

**CITY OF SALEM**  
**JUNE 24, 2021**  
**CITY COUNCIL REGULAR MEETING**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 24, 2021, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 22, 2021, at 11:38 A.M. This meeting is being taped and is live on S.A.T.V. (This meeting was not broadcasted by zoom)

Councillors Madore had an excused absent.

Council President Sargent presided.

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

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

**PUBLIC TESTIMONY**

1. Alphonse Wright, 12 Hancock St., Salem – Provisions to OML
2. Jeff Cohen, 12 Hancock St., Salem – Race Equity Commission
3. Harrison Shell, 170 North St., Salem – Gender Pronouns
4. Steve Kapantais, 23A Wisteria St., Salem – Moratorium
5. Fawaz Abusharkh, 4 Harrison Rd., Salem – Race Equity Commission, Moratorium,  
Public Testimony

**#324 – (#314) – VERIZON WIRELESS TO INSTALL TELECOMMUNICATIONS AT  
204 LAFAYETTE STREET.**

A hearing was held for Verizon Wireless to install Telecommunications at 204 Lafayette Street.

Dan Klasnick, the attorney for Verizon Wireless appeared in favor. This will address the volume of demand in this area by locating a small cell on an existing pole. The installation will not be disruptive to the public way on Lafayette St. We have complied with all the guidelines of the routing slip and drawings. The plan is to install one cannister antennae 14" diameter and 34.4 feet high mounted on the top. Radio heads will be further down the pole. We have a license agreement with the pole owners.

Councillor Turiel stated as Ward Councillor the only issue although helping with service the assembly with the radio heads is unsightly and in view or vision of people. There needs to be a better way to cover it more discretely on the pole.

Dan Klasnick replied that the pole owner dictates the location on the pole. Verizon Wireless is open to look at options to better bundle the cables.

Councillor Turiel responded that the final plan should be reviewed by the Engineering Department before final placement.

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Councillor Dibble agreed with Councillor Turiel and further asked how many feet away from this house?

Dan Klasnick answered 20 feet.

Councillor Dibble stated he will vote against it and that an alternate location should be used that is away from people's homes. It is also unsightly. We should ask the Electrician to also approve before final placement.

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

Councillor Turiel moved that it be granted with the condition that Verizon will work with the Electrical and Engineering Department to approve placement of cabling on the pole. It was so voted. Councillor Dibble and Councillor Sargent were recorded as opposed.

**(#294) – APPOINTMENT OF CARLY MCCLAIN TO THE ZONING BOARD OF APPEALS**

Held from the last meeting, the Mayor's appointment of Carly McClain to the Zoning Board of Appeals with a term to expire June 10, 2026, was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, and Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

Councillor Hapworth requested and received suspension of the rules to allow Carly McClain to speak.

**#325 – REAPPOINTMENT OF KIRT RIEDER TO THE PLANNING BOARD**

The Mayor's re-appointment of Kirt Rieder of 15 Warren St. to the Planning Board with a term to expire July 1, 2026, was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, and Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

**#326 – REAPPOINTMENT OF MARK PATTISON TO THE HISTORICAL COMMISSION**

The Mayor's re-appointment of Mark Pattison of 2 Beaver St. to the Historical Commission with a term to expire June 28, 2024, was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, and Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

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**#327 – APPOINTMENTS TO THE CULTURAL COUNCIL**

The Mayor's appointments of Ziggy Hartfelder and Melissa Stockbridge to the Cultural Council with term(s) to expire June 9, 2024. (Informational purposes only, no action needed) was received and filed.

**#328 – APPROPRIATION OF \$24,230.70 TO DPS WATER CONTRACTED SERVICES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Twenty-Four Thousand Two Hundred Thirty Dollars and Seventy Cents (\$24,230.70) is hereby transferred from the "Retained Earnings – Water/Sewer Fund" account (6000-3120) to the DPS Water Contracted Services account (610032-5320) as provided below to fund the costs for the repair of a water main break February 18, 2021, on Loring Avenue in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
		\$ 24,230.70
DPW Water Contracted Services	610032-5320	
<b>TOTAL</b>		<b>\$ 24,230.70</b>

**#329 – APPROPRIATION OF \$21,992.10 FOR RETIREMENT BUYBACK FOR MARCIA KIRKPATRICK, BUILDING INSPECTOR EMPLOYEE**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Twenty-One Thousand Nine Hundred Ninety-Two Dollars and Ten Cents (\$21,992.10) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2021 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

<b>Name</b>	<b>Department</b>	<b>Amount</b>
Marcia Kirkpatrick	Public Property	\$ 21,992.10
		<b>\$ 21,992.10</b>

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**#330 – APPROPRIATION OF \$18,447.20 TO DPS WATER CONTRACTED SERVICES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Eighteen Thousand Four Hundred Forty-Seven Dollars and Twenty Cents (\$18,447.20) is hereby transferred from the “Retained Earnings – Water/Sewer Fund” account (6000-3120) to the DPS Water Contracted Services account (610032-5320) as provided below to fund the costs for the repair of a water main break on February 15, 2021 on Highland Avenue in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
DPW Water Contracted Services	610032-5320	\$ 18,447.20
		<b>\$ 18,447.20</b>

**#331 – APPROPRIATION OF \$17,596.75 TO DPS WATER CONTRACTED SERVICES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Seventeen Thousand Five Hundred Ninety-Six Dollars and Seventy-Five Cents (\$17,596.75) is hereby transferred from the “Retained Earnings – Water/Sewer Fund” account (6000-3120) to the DPS Water Contracted Services account (610032-5320) as provided below to fund the costs for the repair of a water main break on April 28, 2021, on 98 Broadway Street in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
DPW Water Contracted Services	610032-5320	\$ 17,596.75
		<b>\$ 17,596.75</b>

**#332 – APPROPRIATION OF \$15,751.60 TO DPS WATER CONTRACTED SERVICES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Fifteen Thousand Seven Hundred Fifty-One Dollars and Sixty Cents (\$15,751.60) is hereby transferred from the “Retained Earnings – Water/Sewer Fund” account (6000-3120) to the DPS Water Contracted Services account (610032-5320) as provided below to fund the costs for the repair of a water main break February 2, 2021, on DiPietro Lane in accordance with the recommendation of Her Honor the Mayor.

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<b>Description</b>	<b>Fund</b>	<b>Amount</b>
DPW Water Contracted Services	610032-5320	\$ 15,751.60
		<b>\$ 15,751.60</b>

**#333 – APPROPRIATION OF \$9,206.96 TO PURCHASING – CELL PHONES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Nine Thousand Two Hundred Six Dollars and Ninety-Six Cents (\$9,206.96) is hereby transferred from the Purchasing Department's "Part-Time Salaries" account (11381-5113) to the Purchasing Department's "Telephone-Wireless" account as provided below to cover remaining payments for cell and wireless device usage for FY2021 in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Telephone-Wireless	11392-5341	\$ 9,206.96
		<b>\$ 9,206.96</b>

**#334 – APPROPRIATION OF \$9,050.00 FOR NEGOTIATED TWO-DAY SICK LEAVE BUYBACK**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Nine Thousand, Fifty Dollars (\$9,050.00) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the negotiated two-day sick leave buyback provision as needed in accordance with the recommendation of Her Honor the Mayor.

**#335 – APPROPRIATION OF \$8,182.45 FOR RETIREMENT BUYBACK FOR CARMELLA COTE, SCHOOL DEPARTMENT**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Eight Thousand One Hundred Eighty-Two Dollars and Forty Five Cents (\$8,182.45) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2021 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

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<b>Name</b>	<b>Department</b>	<b>Amount</b>
Carmella Cote	Salem Public Schools	\$ 8,182.45
		<b>\$ 8,182.45</b>

**#336 – APPROPRIATION OF \$6,000.00 TO ASSESSORS – CONTRACTED SERVICES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Six Thousand Dollars (\$6,000.00) is hereby transferred from the Assessing Department's "FT Salaries" account (11411-5111) to the Assessing Department's "Contracted Services" account as provided below to cover payment associated with temporary contract assessing services for FY2021 in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Contracted Services	11412-5308	\$ 6,000.00
		<b>\$ 6,000.00</b>

**#337 – APPROPRIATION OF \$3,824.00 TO BUILDING DEPARTMENT CONTRACTED SERVICES**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Three Thousand Eight Hundred Twenty-Four Dollars (\$3,824.00) is hereby transferred from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Contracted Services" account as provided below to cover remaining payments for short-term rental compliance services for FY2021 in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Contracted Services	12412-5320	\$ 3,824.00
		<b>\$ 3,824.00</b>

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**#338 – APPROPRIATION OF \$2,800.00 TO PURCHASING – COPIER**

The following Order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) is hereby transferred from the Purchasing Department's "Office Supplies" account (11382-5421) to the Purchasing Department's Fixed Cost "Copier & Supplies" account as provided below to cover remaining payments for copier leases and usage for FY2021 in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>	
Copier & Supplies	11392-5422	\$	2,800.00
		<b>\$</b>	<b>2,800.00</b>

**#339 – AN ORDINANCE ESTABLISHING A RACE EQUITY COMMISSION**

The following ordinance submitted by the Mayor was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

**An Ordinance** establishing the Race Equity Commission

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

**Section I.** Chapter 2, Article IV of the Code of Ordinances is hereby amended by adding the following new Division following Division 17:

"Division 18. – RACE EQUITY COMMISSION

Sec. 2-1032. There is hereby established a race equity commission for the purpose of:

- (a) implementing elements of the City's Race Equity Action Plan and updating said plan periodically as necessary;
- (b) advising departments and City officials on strategies and approaches to ensure municipal programs, policies, budgets, and ordinances are developed in a manner that avoid and reduce systemic racism and bias;
- (c) developing and recommending initiatives, programs, and policies intended to reduce systemic racism and bias in Salem;
- (d) designing and conducting hiring and recruitment programs and advise on employee training and retention programs to increase diversity and cultural competency of City staff;
- (e) supporting and guiding community organizations, employers, associations, nonprofits, agencies, businesses, and others in methods by which they can help reduce systemic racism and improve racial equity in Salem; and

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- (f) seeking grants and other sources of support and resources to carry out the Commission's work.

Sec. 2-1033. The commission shall consist of seven members: the City's Human Resources Director or their designee, the City Solicitor or their designee, the School Superintendent or their designee and four other members appointed by the Mayor and subject to City Council confirmation. The members shall each serve a term of three years."

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

Councillor Dominguez stated that more representation of Salem is need on the Commission. Some representation on the task force was left behind. We need to include everybody.

Councillor Hapworth was happy this was bringing this in. Over the last year he has been asking himself a lot of questions so we should ask questions for the City.

Councillor Dibble stated it is important to see the Task Force report and their recommendations. Heard there were some groups were omitted from this task force and should include other members.

Councillor Turiel stated he is looking forward to seeing the Equity Task Force report and establish this commission. This is to deal with racial equity issues not a religious equity issues. Issues from different minority racial groups regardless of faith.

Councillor Dominguez responded by not having a faith based community group involved we are missing a part that should be involved.

Councillor Riccardi commented that there is no one plan; that is why this commission is sorely needed. We can't get tied down to a plan. This is a systemic problem built up over the years and needs time to unravel.

Councillor McCarthy stated that is important to see how the commission will work with the new Race Equity Director.

**#340 – ZONING ORDINACE REPLACING GENDER-SPECIFIC NOUNS AND PRONOUNS IN THE ZONING CODE OF ORDINANCE**

The following zoning ordinance amendment submitted by the Mayor was referred to the Planning Board to hold a joint public hearing.

**An Ordinance** to replace gender-specific nouns and pronouns in the City of Salem's Zoning Code of Ordinances.



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

**AN ORDINANCE REPLACING GENDER-SPECIFIC NOUNS AND PRONOUNS IN THE CITY OF SALEM'S ZONING CODE OF ORDINANCES**

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

**SECTION I.** The City of Salem Zoning Code is hereby amended as follows:

1. In section 1.5 replace “his” with “the registered land surveyor's” in all one instance.
2. In section 4.2.1 replace “his” with “the Head of the Fire Department's” in all two instances.
3. In section 6.2.1 replace “he” with “be” in all one instance.
4. In section 6.11.5(3) replace “craftsmen” with “craftspeople” in all one instance.
5. In section 7.2.1 replace “his” with “their” in all one instance.
6. In section 7.2.3 replace “his” with “the Head of the Fire Department's” in all two instances.
7. In section 7.3.7 replace “his” with “the Head of the Fire Department's” in all two instances.
8. In section 8.1.7 replace “his successor” with “the petitioner's” in all one instance.
9. In section 8.1.7 replace “his designee” with “the Head of the Fire Department's designee” in all two instances.
10. In section 8.1.8(2) replace “Man-made” with “Artificial” in all one instance.
11. In section 8.3.8 replace “his” with “the Head of the Fire Department's” in all two instances.
12. In section 8.4.5(1.1) replace “craftsmen” with “craftspeople” in all one instance.
13. In section 8.4.5(6.1) replace “fraternal” with “social” in all one instance.
14. In section 9.1.3 replace “he” with “be” in all one instance.
15. In section 9.2.1 replace “He” with “The Building Commissioner” in all one instance.
16. In section 9.2.2 replace “he” with “they” in all one instance.
17. In section 9.2.2 replace “He” with “The Building Commissioner” in all one instance.
18. In section 9.5.5 replace “his” with “the Head of the Fire Department's” in all two instances.

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19. In section 9.3.1(1) replace “chairman” with “chair” in all one instance.

20. In section 10 replace “fraternity houses” with “collegiate Greek system residences” in all one instance.

**SECTION II.** This ordinance shall take effect as provided by the City Charter.

**#341 – COMMUNCIATION FROM MAYOR REGARDING THE AMERICAN RESCUE PLAN ACT (ARPA)**

The following letter submitted by the Mayor was received and placed on file.

Ladies and Gentlemen of the City Council:

This letter is to provide you and Salem residents with an update on the implementation of the American Rescue Plan Act (ARPA) here in our community. As you are aware, ARPA was a far-reaching federal COVID relief measure that included, as one component, an allocation of federal aid to cities and towns to help them recover from the pandemic and rebuild our communities.

Salem is expected to receive approximately \$26.6 million in direct aid and an additional approximately \$8.3 million through the state. In addition to these funds, Salem Public Schools will receive a direct allocation of approximately \$9 million. Salem’s direct municipal aid is being allocated in two payments, the first of which, for \$13.3 million, we received on June 14, 2021.

A few weeks prior, the U.S. Treasury Department issued their “Interim Final Rule” establishing the guardrails and guideposts for the use of this historic relief funding. You can read the Rule at <https://public-inspection.federalregister.gov/2021-10283.pdf> and find a summary at <https://home.treasury.gov/system/files/136/SLFRP-Fact-Sheet-FINAL1-508A.pdf>.

Locally, we plan to retain a dedicated professional – funded entirely by ARPA dollars – to work in-house and help us manage this initiative, reconcile and report to Treasury as required by the law, and ensure these dollars are used transparently and effectively to help our community recover from COVID.

Our plan is to approach ARPA in a manner reflective of our community’s values and priorities. Over the coming weeks we will launch a public survey and assemble a working group of residents, officials, and community leaders to develop a document outlining the principles by which we will evaluate and select funding opportunities to best leverage this allotment of federal dollars. We intend to be thoughtful in our use of this one-time funding, working to support re-investment in our community, while addressing short and long term goals of our existing capital and operational plans. All of this must be done within the confines of the federal government’s limitations on eligible uses of ARPA dollars.

This is a significant investment in our community, and we are grateful to the President, his staff, and the members of Congress who supported and made this historic legislation

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possible. Congressman Moulton, Senator Markey, and Senator Warren each advocated in support of this important legislation, which will help stabilize and grow our local economy post-pandemic. Clearly, there are immediate needs to be addressed, as well as a desire to use these funds to leverage future, equitable prosperity for our City. We will also evaluate opportunities to work with other communities in our region and with state agencies in a complimentary manner, to further maximize the impact of these resources.

Salem residents rightly expect that we will be transparent and thoughtful with respect to this federal funding. There are no shortage of needs and this aid will provide an opportunity to plan and leverage resources for the benefit of everyone in our community. To meet our constituents right to transparency in this effort, we will report publicly both to the Council and online at [www.salem.com/rescue](http://www.salem.com/rescue) in regard to our plans for ARPA-funded projects and programs.

Salem residents should be confident and comfortable in our ability to manage this process appropriately. We have, for the last 12 years in a row, received the Government Finance Officers Association's Distinguished Budget Presentation Award and their Certificate of Achievement for Excellence in Financial Reporting. Our financial statements are audited annually, and our budget practices have been based on professionalism, transparency, and fiscal responsibility. These practices have resulted in the rebuilding of our local reserve funds from when I first came into office in 2006, the upgrading of our bond rating to its strongest level in the City's history, and the highest levy capacity also in our City's history. Moreover, we have experience with managing sizable federal grant awards in a responsible manner as we currently receive and manage approximately \$12 million in federal funding awards annually.

We look forward to working collectively to expend these dollars in a way that is transparent, strategic, equitable, and sensible.

Sincerely,  
 Kimberley Driscoll, Mayor, City of Salem

**#342 – DETERMINE HOW CITY COUNCIL WILL CONDUCT MEETINGS UNTIL APRIL 1, 2022**

The following Order introduced by Councillor Turiel moved to conduct all meetings through July and August with the objective to establish hybrid meetings starting in September. This was adopted by a roll call vote of 8 yeas, 2 nays and 1 absent. Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn and Dominguez were recorded in the affirmative. Councillors Sargent and Dibble were recorded in the negative and Councillor Madore was recorded as absent.

ORDERED: That the City Council determine how to conduct City Council Meetings and Sub-Committee meetings effective June 25, 2021, until April 1, 2022.

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Councillor Turiel stated over the last 16 months people could watch our meetings other ways especially if you do not have Comcast to watch Ch. 22 on SATV. It also opened up a lot of public participation.

Councillor McCarthy reminded the Council that we have a Joint Public Hearing coming up and we can't force other members of other boards to come in person.

Councillor Turiel instead of meeting in person that the City Council meet remotely until hybrid options tested.

Councillor Sargent stated this is getting complicated

Councillor Riccardi added the smoothest way would be to keep remote until September.

Councillor Flynn asked the City Clerk what would be the best option for her and her staff.

City Clerk, Ilene Simons, responded to keep remote until at least September in order to test hybrid theories. It would not be possible for me to achieve this by the July 15<sup>th</sup> meeting.

Councillor Dibble stated no masks are required and our own City Council Rules say we must be in person. We are violating our own rules so I will be voting no.

**#343 – TAG DAY APPLICATION LICENSE**

The following order introduced by Councillor Morsillo was adopted.

ORDERED: That the Tag Day Application for Salem Little League/Jimmy Fund Tag Day July 10, 2021, be granted.

**#344 – ORDINANCE REPLACING GENDER SPECIFIC NOUNS AND PRONOUNS IN THE CITY'S CODE OF ORDINANCE**

The following ordinance introduced by Councillor Morsillo was adopted by first passage.

An Ordinance amending an Ordinance relative to replacing gender-specific nouns and pronouns in the City of Salem's Code of Ordinances.

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

**Section 1.** An ordinance replacing gender-specific nouns and pronouns in the city of Salem's code of ordinances be amended by

1. Traffic Code V-A-75 is amended by replacing "his designee" with "the Police Chief's designee" in all one instance.

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2. Section 2-1 is amended by replacing her with “it’s”
3. Section 28-133 is amended by replacing workmanship with “their work”

**Section II.** This ordinance shall take effect as provided by the City Charter.

**#345 – MEET TO DISCUSS CARES AND ARPA FUNDS**

The following order introduced by Councillor Turiel was adopted.

ORDERED: That the Committee on Administration and Finance co-posted with the Committee of the Whole meet to review the state of CARES and ARPA funding, the city’s application for assistance under those acts, and eligible services, stabilization efforts, and infrastructure spending under them and the following be invited: Mayor, Finance Director and others relevant to discussion.

**#346 – MONTHLY FINANCIAL REPORTS DATED APRIL & MAY, 2021**

The following order introduced by Councillor Turiel was adopted.

ORDERED: That the monthly financial reports dated April 2021 and May 2021 be received and filed

**#347 – REAPPOINTMENT OF ILENE SIMONS AS CITY CLERK**

The following Order introduced by Councillor Turiel was adopted by a roll call vote of 10 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

ORDERED: Reappointment of City Clerk, Ilene Simons, for a term to expire June 28, 2024

Councillor Turiel motion for Immediate Reconsideration in the hopes it would not prevail was denied.

**#348 – (#320) – GRANTING CERTAIN LICENSES**

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

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The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Granting of Certain Licenses – Tag Days has considered said matter and would recommend that the license be granted.

SHS Boys Soccer September 18, 2021, and October 2, 2021

**#349 – (#221) – PEDICAB APPLICATION WITH CONSUMPTION OF ALCOHOL**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of a PediCab Application. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs with Consumption of Alcohol has considered said matter and would recommend granting the pedicab license with the established route along with the following conditions:

- Strictly adhere to the requirements of Article III of City Ordinance Chapter 44 Vehicle for Hire
- Strictly adhere to the Public Guide requirements set forth in Article II of City Ordinance Chapter 40 Public Guides
- Operate Wednesday through Sunday from 11am to 9 pm, with last tour ending by 9pm
- Prohibit stepping off the Pedicab once the wheels are in motion
- Make only emergency stops and one planned stop per tour
- May allow alcoholic beverages on the Pedicab so long as the beverages are in their original, unopened aluminum, paper or plastic container. No glass containers are allowed. Alcoholic beverages consumed on the tour shall be limited to items such as beer, wine or cider containing not more than twelve per cent of alcohol by weight. Limit of three, twelve ounce containers of alcohol per person per tour
- Assign no less than one employee to monitor and control on-board consumption of alcohol
- Prohibit the sale of alcoholic beverages on the tour
- Open containers of alcoholic beverages must be emptied at end of tour. Open containers of alcohol are NOT allowed on public property without a license.
- Comply with all requirements of the Salem Police Department and Registry of Motor Vehicles
- Require all riders must be 21+ and have a valid ID, those without ID will not be allowed onto the bike. Acceptable forms of ID include: US driver's license, US liquor identification, US military card, and all U.S. and international Visas or passports recognized by the US
- Prohibit onboard amplified music after 8pm and, as directed by the Chief of Police or designee, eliminate or reduce noise level of amplified music on the entire route or on designated streets.

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Rights of the City:

- Approval is granted on a trial basis to expire November 1, 2021, unless terminated earlier.
- Police Officers have the authority to stop or redirect any Pedicab tour if it creates a safety concern for passengers or residents/visitors
- The Police Chief or Chief's designee has the right to reduce the number of alcoholic beverages consumed on the tour to two per person in the event the Chief determines that, based on complaints or observances, the quantity of alcoholic beverages should be limited.
- The Police Chief or Chief's designee has the right to temporarily alter the approved route, so long as it is upon the streets previously approved, if it is determined there is an identified safety concern for passengers or residents/visitors. Such alteration shall be submitted to the City Council for approval.
- In the event of a significant public safety concern, the Police Chief or Chief's designee has the right to immediately, temporarily suspend the license of an operator or owner of the Pedicab and require the owner to make alterations to the hours, route or other aspects of the operation that are within the Chief's power. The Chief may request a hearing for suspension or revocation of the license before the City Council in accordance with City Ordinance Chapter 44

**#350 – (#147) – HOME RULE PETITION - VIDEO SPEED DETECTION CAMERAS IN SCHOOL ZONES**

Councillor Morsillo 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 a Home Rule Petition video speed detection cameras in school zones has considered said matter and would recommend that the matter remain in committee.

**#351 – (#279) – COUNCIL RULES AND ORDERS SEC. 28C – PUBLIC TESTIMONY**

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 Sec. 28C of the Council Rules and Orders Public Testimony has considered said matter and would recommend that the matter remain in committee and that the City Clerk, the City Solicitor, Matt Killen and SATV work together to determine the best remote option and report back.

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**#352 – EXEMPTION OF MGL CH. 268A SEC. 20(B) FOR EMPLOYEES**

The following Order submitted by the City Solicitor submitted the following Order relative to approving a conflict of interest law exemption for two current employees and one commission member was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that following have met the requirements for exemption as set forth in this Section and may be retained by the City during the 2021 calendar year, not to exceed 500 hours in this calendar year:

<u>Employee</u>	<u>Current Position</u>	<u>Section 20(b) Position</u>
Tomasina Pena	Cafeteria Helper	Neighborhood Ambassador
Ezekiel Holt	Disability Com. Member	Neighborhood Ambassador
Deborah Linskey	Cafeteria Substitute	Seasonal Golf Course Worker

**#353 – PRESERVATION RESTRICTION AGREEMENT FOR NATHANIEL BOWDITCH HOUSE**

The Preservation Restriction Agreement for the Bowditch House submitted by Jane Guy, the Assistant Community Development Director, as a condition of CPA funding was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

The document has been reviewed by Massachusetts Historical Commission, signed by the Historic Salem, Inc. officers, and accepted by the Salem Historical Commission.

**#354 - PETITION FROM NATIONAL GRID TO INSTALL A CONDUIT ON FIRST ST.**

A hearing was ordered on July 15, 2021, on a petition from National Grid to install a conduit on First Street.

**#355 - PETITION FROM NATIONAL AND VERIZON TO RELOCATE 1 JO POLE ON FORRESTER ST.**

A hearing ordered on July 15, 2021, for a petition from National Grid and Verizon to relocate 1 JO Pole on Forrester Street.



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**#356 – PETITION FROM REGISTERED VOTERS FOR TEMPORARY MORATORIUM ON CONSTRUCTION WITHIN BUFFER ZONES OF A WETLAND OR FLOODPLAIN.**

A petition from registered voters for a Temporary Moratorium that no new building permits be issued for any construction within the buffer zones of a wetland or on a floodplain in any zoning district within the City of Salem for a period of 2 years was referred to the planning board to hold a joint public hearing.

**#357 – BLOCK PARTY – CONNERS ROAD**

A request from the residents of Connors Road to hold a block party on July 4, 2021, from 10AM – 10PM with no rain date was granted.

**#358- BLOCK PARTY – ORCHARD STREET**

A Request from the residents of Orchard Street to hold a block party on September 18, 2021, from 4PM – 10PM with no rain date was granted.

**(#289) – B&S FITNESS ROAD RACE – DEVILS CHASE/CREEPY CLOWN**

Held from the last meeting, the request from the B&S Fitness to hold their annual Devils Chase 6.66/Creepy Clown 3.33 road race and use of city streets on October 23, 2021, was granted.

**(#317) – SALEM YMCA ROAD RACE – WITCH CITY 5K**

Held from the last meeting, the request from the Salem YMCA to hold their annual Witch City 5K road race and use of city streets on October 16, 2021, was granted.

**#359 – SALEM YMCA – ROAD RACE – NOTCH 10K**

The request from the Salem YMCA to hold their annual Salem Road Race/Notch 10K road race and use of city streets on September 12, 2021, was granted.

**#360 - #362 – GRANTING CERTAIN LICENSES**

The Following License Applications were granted.

PUBLIC GUIDES:                      Christina Cataldo 19 Kendall Pond Rd., Derry, NH  
   Ashley Allison 34 Park St., Salem, MA

TAXI OPERATORS:                  Hipolito Ozoria 10 Porter St., Salem, MA  
   Lao Rosario Payamps 71 Palmer St., Salem, MA  
   Christian Mekoncto 63 Dungeon Ave., Lynn, MA

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Eddy Pena Martinez 71 Harbor St., Salem, MA  
Juan Miguel Martinez 12 Pope St., Salem, MA  
Miguel Polanco 11 Lyman St., Lynn, MA  
Victor Rodriguez 52 Peabody St., Salem, MA  
Eliezer Polanco 46 Ward St., Salem, MA  
Pedro Taveras 129 Washington St., Peabody, MA  
Santo Ozoria 9 Prince St. PL. Salem, MA  
Jaileny Pimentel 34 Prince St., Salem, MA  
Wade Durkee 56 Margin St., Salem, MA  
Roberto Gutierrez 8 Chase St., Lynn, MA

VEHICLE FOR HIRE: Salem Trolley 8 Central St. (5 Trolleys)

**#363 – DRAINLAYER/CONTRACT OPERATOR LICENSES**

The Following Drainlayer/Contract Operator License Applications were granted.

L.D. Russo, Inc. 198 Ayer Rd. Harvard, MA  
Mears Group Inc. 16000 College Blvd., Lenexa, KS

**#364 - #365 - CLAIMS**

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

Rachel Stevens 2 Pleasant Cir., Milford MA  
Melissa Gillett 19 Pleasant St., Salem MA

**#366 - # 367 – DRAINLAYER BONDS**

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

DRAINLAYERS: L.D. Russo, Inc. 198 Ayer Rd. Harvard, MA  
Mears Group Inc. 16000 College Blvd., Lenexa, KS

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**(#260) - SECOND PASSAGE – BOND ORDER FY2022 GENERAL FUND CAPITAL IMPROVEMENT PROGRAM**

The following Bond Order for FY2022 General Fund Capital Improvement Program was adopted for second passage by a roll call vote of 9 yeas, 1 nay and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez were recorded in the affirmative. Councillor Dibble was recorded in the negative and Councillor Madore was recorded as absent.

**Fiscal Year 2022 General Fund Capital Improvement Program Funded from Bond Authorization as amended below:**

**ORDERED:** That the sum of \$9,819,000 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY22 CIP- Funded from BOND AUTHORIZATION and for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

FY22 CIP-Funded from BOND AUTHORIZATION			
Engineering	Roads, Sidewalks & Crosswalks (Non Chapter 90 eligible, includes Bridge, Boston, Washington, Essex, Other)		\$1,500,000
Engineering	Citywide Seawall Improvements		\$ 200,000
Engineering	McGrath Park Soils Redemption		\$ 200,000
Engineering	Derby Street Complete Project Phase 3		\$ 560,000
Fire	New Engine to Replace Engine 1		\$ 662,000
IT	Annual Equipment-Life-Cycle Mgmt Program (City)		\$ 125,000
Library	General Building Upgrades, Improvements, Envelope, ADA		\$ 85,000
Recreation	Golf Course Cart Paths (CPA)		\$ 426,000
Recreation	City Wide Playground Equipment, Court, Minor Park Repairs		\$ 100,000
Recreation	Park and Recreation Major Improvements/ADA		\$ 100,000
Recreation	Willows Pier		\$ 900,000
Parking and Traffic	Traffic Calming Improvements		\$ 70,000
Parking and Traffic	Bicycle Infrastructure Design, Implementation & Repairs/Improvements		\$ 100,000
Parking and Traffic	Museum Place Garage Renovation Phase 2		\$1,580,000
Parking and Traffic	South Harbor Garage Stair Replacement & ADA Compliance		\$ 850,000
Parking and Traffic	MP & SH Garage Maintenance, Repairs, ADA		\$ 100,000
Planning	OTH Restorations & Systems Assessment, Planning, Design		\$ 100,000

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Police	Police & Fire Radio Communication System		\$ 250,000
Police	Vehicle Replacement Program		\$ 150,000
Public Servcies - Equipment	Annual Small Repairs, DPS Building Studies and ADA Improvements - DPS & Cemeteries		\$ 75,000
Public Servcies - Equipment	Salem DPS Salt Shed Project		\$ 420,000
Public Servcies - Equipment	Replace Primary Sweeper		\$ 241,000
Schools	School Life Safety, MEP, Utility, Roof Repairs, Upgrades, Studies		\$ 150,000
Schools	Collins Roof/Masonry Study/Repair		\$ 125,000
Schools	District Camera and Access Control		\$ 250,000
Schools	Energy/Water Upgrades and Audits		\$ 125,000
Schools	Witchcraft Heights Floor Replacement		\$ 300,000
Schools	ADA/Architectural/Interior, Site Repairs, Upgrades, Studies Schools		\$ 75,000
TOTAL BOND AUTHORIZATION:			\$9,819,000

Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Be it further Ordered:**

That the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to Provide such information and execute such documents as may be required in connection therewith.

**(#261) - SECOND PASSAGE – BOND ORDER FY2022 WATER & SEWER CAPITAL IMPROVEMENT PROGRAM**

The following Bond Order for FY2022 Water & Sewer Capital Improvement Program was adopted for second passage by a roll call vote of 10 yeas, 0 nay and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, and Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

**Fiscal Year 2022 Water and Sewer Capital Improvement Program Funded from Bond Authorization as amended below:**

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**ORDERED:** That the sum of \$4,429,000 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY22 CIP – Funded from BOND AUTHORIZATION and for the payment of all costs incidental and related there to, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

FY22 CIP-Funded from BOND AUTHORIZATION			
Water	Citywide Flushing, valve exercise, leak detection, GIS		\$400,000.00
Water	Folly Hill Water Tank Upgrades/Major Repairs		\$345,000.00
Water	Highland Ave 16 inch Water Main		\$300,000.00
Water	Water Distribution Main System Improvements		\$800,000.00
Water	Water Meter Reader Truck		\$34,000.00
Water	Water Transmission Main System Improvements		\$400,000.00
Water	Loring Ave. 16 Ince Water Main Replacement		\$200,000.00
Sewer	Community Wide Climate Change/Stormwater/Watershed Model and Outreach		\$50,000.00
Sewer	Citywide Drain & Sewer Flushing, Pipe Replacements, Sewer Extensions, GIS		\$1,450,000.00
Sewer	Ocean Ave Sewer Pump Station Design		\$150,000.00
Sewer	SSES Report Implementation (eliminate I/I sources citywide)		\$300,000.00
TOTAL BOND AUTHORIZATION:			\$4,429,000.00

Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**And Be it further Ordered:** That the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the

Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

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**(#273) - SECOND PASSAGE OF AN ORDINANCE TO AMEND RATES FOR USE OF WATER**

The follow ordinance amending rates for use of water was adopted for second passage by a roll call vote of 9 yeas, 1 nay and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, and Dibble were recorded in the affirmative. Councillor Dominguez was recorded in the negative and Councillor Madore was recorded as absent.

**In the Year Two Thousand and twenty one**

**An Ordinance to amend an Ordinance relative to Rates for Use of Water**

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

**Section 1.** Chapter 46, Section 66 is hereby amended by deleting subparagraph (b) in its entirety and replacing it with the following:

“(b) The rate for all water furnished by meter measurements effective July 1, 2021, shall be as follows:

(1) Residential, per 100 cubic feet      \$3.64

(2) Nonresidential, per 100 cubic feet      \$4.92

**Section 2.** Chapter 46, Section 66 is hereby further amended by deleting subparagraph (e) in its entirety and replacing it with the following:

“(e) The minimum rate for residential metered water for each quarter shall be \$36.40 per 1000 cubic feet effective July 1, 2021.

The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

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

**(#274) - SECOND PASSAGE OF AN ORDINANCE AMENDING SEWER USE CHARGES**

The follow ordinance amending rates for use of water was adopted for second passage by a roll call vote of 8 yeas, 2 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, and Flynn were recorded in the affirmative. Councillor Dominguez and Dibble were recorded in the negative and Councillor Madore was recorded as absent.

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In the year Two Thousand and Twenty-One

An Ordinance to amend an Ordinance relative to Sewer Use Charges

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

**Section I.** Chapter 46, Section 230 is hereby amended by deleting subsection (c) in its entirety and replacing it with the following:

“(c) The rates for sewer use charges effective July 1, 2021, shall be as follows:

Residential, per 100 cubic feet...	\$ 7.41
Nonresidential, per 100 cubic feet up to 25,000 cubic feet per month	\$11.22
Nonresidential, per 100 cubic feet for 25,000 cubic feet and greater per month	\$14.37

The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

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

**(#301) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – HANDICAP PARKING – REPEAL - MALL STREET**

The following traffic ordinance was adopted for second passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Riccardi, Prosnowski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, Dibble were recorded in the affirmative and Councillor Madore was recorded as absent.

In the year Two Thousand and Twenty One

An Ordinance to amend 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 I.** Amending Chapter 42, Section 50B – “Handicapped Zones, Limited Time” is hereby amended by repealing the following:

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**Repeal** - Mall Street – One Handicapped Parking Space in front of #9 Mall Street, for a distance of twenty (20) feet.

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

On the motion of Councillor Turiel the meeting adjourned at 9:35 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK