step forward in regulating this new industry. The proposals put safeguards on guests, seek to preserve the character of our neighborhoods, levels the playing field with existing lodging establishments, provides a path for compliance for existing hosts, and allows owner occupied homeowners who engage in this use to supplement their income to continue to do so. We require information be provided to the City so we can ensure hosts are in compliance with the law, the City has a local contact for each short-term rental, and hosts are providing their guests with the information they need to be good neighbors during their visit to our community.

There are some who have called for this use to be banned outright; likewise, others have decried any attempt at regulation. The most appropriate way to proceed, I believe, is to strike a balance between these two extremes. I feel this set of Ordinances accomplishes that and I very much look forward to continuing this conversation with you and with all those in our community who have an interest in this issue.

Very truly yours,



Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to allow short-term rentals in the City of Salem.

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

AN ORDINANCE ALLOWING SHORT-TERM RESIDENTIAL RENTALS IN THE CITY OF SALEM

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

SECTION 1. A new section of the City of Salem Code, Ordinances, PART III, CHAPTER 15 SHORT-TERM RENTALS is hereby enacted as follows:

“Chapter 15 Short-Term Residential Rentals.

15-1 Purpose.

The purpose of this section is to provide a process through which certain dwelling units may be registered with the City of Salem for use as short-term rental units under the stipulations laid out within the ordinance.

15-2 Definitions.

Booking Agent. Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.

Director. Director of the Inspectional Services Department or a designee.

ISD. City of Salem Inspectional Services Department.

Operator. A natural person who is either the owner or the lawful tenant of the Residential Unit that he or she seeks to offer as a Short-Term Rental. Only one owner or one tenant may be registered as an Operator for a residential Unit, and it shall be unlawful for any other person, even if that person is an owner or a lawful tenant and meets the qualifications of Primary Resident, to offer a Residential Unit for Short-Term Residential Rental.

Home Share Unit. An entire Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence.

Limited Share Unit. 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. Occupancy shall be limited to three bedrooms including the bedroom of the Operator in a Limited Share Unit.

Non-Owner Occupied Unit. An entire Residential Unit where the Operator or owner does not live in either the unit or the building and it is not the Operator's primary residence.

Owner-Adjacent Unit. 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 as the Primary Residence of, and is owned by, said Owner.

Primary Residence. The Residential Unit in which the Operator resides for at least six months out of a twelve-month period. Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit, the Operator has resided in the Residential Unit for six of the past twelve months or that the Operator intends to reside in the Residential Unit for six of the next twelve months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.

Residential Unit. A Residential Unit is a dwelling unit as defined in the zoning ordinance but excludes the following: a congregate living complex; elderly housing; a group residence; a homeless shelter; temporary dwelling structure; and transitional housing.

Short-Term Rental(s). The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through a Booking Agent.

15-3 Short-Term Residential Rentals in the City of Salem.

No Residential Unit shall be offered as a Short-Term Rental except in compliance with the provisions of this section and any regulations that may be promulgated by the Building Inspector to carry out the provisions of this section.

15-4 Ineligible Residential Units.

a. The following Residential Units are not eligible to be offered as Short-Term Rentals:

(i) 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 qualifies under the exception for existing Non-Owner Occupied Unit, provided in section 15-6 d., below.

(ii) Residential Units that are located within properties designated as a "Problem Property" pursuant to Section 2-705 (a) (4) of this Code.

(iii) Residential Units that are the subject of three or more findings of violations of this section within a six (6) month period, or three or more violations 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 (6) month period. Units found ineligible pursuant to this subsection shall remain ineligible for a six (6) month period immediately following the third violation.

(iv) 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 so long as the matter remains unresolved. If a violation or other order is issued after the Residential Unit has been registered, ISD shall suspend the Residential Unit's registration until the violation has been cured or otherwise resolved.

15-5 Residential Units Not Subject to Certain Provisions of this Chapter.

a. ***Currently Licensed Lodging Houses.*** A Residential Unit offered as a Short-Term Rental that is located in a dwelling holding a current and valid Certificate of Occupancy as a lodging house from ISD and a lodging house license from the Salem Licensing Board as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

b. ***Existing Bed and Breakfasts.*** A Residential Unit offered as a Short-Term Rental that holds a current and valid Certificate of Occupancy as a bed and breakfast from ISD as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

c. ***Residential Units Contracted for Hospital Stays.*** The use of a dwelling unit or portion thereof for which a contract exists between the owner of the dwelling unit and a healthcare facility or government entity or non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Service as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a Short-Term Rental.

d. ***Residential Units Used for Furnished Institutional or Business Stays.*** The use of a Residential Unit for which a contract or an agreement exists between the building owner, a corporate housing operator and an institution or business for the temporary housing of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a Short-Term Rental.

15-6 Requirements for Short-Term Rentals.

An Operator may only offer a Short-Term Rental subject to the following provisions:

a. **Registration** pursuant to Section 2-705. Consistent with Section 2-705, every new owner and/or Operator is required to complete a new registration form and obtain a new certificate of fitness prior to making the unit available as a Short-Term Rental.

b. **Short-Term Rental of a Home Share Unit.** An Operator may use his or her entire Home Share Unit as a Short-Term Rental 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.

c. **Short-Term Rental of a Limited Share Unit.** An Operator may use his or her Limited Share Unit as a Short-Term Rental without limitation as to the number of - days per year.

d. **Short-Term Rental of a Non-Owner Occupied Unit.** 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 with the Council 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 used for Short-Term Rental under this subsection shall be subject to section 36-6 of the ordinance and required to pay a trash fee, but shall not be eligible for a vacancy waiver pursuant to section 36-6 d.

e. **Short-Term Rental of an Owner-Adjacent Unit.** An Operator may use his or her Owner-Adjacent Unit as a Short-Term Rental 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.

f. **Permission of Owner.** An Operator must certify at the time of registration that he or she has the following permissions to offer his or her Residential Unit as a Short-Term Rental:

(i) Operator is the owner of the Residential Unit offered as a Short-Term Rental or is a tenant who uses the Residential Unit as his or her Primary Residence and has the permission of the Owner; and

(ii) that offering the Residential Unit as a Short-Term Rental complies with applicable condominium documents, bylaws, leases, or other governing documents.

g. **Local Contact.** When registering, an Operator must provide his or her name and contact information, and, in the event the Operator is not present during the Short-Term Rental, 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 (2) hours of being notified. Contact information must include a telephone number that is active twenty-four (24) hours per day to tenants, Short-Term Rental occupants, and public safety agencies. This

phone number shall be included in the registration of the Short-Term Rental unit at the time of registration.

h. *Compliance and Interaction with Other Laws.* The Operator shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and Sec. 2-2055 of this Code, and all other regulations applicable to residential dwellings. The Residential Unit offered as a Short-Term Rental shall continue to be subject to the requirements of Sec. 2-705 of this Code to obtain a certificate of fitness and the applicable requirements of the State Sanitary Code. Occupancy limits contained in the Zoning Ordinance and the State Building and Sanitary Codes shall apply. A Residential Unit offered as a Short-Term Rental may also be subject to annual fire prevention inspection.

i. *Retention of Records.* The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in the Residential Unit and records showing that Operator is the owner or valid leaseholder of the Residential Unit offered as a Short-Term Rental. The Operator shall retain such records for a period of three years from the date the Residential Unit is last registered for a certificate of fitness inspection.

j. *Notifications.*

(i) The Operator shall furnish each guest with a Community Information Card containing, at a minimum, (a) emergency telephone numbers for the Salem Police Department and Salem Fire Department, (b) a description of the regulations, if any, relative to on-street parking at the address and fines for parking violations, (c) a description of the City's trash and recycling requirements, including the date of trash and recycling collection at the address, and (d) a copy of the City's noise ordinance. A current copy of the unit's Community Information Card should be furnished to the City at the time of registration or inspection. The Operator shall also post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire exits and pull fire alarms in the dwelling.

(ii) The Operator, upon listing a Short-Term Rental with a Booking Agent, or modifying an existing listing shall file with the City an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and whether or not the address is located in a resident-parking zone, including the October resident-parking zone. The City shall maintain a list of the address and unit type of all short-term rentals on file with the City that are currently being offered.

(iii) The Operator must have on file with the City the name and contact information for the Operator if local or, if not local, the name and telephone number of an individual who can respond in person to any issues or emergencies at the property within two hours of being notified.

(iv) A Booking Agent with any listings in the City shall provide to the City on a quarterly basis an electronic report, in a format to be determined by the City. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information

15-7 Room Occupancy Excise.

Any Short-Term Rental Units to which the Commonwealth extends any excise or surcharge, and the City extends a local option of such, shall comply with the provisions of said statutes. However, where allowable operators may use a Booking Agent and the Booking Agent may enter into an agreement with the City for the collection and remittance of such tax. If the Operator does not use a Booking Agent to do so, the Operator is solely responsible for collecting and remitting the applicable tax.

15-8 Complaint Process; Violations.

Complaints shall be made to the Inspectional Services Department and investigation shall commence within 30 days. Violations may, at the Building Inspector's discretion, result in a warning or an Ordinance ticket and the maximum appropriate fine. Three (3) or more such tickets within a six (6) month period will result in the unit no longer being eligible to that Operator for use as a short-term rental for a period of six (6) months following the most recent violation.

Violations may include any failure to abide by this ordinance including, but not limited to, offering an ineligible unit, failure to furnish copy of Booking Agent listing or include required parking information in such listing, failure to furnish a Community Information Card to guests or furnishing one without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be liened against the property.

15-9 Enforcement.

a. ***Enforcement by City.*** The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the Short-Term Rental and/or a penalty by a non-criminal disposition, as provided in M.G.L. c. 40, § 21D, in an amount set forth in section 1-10 of this Code. Any person aggrieved by the revocation of the right to operate a Short-Term Rental or the imposition of a penalty may file an appeal as provided by the general laws.

b. ***Enforcement by Booking Agent.*** The City shall enter into agreements with Booking Agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental under the provisions of this Ordinance and whereby the Booking Agent 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 actively prevent, remove or de-list any ineligible listings shall be prohibited from conducting business in the City.

c. *Featured Short-Term Rental Status.* An Operator who is able to certify that there are no health, building, zoning, or other violations (including police citations) in the prior twelve (12) months associated with the property, is current on all excise and property taxes, and who has filed the Booking Agent listing and a copy of the Community Information Card with the City for the past twelve (12) months, shall be eligible for listing as a ‘Featured Short-Term Rental.’

15-10 *Severability.*

If any provision of this section is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect”

SECTION 2.

This ordinance shall take effect as provided by City Charter.

City of Salem

In the year Two Thousand and Eighteen

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

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

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 offense \$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.

City of Salem

In the year two thousand and eighteen

An Ordinance to amend an Ordinance relative to Zoning
Be it ordained by the City Council of the City of Salem, as follows:

Section 3.0 Table of Principal and Accessory Uses

Amend *Section 3.0 Table of Principal and Accessory Uses* to include the following new uses:

The following uses shall be permitted as set forth in the Table of Principal and Accessory Use Regulations.

	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD
Non-Owner Occupied Short-Term Rentals	N	N	BA	BA	BA	BA	BA	BA	N	N

Section 10.0 Definitions

Amend *Section 10.0 Definitions* to include the following new definitions:

Non-Owner Occupied Short-Term Rental: A dwelling unit where the owner does not live in either the unit, the building, or otherwise on the property and which was being used as a Short-Term Rental prior to the date the general ordinance, Chapter 15 Short-Term Rentals, was filed with the City Clerk for consideration by the City Council.

Short-Term Rental: A Short-Term Rental is the use of a dwelling unit for residential occupancy for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through an online booking agent.