

CITY OF SALEM
JANUARY 27, 2022
REGULAR MEETING

A Regular Meeting of the City Council was held remotely via zoom on Thursday, January 27, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on January 25, 2022, at 8:50 A.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Morsillo presided.

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

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

PUBLIC TESTIMONY

1. Erin Britt, 2 Cedarcrest Ave., Salem – Stop sign for Cedarcrest Road
2. Kirmsheska Suazo, 40 Cedarcrest Ave., Salem – Stop sign for Cedarcrest Road

(#4) – APPOINTMENT OF STEPHEN CORTES AS DIRECTOR OF ASSESSING

Held from the last meeting, the Mayor's appointment of Stephen Cortes, 200 Leisure Lane #89, Stoneham, to the position of Director of Assessing for the City of Salem for a one-year term to expire January 31, 2023 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. Councillor Hapworth requested suspension of the rules to allow Stephen Cortes to speak. There was no objection.

(#5 - #6) – Appointments to the Cemetery Commission & Trust Fund Commission

Held from the last meeting, the Mayor's appointment of the following with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. Councillor Hapworth requested suspension of the rules each appointee to speak. There was no objection.

Name	Address	Board	Term to Expire
Kate Hanson	130 Boston St. #2, Salem	Cemetery Comm.	1/13/2025
Jacob St. Louis	34 Buffum St. #4, Salem	Cemetery Comm.	1/13/2025
Joe McEvoy	5 Beacon St., #2	Trust Fund Comm.	3/1/2026

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#46 – APPOINTMENT OF CATHERINE BERTRAND TO THE PUBLIC ART COMMISSION

Mayor's appointment of Catherine Bertrand, 2 Beacon St. to the Public Art Commission with a term to expire on January 11, 2024 was held under the rules until the next meeting.

#47 – APPOINTMENT OF BROOKE NAGLE TO THE BEAUTIFICATION COMMITTEE

Mayor's appointment of Brooke Nagle, 25 Washington Square to the Beautification Committee with a term to expire on January 27, 2025 was held under the rules until the next meeting.

#48 – REAPPOINTMENTS TO THE BOARD OF ASSESSORS, COUNCIL ON AGING AND CEMETERY COMMISSION

Mayor's re-appointment of the following with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Name	Address	Board	Term to Expire
Richard Jagolta	41 Chestnut St.	Board of Assessors	Feb. 1, 2025
Donna Clifford	26 Gables Cir.	Council on Aging	Feb. 1, 2025
Beth Gerard	49 Larchmont Rd.	Cemetery Commission	Feb. 1, 2025
Patricia Donahue	12 Dearborn Ln.	Cemetery Commission	Feb. 1, 2025

#49 – APPROPRIATION OF \$80,098.28 FOR RETIREMENT BUYBACK FOR SCHOOL EMPLOYEES

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Eighty Thousand, Ninety-Eight Dollars and Twenty-Eight Cents (\$80,098.28) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2022 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
David Adams	Salem Public Schools	\$ 24,071.08
Susan Hamlin	Salem Public Schools	\$ 36,888.80

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Pamela Shorr	Salem Public Schools	\$ 19,138.40
		\$ 80,098.28

#50 – APPROPRIATION OF \$6,834.28 FOR RETIREMENT BUYBACK FOR RETRO WAGE FOR PATROLMAN’S ASSOCIATION

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Prosniewski recused himself from this matter and was recorded as absent.

ORDERED: That the sum of Six Thousand, Eight-Hundred Thirty-Four Dollars and Twenty-Eight Cents (\$6,834.28) is hereby appropriated in the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the retroactive wage adjustments for sick leave buyback, holidays, and SMV stipend to retired officers provision pursuant to the July 1, 2020 collective bargaining agreement with the Salem Police Patrolman’s Association as needed in accordance with the recommendation of Her Honor the Mayor.

#51 – TO PAY \$590.00 INVOICE FROM LAST FISCAL YEAR FROM CURRENT FISCAL YEAR EXPENSES

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: Per MGL Chapter 44 Section 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council we request the sum of Five Hundred Ninety Dollars (\$590.00) of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2022 Building Department budget as listed below in accordance with the recommendation of Her Honor the Mayor.

Department	Vendor	Amount
Building	Boston Board Up LLC	\$ 590.00
Total		\$ 590.00

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#52 – DONATION OF \$1,000.00 FROM HOME DEPOT TO POLICE DEPARTMENT

The following order submitted by the Mayor was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: To accept the donation of a gift card from Home Depot in the amount of One Thousand Dollars (\$1,000.00) for community engagement activities. These funds and the resulting expenditures will be accounted for in the Police Donation Account - Fund (2411) account in accordance with the recommendation of Her Honor the Mayor.

#53 – AN ORDINANCE TO AMEND CH. 50 – WETLANDS PROTECTION AND CONSERVATION

The following Ordinance submitted by the Mayor amending Ch. 50 Wetlands Protection and Conservation was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

In the year Two Thousand and Twenty-Two

An Ordinance to Replace The Existing Ordinance, Chapter 50 Wetlands Protection And Conservation to increase protections for wetlands in the City of Salem.

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

SECTION 1. Sections 50-1 through 50-12 of Part III of the City of Salem Code, Ordinances, Chapter 50, Wetlands Protection and Conservation is hereby amending by deleting Sections 50-1 through 50-12 in their entirety and replacing it with the following new Sections 50-1 through 50-18:

“Chapter 50 WETLANDS PROTECTION AND CONSERVATION*"

Sec. 50-1. Introduction.

This Ordinance is intended to utilize the City of Salem’s Home Rule authority to protect additional resource areas, identify additional values, and create additional standards and procedures stricter than those of the Wetlands Protection Act (M.G.L.A. c. 131, § 40; “the WPA”) and Regulations thereunder (310 CMR 10.00).

Sec. 50-2. Purpose.

The purpose of this Wetlands Protection Ordinance is to protect the wetlands, water resources, and adjoining land areas in Salem by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the following resource area values. Those identified with an asterisk* are in addition to the interests protected by the WPA.

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- ☐ public or private water supply
- ☐ ground water supply
- ☐ flood control
- ☐ storm damage prevention
- ☐ prevention of pollution
- ☐ protection of land containing shellfish
- ☐ protection of fisheries
- ☐ protection of wildlife habitat
- ☐ *climate change adaptation and mitigation,

Collectively, the "resource area values protected by this Ordinance"

Sec. 50-3. Jurisdiction.

Except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over any of the following resource areas: any freshwater wetland (e.g. wet meadows, bogs, swamps); any coastal wetland (e.g. coastal/barrier beaches, coastal dunes, coastal banks, rocky intertidal shores, land under the ocean, salt marsh, land under salt ponds, land containing shellfish, fish runs, land subject to tidal action); vernal pool; river, stream, pond, reservoir, or lake, or any bank to said waters, or any land under said waters; riverfront area; designated port areas or any land subject to inland and/or coastal flooding or inundation.

Additionally, except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over land within 100-feet of the above resource areas, hereinafter the "buffer zone". Notwithstanding the foregoing, and in accordance with the WPA, the following resource areas do not have an associated buffer zone: riverfront area, land under waters, land containing shellfish, fish runs, land subject to tidal action, and designated port areas.

Sec. 50-4. Exceptions.

The above prohibitions shall not apply to emergency projects recognized by the WPA so long as the Conservation Commission or its designee certifies the emergency in accordance with the standards under the WPA and implementing regulations at 310 CMR 10.00.

Additionally, the requirements of this Ordinance and its implementing regulations shall not apply to the minor activities and other exemptions recognized by the WPA and its implementing regulations at 310 CMR 10.00 so long as the Conservation Commission is notified of proposed

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work via certified mail a minimum of 30 days prior to commencement of activities located in areas protected by this Ordinance.

Maintenance (but no further alteration, expansion, or change in character or use) of pre-existing lawfully located uses and structures that were in place on or before the promulgation of the Ordinance are permitted without application for a permit to the Conservation Commission, provided that notice of such activities is sent via certified mail a minimum of 30 days prior to commencement of work.

Sec. 50-5. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where further definition/clarification is provided through regulation. Terms follow the definitions found in the WPA and its implementing regulations at 310 CMR 10.00. To the extent not defined herein, words used in these regulations shall have the definitions contained in the WPA.

Ancillary Structure shall mean any structure on the same lot or lots in common ownership as the principal use, and whose purpose is customarily incidental to the main or principal building or use of the land.

Alter includes, without limitation, the following actions when undertaken in areas subject to this chapter: (1) Removal, placement, excavation or dredging of soil, sand, gravel, or aggregate material of any kind. (2) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics. (3) Drainage or other disturbance of the water level or water table. (4) Dumping, discharging or filling with any material. (5) Driving of piles, erection of buildings or structures of any kind. (6) Placing of obstructions, whether or not they interfere with the flow of water. (7) Destruction of plant life, including cutting of trees, but excluding maintenance of landscape areas (provided that no unauthorized expansion of landscaping occurs) that were in place as of the original Ordinance adoption (DATE). (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

Banks means that part of land adjoining any body of water which confines the water. Bank is associated with all intermittent streams shown on the USGS Map and display riverine characteristics, even those upgradient of other wetland resource areas in cases where a defined channel with evidence of flow is observed.

Climate Change Adaptation and Mitigation are measures designed or intended to protect resource areas from the impacts of climate change and to protect the ability of resource areas to mitigate the impacts of climate change with consideration of the resource area values protected by the Ordinance.

Climate Change Impacts include without limitation: extreme heat; the timing, frequency, intensity, and amount of precipitation, storm surges, and rising water levels; increased intensity

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or frequency of storm events or extreme weather events; and frequency, intensity, and duration of droughts.

Coastal Wetland means any bank, marsh, swamp, meadow, flat or other lowland subject to tidal action or coastal storm flowage.

Freshwater Wetland is an area where soils are saturated and/or inundated such that they support wetland indicator plants. The ground water and surface water hydrological regime, soils, and the vegetational community which occur in a freshwater wetland, are defined under this Ordinance based on the definition of “Bordering Vegetated Wetland” at 310 CMR 10.00. The term freshwater wetland shall include isolated vegetated wetlands which are at least 750 square feet in size as defined herein.

Green infrastructure/Nature-based solutions means projects and practices incorporating the natural environment, supplement natural processes, or work in concert with natural systems to provide flood, fire, or drought risk reduction, or clean water or air benefits. Green infrastructure practices protect, restore, augment, or mimic ecological processes.

Isolated Vegetated Wetland (IVW) shall include wetlands which meet the MassDEP manual entitled “Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act” (1995 and as may be amended from time to time) with respect to the delineation standards for soils, hydrology, and vegetation, are at least 750 square feet in size or greater, but that do not require connectivity to surface waters. The Conservation Commission may, through written determination, exclude areas from being considered IVW if compelling evidence is presented that the IVW exists as a result of stormwater infrastructure or other human-induced disturbance/activity. Additionally, the Conservation Commission may find that areas that would otherwise qualify as IVW, but that are dominated by a prevalence of invasive and/or non-native plant species, are non-jurisdictional.

Passive Passage means any pedestrian activity which does not involve the disturbance of the substrate or existing vegetative conditions.

Person includes any individual, groups of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth, or political subdivisions thereof to the extent subject to city ordinances, administrative agencies, public or quasi-public corporations or bodies, the city, and any other legal entity, its legal representatives, agents or assigns.

Previously Disturbed or Degraded means areas which previously or currently lawfully contain(ed) impervious areas such as buildings, roadways, parking lots, or that were graded or altered by direct human activities not associated with natural resource or land management activities such that their present character is notably different than it would be had it not been altered. Previously Disturbed or Degraded areas may be partially vegetated provided there is a notable absence of topsoil (e.g., O or A Soil Horizon) or other compelling anthropogenic factor which documents the historic land use therein. An Applicant carries the burden of proof to

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demonstrate that land is Previously Disturbed or Degraded. Previously Disturbed or Degraded areas must have been the result of a lawful use/activity in order to be considered as such.

Stream means a body of running water that moves in a definite channel in the ground due to a hydraulic gradient. Such a waterway is a stream regardless of its relationship to other resource areas. Streams do not include manmade channels unless such channels represent channelization or redirection of historically naturally occurring streams, or were created for the purpose of functioning as a stream (such as may be done for ecological projects, or replication/mitigation).

Structures include, but are not limited to, commercial and industrial buildings, single family houses, multifamily dwellings, porches, decks, additions, sheds, outbuildings, pools, docks, pile supported features, septic systems and any of their components, underground storage tanks, roadways, fencing which functions as a barrier to wildlife habitat (excluding perimeter sediment controls and snow fencing), driveways, and retaining walls supporting more than a 4-foot height of fill. Stormwater management infrastructure and other utilities shall be excluded from the definition of structure.

Vernal Pool shall mean an area that provides breeding habitat for species that depend on ephemeral bodies of water for breeding and other life stages. To be considered vernal pools such areas must meet certification criteria as defined by the MA Natural Heritage and Endangered Species Program (NHESP). Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not regulated as vernal pools. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. Areas mapped by NHESP as potential vernal pools are considered vernal pools under this Ordinance unless the project proponent demonstrates to the Conservation Commission that said area is not certifiable per NHESP criteria. In evaluating the information presented to demonstrate that an area is not a vernal pool, the Commission shall consider appropriate factors, including the extent of the investigations conducted and drought/rainfall conditions, for example.

Wildlife Habitat means important food, shelter, migratory or overwintering areas, or breeding areas for wildlife. Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not important wildlife habitat. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. The Commission may, on a case-by-case basis, include some areas of human disturbance to be considered wildlife habitat if the subject area is demonstrated to be such by a competent source.

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The Conservation Commission may, through its implementing regulations, expand upon or add additional definitions in order to protect the resource area values established by this Ordinance.

Sec. 50-6. Conservation Commission Filing.

No person shall remove, fill, dredge, alter or build upon, over, or within areas subject to the Conservation Commission's jurisdiction without filing a written application for a permit including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this chapter. Such application must be identical in form to a Notice of Intent or Request for Determination of Applicability as described in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. The Conservation Commission may establish a filing fee schedule for such applications.

Notwithstanding the above, activities located solely within the 100-foot Buffer Zone to inland or coastal land subject to flooding or inundation may be reviewed by the Conservation Agent to determine whether a filing is required. In such cases, the Conservation Agent's administrative determination as to whether or not to require a filing shall be based upon a review of whether the project location is so topographically separated from the flood zone that the Ordinance values do not apply and that the proposed work qualifies as a minor activity as enumerated in 310 CMR 10.02(2)(b)2.

Sec. 50-7. Hearing on Permit Application; Access to Property. Notice of the time and place of the hearing shall be provided by the Applicant, using a legal notice document to be provided by the Conservation Office, not less than five days prior to the hearing, by publication in a newspaper of general circulation in the City. The Conservation Office may establish submission requirements, including required notifications to other City Departments, for example. The applicant shall provide notice to all abutters in the same form as detailed in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. Notwithstanding the foregoing, abutter notification is not required for Request for Determination of Applicability filings.

For the purposes of reviewing an application for permit, the Conservation Commission, its agents, officers, and employees may enter upon privately owned land for the purpose of performing their duties under this chapter.

Sec. 50-8. Buffer Zone and Setbacks

In reviewing activities within the buffer zone, the Conservation Commission shall presume the buffer zone is important to the protection of its subject resource area because activities undertaken in close proximity have been shown to have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities.

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Adverse impacts to wetland resource areas from construction and use within their related buffer zone can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, loss of trees and other vegetation, and degradation of wildlife habitat. Therefore, this Ordinance gives the Commission broad discretion to permit, condition, and prohibit work within the buffer zone as the specific situation warrants.

This Ordinance further establishes the following areas within the 100-foot buffer zone, which are subject to specific requirements and greater scrutiny:

- **25-foot No Disturbance Zone** – the first 25-feet within the buffer zone extending from an applicable resource area in which virtually no activities or work, other than passive passage, stormwater outfall components, and utilities, are permitted. No vegetation may be disturbed, leaf litter and woody debris remains in place, etc. The No Disturbance Zone shall remain unchanged from its pre-development project state when considering both the construction period and the long-term use of the project site. The land use restrictions within the No Disturbance Zone are to be further tabulated in the implementing regulations.
- **50-foot Mitigation Zone** – the first 50-feet within the buffer zone extending from an applicable resource area in which disturbance is prohibited without adequate mitigation as determined by the Conservation Commission. The Mitigation Zone overlaps the No Disturbance Zone detailed above and wetland resource areas defined herein.

Beyond the above-described zones, the Conservation Commission shall consider proposals for work in the buffer zone in terms of broad forms of disturbance areas. This approach is intended to allow flexibility for property use while maintaining adequate levels of wetland resource area protection. Additional buffer zone disturbance setbacks may be enumerated through implementing regulations.

In considering the types of work and activities allowable within the overall 100-foot buffer zone, and conditions to apply, the Conservation Commission shall consider the following,

1. **Values and Functions of the Resource Area.** The quantity and quality of resource values and functions should be considered explicitly in placing conditions on buffer zone work.
2. **Pre-Project Characteristics of the Site.** Ground slope, soil conditions, vegetation, and prior disturbance are some of the site-specific characteristics that shall be considered in setting conditions for work in the buffer zone.
3. **The nature of the activities proposed and their potential likelihood of impacting the Ordinance values.**
4. **The Project's implementation of climate change adaptation measures.**

As appropriate to protect the Ordinance values, the Conservation Commission may expand the minimum setbacks indicated herein or in implementing regulations.

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The Applicant shall carry the burden of proof for demonstrating to the Commission's satisfaction that the proposed work or activities in the buffer zone are necessary, and that reasonable alternatives do not exist. Said demonstration may take the form of a written narrative or report with accompanying exhibits as appropriate.

Applicants wishing to rebut the presumptions set forth above shall provide the Commission with a written waiver request in accordance with Section 50-10 herein.

Notwithstanding the above, the Conservation Commission may, without requiring a formal waiver request, reduce the setbacks for:

1. Redevelopment of sites that contain previously disturbed or degraded areas regardless of whether such areas are within the relevant setback, so long as work results in an overall improvement to the applicable setback in terms of the ability of the associated resource area to protect the values of this Ordinance.
2. Projects involving work necessary to access buildable upland (including access roads, driveways, and utilities) as long as there is no other means of accessing said buildable upland, and said work meets all the other requirements of the WPA and this Ordinance.
3. If in its judgment such a reduction is necessary to accommodate a project that will have an overall benefit to the public and to the environment (such as a project addressing sewer inflow and infiltration, or an environmental enhancement project).
4. If in its judgment such a reduction is necessary to accommodate reasonable recreational access and connectivity by path, including paved or other surface type multiuse paths or other least intrusive means of access, to other portions of a property or the shoreline, as long as there is no other alternative means of accessing the other portions of the property, and that such alteration does not exceed the minimum path necessary to be compliant with state and federal accessibility requirements. Such paths are to include elevated boardwalks as appropriate to minimize impacts. Such alterations may require wetlands replication.
5. Ancillary Structures associated with single-family dwellings constructed prior to the adoption of this Ordinance.

The setback requirements shall not apply to:

1. Projects requiring Chapter 91 Licenses pursuant to the water-dependent use provisions, repairs of existing Chapter 91 Licensed structures, or other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the WPA and this Ordinance.
2. Projects involving the maintenance and repair, but not expansion of or change in character or use of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures.

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3. Remediation activities performed under the Massachusetts Contingency Plan, provided that the activities comply with all other applicable state and local regulations.

Sec. 50-9. Climate Change Resiliency.

Climate change is an overriding public interest. Consideration of the effects of climate change on the City's wetlands resource areas is necessary to maintain the values of the Ordinance into the future. Additionally, appropriate protection of wetlands resource areas and their values will facilitate the City's climate change preparedness and resilience.

The Applicant shall, to the maximum extent practicable, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. The Applicant shall consider the resource area's ability to be resilient to the effects of climate change and protect the values of the Ordinance. These considerations are especially important in Land Subject to Flooding and Coastal Storm Flowage (100-year floodplain), coastal wetlands, and other resource areas which protect the interest of Flood Control and Storm Damage Prevention, including the associated buffer zones. Resource areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature.

In reviewing project climate change resiliency information, the Conservation Commission shall give consideration as to the size and scale of the project and the extent to which resource area impacts are avoided, minimized, and mitigated. Green infrastructure/nature-based solutions are preferred to demonstrate compliance with the climate change adaptation and mitigation resource area value.

The Conservation Commission may, through implementing regulations, adopt additional provisions and mapping related to resource area values respective of climate change in accordance with best available science. Mapping adopted by the Conservation Commission may include, without limitation, projections of Sea Level Rise and future storm events/flood zones for project proponents to consider in applications for work submitted to the Conservation Commission.

Sea Level Rise Considerations

The City of Salem recognizes the relative rise in elevation of the sea surface over time. Those portions of coastal floodplains which are immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes or coastal banks require special protection as they are likely to be in a state of transition as the entire complex of coastal wetland resources gradually moves landward due to rising relative sea levels.

Development activities carried out within the transitional areas of coastal floodplains will be subject to increased storm damage and may interfere with the natural landward migration of the

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adjacent coastal resource areas. Therefore, the Salem Conservation Commission may adopt, through implementing regulations, performance standards for coastal resource areas with respect to Sea Level Rise.

Sec. 50-10. Waiver Criteria.

An Applicant may seek relief from the standards of the Ordinance and any implementing regulation by requesting a waiver to the applicable standards. The Commission may, at its discretion, grant a waiver to the standards of the Ordinance and regulations based on the Applicant's clear and convincing demonstration of the following:

1. The proposed land-use activity(ies) conforms with the goals and statutory interests of the Ordinance and regulations adopted thereunder, and the activity(ies), including proposed mitigation measures, will have an insignificant impact on the values protected by this Ordinance;
2. The relief requested by the project proponent is the minimum waiver necessary to achieve the project goals and to allow for reasonable use of the property;
3. The requested waiver is not the result of any prior action of the project proponent or any predecessor in title (i.e., the Applicant must document that the waiver is not the result of a self-created or self-imposed hardship);
4. The granting of the waiver will not hinder the ability of wetland resource areas or buffer zones to provide climate mitigation or protect the adjacent landscape from storm surge as anticipated based on best available information;
5. Where applicable, work within required setbacks noted herein shall not result in adverse impacts to the resource area values. Project proponents shall provide clear documentation to the Conservation Commission as to the means and methods for avoiding construction-phase impacts and impacts from the future existence of the project within setbacks; and
6. The Applicant shall demonstrate that all other feasible project alternatives to avoid or minimize impacts have been exhausted, including seeking relief from municipal zoning provisions as applicable.

Relief in the form of a waiver to a provision of the Ordinance does not remove the Applicant's responsibility for compliance with all other requirements of the Ordinance.

Sec. 50-11. Severability.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

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Sec. 50-12. Relationship to State Statute.

The Conservation Commission shall not impose additional or more stringent conditions pursuant to M.G.L.A. c. 131, § 40 than it imposes pursuant to this chapter, nor shall it require an applicant filing a notice of intention pursuant to M.G.L.A. c. 131, § 40 to provide materials or data in addition to those required pursuant to this chapter.

Restoration of land in violation. Consistent with M.G.L.A. c. 131, § 40, any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of this chapter or in violation of any permit issued pursuant to this chapter shall forthwith comply with any such order or restore such land to its conditions prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

Sec. 50-13. Promulgation of Regulations.

After due notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

Sec. 50-14. Burden of Proof.

The Applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application for the permit required by this chapter will not harm the interests protected by this chapter. Failure to provide adequate evidence to the Conservation Commission supporting a determination that the proposed work will not harm the values protected by this chapter shall be sufficient cause for the Conservation Commission to deny a permit or to grant a permit with conditions or, in the Conservation Commission's discretion, to continue the hearing to another date to enable the Applicant or others to present additional evidence.

Sec. 50-15. Security.

The Conservation Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

1. A bond or deposit of money or negotiable securities in an amount determined by the Conservation Commission to be sufficient and payable to the Conservation Commission upon default.
2. A conservation restriction, easement or other covenant running with the land, executed and properly recorded or registered, in the case of registered land, with the Essex South District of Registry of Deeds.

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Sec. 50-16. Appeal.

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L.A. c. 249, § 4.

Sec. 50-17. Enforcement.

Any person who violates any section of this chapter or any condition of a permit issued pursuant to this chapter shall be punished by fines as provided in Section 1-10 (c) – Noncriminal disposition of ordinance violations.. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. Upon request of the Conservation Commission or of the City Council, the Mayor, and City Solicitor shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to this chapter.

Sec. 50-18. Effective Date.

This Ordinance Amendment becomes effective upon final passage and signature of the Mayor and shall apply to all Notices of Intent filed on or after that date and any subsequent procedures related to such filings made on or after that date. This Ordinance Amendment shall not apply to projects for which a Notice of Intent was filed (and for which an Order of Conditions remains valid) prior to the effective date.”

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

#54 – ORDINANCE AMENDING CH. 1 SEC. 10(c) – NONCRIMINAL VIOLATIONS FOR WETLANDS

The Following Ordinance submitted by the Mayor to amend Sec. 1-10(c) – Noncriminal Violations for Wetlands was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

An Ordinance to amend Section 1-10 (C). – Noncriminal Disposition Of Ordinance Violations to provide for enforcement and penalties for violations of the Wetlands Protection and Conservation Ordinance.

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

SECTION 1. Section 1-10. of Part III of the City of Salem Code, Ordinances, Chapter 1, Noncriminal Disposition of Ordinance Violations is hereby amending by adding the following language to the end of the Section 1-10 (c):

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“Chapter 50, Wetlands Protection and Conservation Ordinance

Penalty for violations of Wetlands Protection and Conservation Ordinance.

Penalty:

First offense\$100.00

Second offense\$150.00

Third offense\$200.00

Enforcing persons: Conservation Agent; police department personnel.”

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

#55 – ORDINANCE AMENDING MOORING FEES

The following Ordinance submitted by the Mayor relative to amending Mooring fees was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty-Two

An Ordinance to amend mooring permit fees.

Section 1. Section 10-24(d) *Mooring Permit* of Chapter 10 *Boats and Waterways* is hereby amended by deleting paragraphs (1) through (4) in their entirety and replacing them with the following:

- “(1) Fee for mooring, \$7.00 per foot of vessel per year.
- (2) Fee for slip, \$7.00 per foot of vessel per year.
- (3) Fee for commercial transient mooring, \$100.00 per year.
- (4) Fee for guest mooring (city owned), \$40.00 per day.
- (5) Fee for private float, \$100 per year.
- (6) Fee for a waitlist for a mooring, \$10 per year.”

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

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#56 – AMENDING RULES AND ORDERS OF THE CITY COUNCIL - COMMITTEES

The following order introduced by Councillor Riccardi was moved held until the next meeting under the rules

ORDERED: That the Rules and Orders and the City Council shall be amended as follows:

Section 26. – Appointment of chairperson when into committee of the whole; and

Section 27. – Rules when in committee of the whole

Be deleted in its entirety; and

Section 30. Committees, generally be amended by adding the following:

#6. Committee of the Whole. The Committee of the Whole shall consist of all members of the Council and be chaired by the President or their designee, and shall meet separately when required to address matters before it.

Councillor Riccardi explained this would be adding a sixth standing committee of the Council – Committee of the Whole.

Councillor McCarthy explained that this is a valuable tool.

Councillor Merkl feels this will be a useful and helpful tool to the Council.

#57 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 75 – RESIDENT STICKER PARKING – CLEVELAND STREET

The following ordinance introduced by Councillor Morsillo was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic Ch. 42, Sec. 75 - Parking prohibitions towing zone (resident sticker)

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

Section 1. Section 75 – Parking prohibitions towing zone (resident sticker) of Article V-A be amended by adding the following:

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Cleveland Street – ZONE D-COLOR YELLOW-north side only, beginning forty (40) feet from the intersection with Jefferson Avenue, proceeding in a westerly direction for a distance of thirty (30) feet. No visitor passes shall be issued for qualifying addresses on this street.

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

#58 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 51 – PARKING PROHIBITED – JEFFERSON AVENUE

The following ordinance introduced by Councillor Morsillo was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42 Sec. 51 - Parking Prohibited on Certain Streets

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

Section 1. Section 51 of Article V shall be amended by adding the following:

Jefferson Avenue – Parking Prohibited on Certain Streets – westerly side beginning approximately one hundred and sixty-five (165) feet south of the intersection with Jackson Street in a southerly direction for a distance of eight (80) feet

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

#59 - TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 51 – PARKING PROHIBITED – LEAVITT STREET

The following ordinance introduced by Councillor Cohen was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic Ch. 42, Sec. 51 - Parking Prohibited on Certain Streets

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

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Section 1. Section 51 of Article V shall be amended by adding the following:

Leavitt Street – Parking Prohibited on Certain Streets – southerly side beginning at the intersection with Prince Street in a westerly direction for a distance of one hundred and five (105) feet

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

#60 - TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 49 – STOP SIGN – CEDARCREST ROAD

The following ordinance introduced by Councillor Varela was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42 Sec. 49 - Obedience to Isolated Stop Signs

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

Section 1. Ch. 42, Section 49 – Obedience to Isolated Stop Signs shall be amended by adding the following:

Cedarcrest Road – Stop Sign – southeast bound traffic on Cedarcrest Road at Cedarcrest Avenue

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

#61 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 50B – HANDICAPPED PARKING – NAUMKEAG STREET

The following ordinance introduced by Councillor McCarthy was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

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Naumkeag Street – One Handicap Parking space to be added in front of #36 Naumkeag Street, for a distance of twenty (20) feet

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

#62 – (#9) – APPROPRIATION OF \$7,400,048.25 FROM FREE CASH TO SPECIAL REVENUE FUNDS

Councillor McCarthy offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred the matter of an Appropriation in the amount of \$7,400,048.25 from Free Cash to the Special Revenue Funds – Stabilization, Capital Improvement Plan, OPEB, has considered said matter and would recommend adoption as amended by roll call vote. The original amount of \$7,400,048.25 was added incorrectly; the correct amount is \$7,400,048.85. The appropriation was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

#63 – (#14) – APPROPRIATION OF \$11,600.00 TO ASSESSORS – CONTRACTED SERVICES

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of an Appropriation in the amount of \$11,600.00 from Assessing Department Full-Time Salary Acct. to the Assessors – Contract Services Acct. (Co-posted), has considered said matter and would recommend adoption by roll call vote. The appropriation was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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#64 – (#36 & #37) – GRANTING CERTAIN LICENSES

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of granting certain licenses, has considered said matter and would recommend that the following licenses be granted

SECOND HAND CLOTHING: Re-Find LLC, 72 Washington St., Salem

SECOND HAND VALUABLES: Tobies Jewelry, 140 Washington St., Salem
Olde Naumkeag Antiques, 1 Hawthorne Blvd., Salem
Record Exchange, LLC, 256 Washington St., Salem

#65 – (#559 of 2021) – ORDINANCE RELATIVE TO MUNICIPAL BUILDINGS AND OPERATIONS

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and 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 and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an ordinance amending an ordinance relative to Municipal Buildings and Operations (Green Ordinance), has considered said matter and would recommend that the matter remain in committee.

#66 – (#278 of 2021) – ZONING ORDINANCE AMENDING THE WATERFRONT INDUSTRIAL OVERLAY DISTRICT

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and 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 and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an ordinance amending a zoning ordinance relative to the Waterfront Industrial Overlay District, has considered said matter and would recommend that the matter remain in committee.

Councillor Riccardi stated that to maintain a good working relationship with the owners the matter would remain in committee. There may be new amendments or new changes coming forward.

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Councillor Hapworth stated this may not be the last time this property is sold so we want to control what happens to this property.

#67 – (#17) – ZONING ORDINANCE AMENDING BUFFER ZONES RELATIVE TO MARIJUANA ESTABLISHMENTS

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and 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 and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an ordinance amending a zoning ordinance regarding buffer zones relative to marijuana establishments, has considered said matter and would recommend that this matter be referred to the Planning Board to hold a Joint Public Hearing by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent

#68 – (#391 of 2021) – DISCUSS WATER MAIN BREAKS WITH THE CITY ENGINEER

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of meeting with the City Engineer to discuss water main breaks, has considered said matter and would recommend that the matter be discharged from committee.

Councillor Hapworth stated that it was a good meeting. The number of water main breaks has been decreasing and residents are being notified of these breaks. Less water is being used due to the Power Plant being off-line and less commercial uses in the City. In 1960 and 1970 approximately 6 million gallons of water was being used now it is 4 million gallons.

Councillor McClain asked about the impact of development on water use and water pressure. In the meeting Dave Knowlton, the City Engineer, explained that all development requires tests to be conducted and assessments made and to fix anything that fall behind the standards.

Councillor Varela would like to make sure our treatment plan becomes more efficient. We need less burden on our pipes. The calcium build up on pipes are causing them to break.

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**#69 – (#635 of 2021) – REPAIRS AND MAINTENANCE FOR OFFICES AT CITY HALL,
93 WASHINGTON STREET**

Councillor Prosniewski offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of repairs and maintenance to offices at 93 Washington Street, has considered said matter and would recommend that the matter remain in committee and that the Building Inspector's Office, the Finance Director and the Mayor's office work together to submit estimates on cost of repairs to the Council for the FY2023 Budget.

Councillor Prosniewski stated that City Hall is over 150 years old. City Hall exterior has had some repairs done and now it is time to take a look at the interior. Long and short term goals should be looked at and focus on short term goals.

Councillor Cohen concurs with Councillor Prosniewski. Can't think of anything more important as comfort and safety.

**#70 – PRESERVATION RESTRICTION FOR THE BROOKHOUSE HOME DUE TO CPA
FUNDING**

The following Preservation Restriction Agreement submitted by Jane Guy, Assistant Community Development Director, relative to a Preservation Restriction for the Brookhouse Home, which is being granted as a condition of CPA funding was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**#71 – DECLARING A CITY OWNED PARCLE SURPLUS AND CONVEYING TO THE
SALEM HOUSING AUTHORITY**

The following Order submitted from City Solicitor to surplus and convey to the Salem Housing Authority a 10,217 sf City owned parcel know as Parcel A (consisting of a narrow strip of land between Pioneer Terrace and the Seawall along Palmer's Cove) was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Ordered: The Salem City Council hereby declares that the 10,217 square foot parcel identified as "Parcel A" on the attached plan entitled "Plan of Land located in Salem, Massachusetts, Essex County," prepared for City of Salem and Salem Housing Authority, dated November 2, 2021 prepared by Meridian Associates, is surplus to the City's needs.

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Be it further Ordered that the Mayor is authorized, on behalf of the City, to deed Parcel A to the Salem Housing Authority at no cost pursuant to the requirements set forth in Massachusetts General Law Chapter 30B, Section 16(i). The deed shall include an easement to the City for maintenance of the adjacent seawall and an easement for the public to pass and repass over Parcel A which shall be maintained as open space.

The City Solicitor had explained that the Salem Housing Authority (SHA) applied for a State Grant for \$500,000.00. The SHA thought it was their land. The only way to use the grant is if they own the land. The SHA has maintained this property over many years not the city. They are waiting for this grant.

Councillor Dominguez stated the intention is good but rather see this go to committee for discussion and to ask questions.

Councillor Prosniewski asked if this was park land.

Councillor McCarthy asked for and received suspension of the rules for the SHA Executive Director, Cathy Hoog to speak.

Cathy Hoog and Naomi Cottrell stated they had the land survey and there was no indication that it was park land.

Councillor Merkl supports for this to be approved this evening.

Councillor Prosniewski and Dominguez were satisfied by their responses.

#72 – PETITION FROM COMCAST TO INSTALL CONDUITS ON LYNDE STREET.

A hearing was ordered for February 10, 2022, on a petition from Comcast to install a conduit on Lynde Street.

#73 – PETITION FROM COMCAST TO ENLARGE A MANHOLE ON CHARTER STREET

A hearing was ordered for February 10, 2022, on a petition from Comcast to enlarge an existing manhole on Charter Street.

#74 – PETITION FROM NATIONAL GRID TO INSTALL CONDUITS ON PEABODY STREET.

A hearing was ordered for February 10, 2022, on a petition from National Grid to install conduits on Peabody Street.

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#75 – PETITION FROM NATIONAL GRID TO INSTALL CONDUITS ON NORMAN STREET.

A hearing was ordered for February 10, 2022, on a petition from National Grid to install conduits on Norman Street.

#76 – REQUEST FROM SALEM HUMAN RIGHTS COALITION FOR A CITY COUNCIL LIAISON

A Communication from Alphonse V. Wright, Co-Chair, Salem Human Rights Coalition requesting that a Council liaison for the newly named Salem Human Rights Coalition (formerly No Place for Hate) be assigned was referred to the Committee on Government Services co-posted with Committee of the Whole.

#77 & #78 – LICENSE APPLICATIONS FOR PUBLIC GUIDES AND TAXI OPERATORS

The Following License Applications were granted

PUBLIC GUIDES:

Chris Dowgin, 192 Essex St., Salem
 Euni Morrow, 200 16th Ave. Florida
 Christine Gandolfi-Piper, 40 Aborn St., Peabody
 Roger Fruggiero, 11 Berrywood Ln., Salem
 Kenneth Glover, 20 Essex St., Beverly
 James Menice, 9 Monte Rd., Lynn
 Sarah Black, 3 English St., Salem
 Susan Conlin, 11 Kimball St., Marblehead
 David Harris, 3 Buford Rd., Peabody
 Linda Harris, 3 Buford Rd., Peabody
 Cody McCallister, 7 Forrester St., #2, Salem
 Ronald Olson, 50 Stony Brook Rd., Marblehead
 Beth Crowley, 7 Forrester St., Salem
 Tammy Harrington, 48 Federal St. #305, Beverly
 Amey Butler, 14 Hunt St., Danvers
 Robert Sant Fournier, 5 Crescent Ct., Beverly
 Mollie Steward, 1 Gerrish Place, Salem

TAXI OPERATORS:

Jose Guerrero, 30 Symonds St., Salem
 Johanny Altagracia Polanco, 15 Boston St., Salem
 Cristhian Nunez, 15 Pond St., Salem
 Jonathanael Baez Nunez, 12 Mason St., Salem
 Marino Concepcion, 96C Tremont St., Peabody
 Javier Guillermo, 32 Rainbow Ter., Salem

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Oscar Ramirez, 15 Dunlap St., Salem
 Vladimir Inoa, 414 Essex St., Salem
 Delta Gomez, 32 Rainbow Ter., Salem
 German Rosario, 34 Prince St., Salem

#79 – TAXI OPERATOR LICENSE

The Following Taxi Operator License was denied

TAXI OPERATOR: Jose Romero, 10 Peabody St. #1, Salem

#80 & #81 – FOLLOWING LICENSE APPLICATIONS

The Following License Applications were referred to the Committee on Ordinances, Licenses and Legal Affairs.

SECOND HAND VALUABLE: Glass & Etc., 180 Essex St., Salem

TAG DAY: SHS Concert Band & Wind Ensemble, May 14, 2022

#82 – CONTRACT OPERATOR / DRAINLAYER LICENSES

The Following Contract Operator/Drainlayer Licenses were granted.

Caruso Corp., 320 Charger St., Revere
 Caruso & McGovern Construction, Inc., 1 Industrial Way, Georgetown
 D & M Civil, Inc., 30Log Bridge Rd., Middleton
 Delulis Brothers Construction Co., Inc., 31 Collins St., Lynn
 DiBiase Corporation, 749 Lowell St., Lynnfield
 Early Contractors, Inc., 50 South Main St., Bradford
 J. Masterson Construction, 46 Prince St., Danvers
 McGrath Enterprises, 28 Oakville St., Lynn
 Meninno Construction, 76Oakville St., Lynn
 Raffaele Construction Corp., 233 Burrill St., Swampscott
 Tufts Construction, Inc., 100 Tremont St., Everett
 WAM General Contractors, Inc., 363 Cabot St., Beverly

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#83 - #85 – CLAIMS

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

Jordan Bartholomew (Owner of Bada Bing), 96 Washington St., Salem
Kathleen Franson (Owner/Landlord), 96 Washington St., Salem
Jason Stull, 28 Prospect St., Marblehead

#86 & # 87 – DRAINLAYER BONDS

The Following Bonds were referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved.

DRAINLAYERS: Delulis Brothers Construction Co., Inc., 31 Collins St., Lynn
 Raffaele Construction Corp., 233 Burrill St., Swampscott

(#12) - SECOND PASSAGE OF A BOND ORDER FOR SPS BATHROOMS

The following Bond Order was adopted for second passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

BOND ORDERED: That the order of the City Council passed on July 9, 2020 and approved by the Mayor on July 13, 2020 authorizing an appropriation and borrowing in the aggregate amount of \$9,638,451 to fund the Fiscal Year 2021 General Fund Capital Improvement Program and allocating such authorized amount among various capital projects in specified amounts (“the FY21 CIP Loan Order”), is hereby amended to replace the project designated in the FY21 CIP Loan Order as “School – Salem High Bathroom renovations - \$200,000” with the following project: “School – Salem Public Schools bathroom renovations - \$200,000”; and that the FY21 CIP Loan Order is otherwise ratified and confirmed in all respects.

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**(#16) - SECOND PASSAGE OF AN ORDINANCE EXPANDING THE SAFETY
ENHANCEMENT ZONE**

The following Ordinance was adopted for second passage as amended by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Original Ordinance:

An Ordinance to expand the safety enhancement zone.

Section 1. Section 1-11 of the Code of Ordinances is amended by replacing (b)(1) definitions in its entirety with the following:

“Safety enhancement zone is defined as the B-5 Central Business District of the City of Salem’s Zoning Ordinance and all areas of the city up to and including one mile from the border of the B-5 Central Business District.”

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

Amended Ordinance:

In the year Two Thousand and Twenty-Two

An Ordinance to expand the safety enhancement zone.

Section 1. Section 1-11(b) *Definitions* of Chapter 1, Sec. 1-11 *Safety Enhancement Zone; Violations and Penalties* is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

“Safety enhancement zone is defined as the B-5 Central Business District of the City of Salem’s Zoning Ordinance and all areas of the City within one mile of the border of the B-5 Central Business District.”

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

On the motion of Councillor McCarthy the meeting adjourned at 8:50 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK