

CITY OF SALEM
APRIL 27, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, April 27, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 25, 2023, at 9:28 A.M. This meeting is being recorded and is live on S.A.T.V.

Councillor Watson-Felt arrived at 7:06 pm and Councillor Merkl was remote.

Council President Stott presided.

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

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

PUBLIC TESTIMONY

1. Steve Kapantais, 23A Wisteria St., Salem – Public Testimony
2. Susan Moulton, 98 Washington Sq., Salem – Salem Common – money for trees

#223 – (#206) – NATIONAL GRID TO INSTALL CONDUITS ON HIGHLAND AVENUE

A hearing was held on the Order for National Grid to install conduits on Highland Ave. (#373 Highland Ave)

Appearing in favor was Sabitah Mahbier-Sheehy – Representative for National Grid, 44 River St. Beverly. This is to provide service to the new company going in at that location.

Appearing in opposition was Charles Puleo, owner of property at 376 Highland Ave., Salem. Wanted to know where the work was being done; he can't tell from the map. Last time work was done in that area they did damage to his property and complained to everyone but got nowhere.

Councillor Morsillo asked where is the work being done?

Sabitah Mahbier-Sheehy stated on the other side of Highland Ave.

Councillor Morsillo moved that the hearing be closed. It was so voted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

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Councillor Morsillo moved that the order be granted with the following conditions:

The contractor must submit a street opening permit application to Engineering prior to performing the work. This application must be submitted a minimum of 7 days prior to the proposed start of work date. All vaults and other structures to be installed within public right of way (including sidewalks) shall be AASHTO H20 rated. Contractor will need to replace full concrete panels after work is complete. Scoring pattern of concrete should match existing concrete sidewalk.

The motion to grant with conditions was voted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

(#179 - #182) – APPOINTMENTS OF THE FOLLOWING TO VARIOUS BOARDS

Held from the last meeting the Mayor's Appointments of the following to serve on various boards and commissions with terms to expire were granted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

<u>Name:</u>	<u>Address:</u>	<u>Board / Commission:</u>	<u>Term to Expire:</u>	
Phillip John	6 Southwick St	Cemetery Commission	April 13, 2026	
Charlene Bailey	7 Pershing Rd	Beautification Committee	April 13, 2026	
John (Jack) Butterworth	14B Holly St	Affordable Housing Trust Fund Board	April 13, 2024	
Hannah Osthoff	15 Roslyn St	Zoning Board of Appeals (Alternate)	September 15, 2024	

Councillor Watson-Felt requested and received suspension of the rules to allow any of the new appointments to speak. Hannah Osthoff spoke remotely, and John Butterworth was in person and addressed the Council at the podium. Phillip John and Charlene Bailey not present.

(#183) – REAPPOINTMENT OF CHARLES BARTON TO THE BOARD OF REGISTRARS

Held from the last meeting the Mayor's Re-appointment of Charles Barton to serve on the City of Salem's Board of Registrar's with the term to expire March 1, 2026, was confirmed by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

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(#184) – REAPPOINTMENT OF JOSH TURIEL TO THE PLANNING BOARD

Held from the last meeting the Mayor's Re-appointment of Josh Turiel to serve on the City of Salem's Planning Board with the term to expire May 24, 2028, was confirmed by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

#224 – APPOINTMENT OF BRIAN ROMER TO THE RECYCLING COMMITTEE

The Mayor's Appointment of Brian Romer 45 Forrester St. to serve on the Recycling Committee (Informational Purposes Only) was received and filed.

#225 – APPROPRIATION OF \$95,625.24 FOR RETROACTIVE WAGES FOR THE SALEM POLICE SUPERIOR'S ASSOCIATION EFFECTIVE JULY 1, 2021

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 9 yeas, 0 nays and 1 absent. Councillor Prosniowski recused himself from the matter and was recorded as absent.

ORDERED: That the sum of Ninety-Five Thousand Six Hundred Twenty-Five Dollars and Twenty-Four Cents (\$95,625.24) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account to the account listed below to fund fiscal year 2022 retroactive wages associated with the April 3, 2023, memorandum of agreement with the Salem Police Superior's Association effective July 1, 2021, in accordance with the recommendation of His Honor the Mayor.

Retro Wages Account (Human Resources)	11521-5161	\$	95,625.24
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		\$	95,625.24
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226 – DONATION OF \$7,500.00 TO THE K-9 PROGRAM – POLICE DEPARTMENT

The following order submitted by the Mayor was adopted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

ORDERED: To accept the donation from Salem Police Merchandise Fund in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) for the K9 program at the Salem Police Department. These funds will be deposited into the K9 Donation Account - Fund (2412) account number 24121-4830 in accordance with the recommendation of His Honor the Mayor.

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#227 – DONATION OF \$4,000.00 FOR TREE PLANTINGS IN SALEM COMMON

The following order submitted by the Mayor was adopted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

ORDERED: To accept the donation from Friends of the Salem Common in the amount of Four Thousand Dollars (\$4,000.00) for tree plantings in the Salem Common. These funds will be deposited into the Tree Replacement Fund (26C0) account number 26C01-4830 in accordance with the recommendation of His Honor the Mayor.

#228 – ESTABLISHING A FLAG RAISING POLICY

The following ordinance submitted by the Mayor regarding establishing a flag raising policy was adopted for first passage by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty-three

An Ordinance to establish a flag raising policy

WHEREAS, The City of Salem traditionally displays thirteen flags at Riley Plaza of the United States and of the Missing in Action Prisoners of War; and

WHEREAS, Historically, the City of Salem has also on occasion flown various other flags in place of the United States Flag; and

WHEREAS, A municipal flag display should express official messages of the City and not a public forum for private speech to which all voices are entitled to access; and

WHEREAS, It is important that the City of Salem, as a city of immigrants, be able to express its official solidarity with people who have come to Salem from other nations, and to express other official, City-endorsed messages from the Mayor and City Council that may be appropriately accompanied by ceremonial flag-raising; and

WHEREAS, For these expressions of official City sentiment to be clearly construed by the residents of Salem, it is also important to clearly demarcate and codify that the City's flagpoles are expressing official messages of the City and not intended to serve as a forum for free expression by the public; and

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WHEREAS, The clearest way to establish a new City of Salem policy in regard to the display of flags at Riley Plaza is to enshrine our standards for such displays in city ordinance.

NOW, THEREFORE

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

SECTION 1: City of Salem Code, Ordinances, Chapter 1, is hereby amended by inserting a new section as set forth below:

“Sec. 1-13. Flag Raising

(a) Purpose

The purpose of this Ordinance is to establish guidelines for the display by the City of Salem of (1) flags of governments recognized by the Federal Government, and (2) other flags on Riley Plaza.

(b) Policy

It is the policy of the City of Salem that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144 and Chapter 2, Section 6 of the Massachusetts General Laws and Chapter 2.

(c) Order of Precedence

Outdoor flags will be flown Riley Plaza in the following order of precedence: first, the United States flag and second, the Missing in Action Prisoners of War flag.

(d) Special occasions of Federal, State and local proclamation

1. Flags at Riley Plaza shall be displayed in accordance with the above standards. However, the Mayor may order flags to be lowered to half-staff including, but not limited to flags of the United States of America and the Commonwealth of Massachusetts in honor of the death of a City employee killed in the line of duty, or in observance of a specific event or circumstance.
2. Pursuant to proclamation of the Mayor, or resolution of the City Council, other flags may be flown by the City in place of the Missing in Action Prisoners of War flag.

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(e) Other Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

1. Flags of Governments Recognized by the United States. Flags of governments recognized by the United States may be displayed upon the proclamation of the Mayor or by resolution of the City Council.
2. Flags Displayed in Conjunction With Official Events or Ceremonies as Announced by Mayoral Proclamation or City Council Resolution. By proclamation of the Mayor or resolution of the City Council, other flags may be displayed as official City events or ceremonies.
3. Flags of Professional Sports Teams. The Mayor may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of Salem.
4. Ownership of Other Flags. The City shall acquire ownership of all flags that it flies in place of the City of Salem flag.

(f) Time limit

Flags other than the United States and of the Missing in Action Prisoners of War flags shall be displayed for 24 hours, but no more than two weeks, unless otherwise agreed upon in writing by the Salem Mayor's Office no less than two weeks before the scheduled flag raising. The display shall not exceed two weeks.

(g) Application

Any entity or individual requesting a flag raising shall submit an application to the Mayor's Office no less than two weeks prior to the desired flag raising date.

SECTION 2: This Ordinance shall take effect upon passage.

Councillor Dominguez asked how the public is going to be educated on this? We have many organizations that are used to the old way.

Councillor Morsillo responded that the city will push it out through the normal channels. A flag raising request can still be brought in by the Council.

Councillor Watson-Felt would like the application to be placed on-line if possible.

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#229 – PRESENTATION AND UPDATE ON WATER AND SEWER RATES BY THE FINANCE DIRECTOR

The following letter from the Mayor requesting that the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet in order for the Chief Financial Officer to provide an update on water and sewer rates was adopted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

The City of Salem has continued conversations with outside consultants specializing in water and sewer mitigation. To that, Salem Chief Financial Officer Anna Freedman would like to provide an update to the City Council to share more information relative to water and sewer rates, with a focus on potential mitigation planning and ways that the city might address financially, as well.

We are asking to present this update from CFO Anna Freedman and her team to the next Ordinances, Licenses and Legal Affairs (OLLA) Standing Committee meeting and co-posted with the Committee of the Whole regarding these matters.

Thank you,

Acting Mayor Robert McCarthy

#230 – RESOLUTION FOR ARBOR DAY

The following Resolution/Proclamation submitted by the Mayor regarding Arbor Day was received and filed by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

PROCLAMATION

WHEREAS: the legislature of the State has adopted an Act designation Arbor Day and by the Act, has designated the last Friday in April as Arbor Day; and

WHEREAS: It is the purpose of the designation of this day throughout the Nation to encourage the planting of shade and forest trees, and to encourage the harvest of our forest crops by approved conservation methods, and to encourage protection of our forests from the scourge of devastating fires, insects, and diseases that destroy the beauty and usefulness of our woodlands, as well as their wildlife; and

WHEREAS: Through the cooperation of all residents of this city, the beneficial effects of forest tree plantings, proper conservation practices in harvesting timber, and the protection from the natural enemies of the forest can be materially increased and we can pass on an enduring heritage of a vital natural resource to succeeding generations.

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THEREFORE, BE IT RESOLVED; that I, Robert K. McCarthy, Mayor of the City of Salem, Massachusetts, do hereby proclaim, April 28th, 2023, as:

SALEM ARBOR DAY

And urge everyone able to do so to observe this day of planting of one or more trees and by participating in one or more programs that the sponsors of Arbor Day may provide.

#231 – MEET TO DISCUSS RANK CHOICE VOTING

The following order introduced by Councillor Varela was adopted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to review and discuss a Home Rule Petition for a charter change relative to Rank Choice Voting.

#232 – MEET TO DISCUSS AND REVIEW THE SCHOOL COMMITTEE COMPENSATION

Councillor Dominguez assumed the chair.

The following order introduced by Councillor Stott was adopted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

ORDERED: That the Committee on Administration & Finance co posted with the Committee of the Whole meet to review “School Committee Compensation” City of Salem Code of Ordinances Chapter 2, Article 4, Division 11 (School Committee), Sec 2-142 (Compensation) and that a recommendation be reported to the Council no later than the first meeting in May. And that the Human Resources Director shall survey the surrounding cities & towns as well as cities & towns of similar size.

Councillor Stott assumed the chair.

#233 – (#215) – GRANTING CERTAIN LICENSES

Councillor Morsillo offered the following report for the Committee on the Ordinances, Licenses and Legal Affairs. It was voted to accept the report by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent. It was voted to adopt the recommendation by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

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

TAG DAYS: SHS Boys Volleyball May 6 & 7, 2023
 SHS Swim Team June 4th, Oct 7 & 14, 2023

**#234 – AMENDING AN ORDINANCE RELATIVE TO CH. 38, SEC. 7 –
 OBSTRUCTIONS OF STREETS AND SIDEWALKS (OUTDOOR DINING)**

The following Ordinance submitted by the City Solicitor relative to Sidewalk Permits (Outdoor Seating) was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty-Three

An Ordinance to amend an Ordinance relative to Sidewalk Permits.

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

Section I. Section 38-7 Obstructions of Chapter 38 Streets and Sidewalks is hereby amended by:

1. Adding the words “/Outdoor Seating” within the heading of Sec. 38-7.
2. Deleting paragraph (b) of Section 38-7 in its entirety and replace it with the following:

“(b) No person, other than one employed directly or indirectly by this city or by the commonwealth and while in the performance of necessary duties, shall at any time place or leave in any sidewalk, street or highway any article, material or merchandise or park a vehicle or cart in any sidewalk, street or highway for the purpose of displaying merchandise without a permit from the licensing board or other permit granting authority of the City. Further, no person, other than one employed directly or indirectly by this city or by the commonwealth and while in the performance of necessary duties, shall place or leave on any sidewalk, street or highway any outdoor seating, including benches, tables or chairs unless a permit issued by the city council for city ways, or by the department of public works for state highways, authorizing the use of the sidewalk, street or highway, has been granted and is in effect. An exception shall be made, as necessary, for the reasonable and expeditious loading or unloading of any such article, material, merchandise, cart or vehicle. At all times, any such property shall never be left so as to obstruct the free passage of pedestrians or vehicular travel and such permit maintains pedestrian access

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along an existing sidewalk not less than 48 inches wide 24 hours per day, seven days per week. A permit to regularly or permanently close an existing sidewalk may only be issued by the city council.

Persons applying for a permit for outdoor seating to support a restaurant shall be eligible for such permit so long as they meet the requirements set forth in the Order of the City Council establishing a City of Salem Outdoor Dining Policy, a copy of which shall be posted on the web page of the City Clerk effective January 1, 2024. A completed application, as set forth in the Order, shall be submitted to the city clerk prior to submission to the city council for approval. This section shall not apply to any outdoor seating on a sidewalk within the city's urban renewal districts so long as a cafe permit has been issued by the city's redevelopment authority. Applications for seating within a public street within the urban renewal districts must also receive city council approval."

3. Amending paragraph (c) by deleting the words "an officer" after the words "direction of" and inserting the words "a police officer, inspector of buildings or director of public services."

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

235 – ESTABLISHING AN OUTDOOR DINING POLICY

The following Order submitted by the City Solicitor relative to Sidewalk Permits (Outdoor Seating) was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

ORDERED: There is hereby established a City of Salem Outdoor Dining Policy, as set forth below, created for the purpose of permitting restaurants to use public ways, sidewalks, and parking spaces, to build outdoor dining areas within the limitations and procedures defined in the Policy.

CITY OF SALEM OUTDOOR DINING POLICY

I. Applicability

The City of Salem Outdoor Dining Policy (the "Policy") applies to restaurant businesses that are seeking to extend their licensed premises to an outdoor public area including sidewalks, streets, and parking spaces, but shall not include a sidewalk in the city's urban renewal districts for which a permit from the Salem Redevelopment Authority ("SRA") shall be required.

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II. City's Right to Revoke

Obtaining approval from the City and all relevant permitting departments of the City to operate an outdoor dining area does not create a contractual or property right or interest. Any business receiving such approval shall be deemed a "Licensee" of the City and must ensure they are operating in a safe and responsible manner and must understand that any violations of state, federal, municipal laws, rules and regulations, this Policy or of any agreement with the City may result in the immediate revocation of the license or other approval issued to operate the outdoor dining area.

The City may require a Licensee to remove their patio at the expense of the Licensee upon demand.

III. Requirements for All Outdoor Dining Areas

- a. **Permits and Licenses.** Food and/or alcoholic beverages may not be served outside of licensed premises, even on a temporary basis, without an approved Outdoor Dining Area License and the written approval of the Salem Licensing Board expanding the licensed premises. All Outdoor Dining Areas shall maintain all necessary permits to remain active. Most licenses and permits must be renewed annually. The local permits and licenses necessary may include:
 - i. Outdoor Dining Area License
 - ii. Licensing Board Approval
 - iii. Salem Redevelopment Authority Approval
 - iv. Salem Board of Health Approval
 - v. Additional licenses, permits or permissions may be required in special cases.
- b. **Codes.** All applicants and outdoor dining areas must comply with all state and municipal codes and Americans with Disabilities Act (ADA) requirements.
- c. **Location of Outdoor Premises.** The outdoor area where a business may extend its premises for outdoor dining must be contiguous to the brick-and-mortar licensed premise. Contiguity is defined as adjacent, and may be separated by a public sidewalk, and there is either (a) a clear view of from inside the premises, or alternatively (b) the licensee may commit to providing management personnel dedicated to the area. For the latter, the area is still physically contiguous to the licensed premises, but not visible, i.e., there are no windows or the brick-and-mortar is in the basement and the outdoor area is on a public way, such as a sidewalk or on parking spaces. A patio that is on the curbside of a sidewalk and/or in a parking/travel lane is contiguous. Parking lots or back areas may also be considered contiguous. The outdoor dining area may not extend beyond the storefront of the restaurant unless all adjacent property owners in which the area extends have

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submitted a letter stating their acceptance of the proposed dining area. This should include the city of Salem if it is an adjacent property owner.

d. Design Requirements.

- i. Restaurants must ensure that outdoor seating areas remain accessible to the public in accordance with the ADA, Public Right-of-Way Accessibility Guidelines (PROWAG), and Massachusetts Architectural Access Board's regulations <https://www.mass.gov/doc/521-cmr-1700-restaurants/download>. These include requirements both for the layout of
- ii. outdoor dining area, the preservation of the public realm, and the actual furniture utilized in the outdoor dining areas.
- iii. All outdoor dining area/patio designs within the urban renewal districts must go through the Salem Redevelopment Authority (SRA) design process, including the Design Review Board (DRB), and be approved by the SRA.

e. Smoking. No smoking of any kind, including the use of electronic cigarettes, is allowed in any designated dining area.

f. Pets. No pets are allowed in the designated dining areas, with the exception of service animals, or if the establishment has received approval from the Board of Health to allow pets in outdoor dining areas.

g. Patrons. All Patrons are required to wear shirts and shoes.

h. Trash, Recycling, and Compost. Businesses must use their own trash, recycling, and composting receptacles.

IV. Additional Requirements for Outdoor Dining Area in the Public Way (Public Sidewalk and Public Street/Parking Space)

a. City Review. When considering a request for outdoor dining in a public area, the City/Redevelopment Authority will review and determine the health and safety risk to the public, as well as pedestrian and ADA accessibility. The public way includes the sidewalk and street.

- i. The City may revoke a grant of the use of a public way and require immediate removal of the dining setup if it is later deemed unsafe, an emergency situation arises, or if the business is not operating in accordance with all permits and licenses.
- ii. Restaurants looking to extend onto City-owned land or looking to occupy more than two parking spaces, will be considered on a case-by-case basis by the City and/or SRA.

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- V. **Indemnification Agreement.** Restaurants seeking to serve alcohol in the public way will be required to enter into a Maintenance and Indemnification Agreement (“Indemnification Agreement”) and to maintain certain insurance coverage as required by the City Solicitor.
- VI. **Fees. There is a charge for the use of the public way**
- a. For businesses with outdoor dining areas on a sidewalk, there is an annual fee established by the City Council in addition to related licensing and permits fees due to the City of Salem.
 - b. For the use of a parking space, there is an annual fee established by the City Council due to the City of Salem (applies to alcohol and non-alcohol) per parking space.
 - c. Businesses using jersey barriers in their outdoor dining setup will be charged a fee, set by the Director of Public Services per barrier used. The City of Salem will place and remove barriers at the beginning and end of each patio season.
- VII. **Season.** The outdoor dining season on the public way extends from the first Friday in May through the first Monday in November. Licensees are responsible for removing and storing any outdoor dining equipment in the off-season. Applicants may request a waiver from the City Council to keep their outdoor dining area open year-round, provided they take reasonable steps to prevent obstruction of snow removal.
- VIII. **Outdoor Dining Time Restrictions**
- a. Outdoor Dining Areas will be allowed to operate during the business’s approved business hours unless otherwise directed by the Licensing Board
 - b. The City Council or Licensing Board may limit late night hours for those businesses not able to keep sound levels within a reasonable limit.
- IX. **Entertainment.** Live entertainment, piped-in music or television is not permitted in an outdoor dining area unless approved by the City’s Licensing Board.
- X. **Design Requirements**
- a. Outdoor dining areas in the public way that are set up on the sidewalk or on the sidewalk in combination with seating in parking spaces must be curbside and access to utilities, utility access points, catch basins and manholes must be maintained throughout the seating area. In the parking lane, the gutter must be free of debris.
 - b. Any outdoor area in the parking lane may be required to protect all sides of the patio facing travel with jersey barriers or similar material deemed appropriate by the Police Traffic Division.

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- c. Other design requirements will be determined by the appropriate City departments.
- XI. **Inclement Weather.** Licensees should exercise sound judgment in suspending outdoor dining during bad weather such as high winds, thunderstorms, or snow. Licensees shall secure and anchor all equipment or bring it inside the restaurant during inclement weather and, in the event of a snow emergency, ensure the boundaries of the outdoor dining area are visible to plow drivers.
- XII. **Removal of Area.** If an approved licensee removes their outdoor dining area prior to the end date of the program, the licensee shall notify the City's Licensing Board. Unused outdoor dining areas may be deemed abandoned and restaurants must remove them. The City may remove abandoned property after providing sufficient notice.
- XIII. **Maintenance.** Permitted establishments are required to pick up debris and clean the designated dining area at the end of each business day.
- XIV. **Outdoor Dining Area License**
 - a. **All Applicants** must enter into an Outdoor Dining Area License Agreement with the City of Salem's Licensing Board.
 - b. **All Applicants** must meet the following criteria to be eligible:
 - i. **Possess a valid common victualler's license**
 - ii. **Be in good standing with the Licensing Board**
 - iii. **Be in good standing with the Board of Health**
 - c. The application for an Outdoor Dining Area Agreement with the City of Salem will require plans, photographs and other materials deemed necessary by the City Solicitor.

#236 – REQUEST TO CLOSE CHESTNUT STREET TO HOLD THE ANNUAL CAR SHOW

The request from Historic New England to close Chestnut St. to hold the Phillips House Annual Car Show August 13, 2023, was granted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

#237 – REQUEST FROM BELLA VERONA FOR OUTDOOR DINING

The request from Bella Verona to close Essex St at Hawthorne Blvd. to Union St. for outdoor seating May 11 – November 15, 2023, was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

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Councillor McClain stated he is looking forward to a discussion on this. Impact on ability to do business. There are equitable issues, but tension with closing a street so how do we balance this.

Councillor Watson-Felt stated she is a big supporter of outdoor dining, but retailers are not granted the same option. There is sensitivity on this issue.

Councillor Merkl stated this is a sensitive issue, being a road closure and makes the street a one way. She has some concerns about this.

238 - # 241 – LICENSE APPLICATIONS

The Following License Applications were granted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

PUBLIC GUIDES: Katherine Donfro 52 Winthrop St., Salem
 Kristin MacKenzie 27 Green St., Woburn
 Rydia Vielehr 30 Franklin St., Malden
 Dulce Ros 5 Winthrop St., Salem
 Heather Gahagan 231 Washington St., Salem
 Michael Perry 18 Watson St., Marblehead
 Michael Horon 17 Geneva St., Salem
 Danielle Leigh Aldrich 18 Watson St., Marblehead
 Anna Le 103 Liberty St., Lynn

TAXI OPERATORS: Ramon A. Rodriguez 38 Salem St., Salem
 Ana I. Espaillat 296 Washington St., Salem
 Gloria Binette 13 Barnard Hawkes Ct., Marblehead
 Yolissa Arias Lara 24 Peabody St., Salem
 Luis D. Lora Brito 27 Barker St., Lynn
 Ruben Silverio Pena 12 First St., Salem

TAXI CAB/LIMO: Americab 92 Jackson St. (4 Limos/ 3 Taxis)
 Salem Taxi Co. 30 Federal St. (2 Taxis)
 Super Witch Taxi 88B Lafayette St (3 Taxis)

VEHICLE FOR HIRE:
OPERATORS ONLY Tracey Lattime 26 Centennial St., Seabrook NH

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#242 – LICENSE APPLICATION – TAG DAY

The Following License Application was referred to the Committee on Ordinances, Licenses and Legal Affairs by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

TAG DAY: SHS Marching Band December 2, 2023

#243 - # 246 – CLAIMS

The Following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

Kathleen Boucher 13 Manning St., Salem
 James Fleuriel 11 Amanda Way, Salem
 Marti Hall 16 Sutton Pl., Swampscott
 Scott Perry 7 Orange St., Salem

#247 - DRAINLAYER/CONTRACT OPERATOR LICENSES

The Following Drainlayer/Contract Operator Licenses were granted by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

A-Rooterman 15 Littles Ln., Peabody
 Danella Line Services 37 Ayer Rd., Littleton
 EKB Equipment LLC 166 Eastern Ave., Essex
 Murray Masonry & More 24 Caller St. Rear, Peabody
 NCCL Enterprises 60 Concord St., North Reading

**(#151) - SECOND PASSAGE OF AN ORDINANCE AMENDING AN ORDINANCE
 RELATIVE TO TRAFFIC CH. 42, SECS 51, 51B, 74, & 75 – FEDERAL STREET**

The following ordinance amending an ordinance relative to traffic on Federal Street was adopted for second and final passage by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

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Federal Street – Parking Prohibited on Certain Streets - from North Street to Boston Street, northerly side.

Federal Street – Parking Prohibited on Certain Streets - from North to Flint Street, southerly side. (6/1/53)

Federal Street – Parking Prohibited on Certain Streets - westerly on Federal Street, from Flint Street to No. 172, parking on left side only. (8/14/85 DPW E5-258-2584)

Federal Street – Parking Prohibited on Certain Streets - westerly on Federal Street, from Munroe Street to Flint Street, parking on right side only. (8/14/85 DPW E5-258-2584)

Federal Street – Parking Prohibited on Certain Streets - westerly on Federal Street, from No. 191 to Boston Street, parking on left side only. (10/15/96)

Federal Street – Parking Prohibited on Certain Streets - westerly on Federal Street, from No. 172 to #186 Federal Street, parking on right side only. (10/15/96)

Federal Street – Parking Prohibited on Certain Streets - westerly on Federal Street, from North Street to Beckford, parking on right side only. (8/14/85 DPW E5-258-2584)

Federal Street – Parking Prohibited on Certain Streets - westerly on Federal, from Beckford to Lynn Street, parking on left side only. (1/30/86 DPW E5-258-2655)

And inserting the following:

Federal Street – Parking Prohibited on Certain Streets – southerly side, from intersection with North Street to intersection with Flint Street.

Federal Street – Parking Prohibited on Certain Streets – northerly side, from intersection with Flint Street to western property line of 172 Federal Street.

Federal Street – Parking Prohibited on Certain Streets – southerly side, from eastern property line of 173 Federal Street to western property line of 187 Federal Street.

Federal Street – Parking Prohibited on Certain Streets – northerly side, from western property line of 186 Federal to intersection with Boston Street.

Section 2. Section 51B of Article V be amended by repealing the following:

Federal Street – Parking Prohibited at Certain Times on Certain Streets - southerly side, between the westerly property line of No. 187 Federal Street and Boston Street. Two (2) hour parking 8:00 a. M. to 4:00 P. M. Monday through Friday. (6/6/61 DPW 10684)

Section 3. Section 74 of Article V be amended by repealing the following:

Federal Street – General Prohibition Towing Zones - northerly side, starting at the intersection of Flint Street in an easterly direction for a distance of sixty feet. (6/23/80 DPW 5-1788)

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Federal Street – No Parking, Tow Zone - westerly on Federal Street, from #191 to Boston Street, parking on left side only, right side tow zone. (2/10/11)

Federal Street – Tow Zone, Doctor's Office Only - in front of #76 as marked by signs, One Hour Parking, 9:00 AM to 5:00 PM, Monday through Friday. (9/22/11)

Section 4. Section 75 of Article V-A be amended by repealing the following:

Federal Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone C – Color Green - northerly side, beginning at the easterly side of number 82 federal street and continuing up to flint street (11/10/86)

Federal Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone C – Color Green - Federal Street from Flint Street to Boston Street, both sides, in a southerly direction, Resident Sticker Parking, Tow Zone (3/22/01)

And inserting the following:

Federal Street - Parking Prohibitions Towing Zone (Resident Sticker) – Zone C – Color Green – in a westerly direction, beginning at the intersection with North Street and continuing to the intersection with Boston Street.

Section 5. This ordinance shall take effect as provided by City Charter.

**(#152) - SECOND PASSAGE OF AN ORDINANCE AMENDING AN ORDINANCE
RELATIVE TO TRAFFIC CH. 42, SECS 50A, 51, 56, 74, & 75 – FEDERAL STREET**

The following ordinance amending an ordinance relative to traffic on Federal Street was adopted for second and final passage by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

Section 1. Section 50A of Article V be amended by inserting the following:

Federal Street – Handicapped Parking Zones – Northerly side, beginning at a point two hundred and thirty (230) feet east of North Street and running in an easterly direction for twenty (20) feet.

Section 2. Section 51 of Article V be amended by inserting the following:

Federal Street – Parking Prohibited on Certain Streets – Northerly side, beginning at a point fifty-five (55) feet east of North Street and running in a westerly direction to the intersection with North Street, "No Parking Here to Corner."

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Section 3. Section 56 of Article V be amended by repealing the following:

Federal Street – Zones Established - southerly side, beginning one hundred and fifty (150) feet from the intersection of Washington Street and Federal Street in a westerly direction for a distance of two hundred and fifteen (215) feet. Four (4) hour parking. (5/5/94) (7/14/11)

Federal Street – Parking Meters Zones Established - northerly side, from the intersection of Washington Street, proceeding to two hundred seventeen (217) feet east of North Street. Four (4) hour parking. (7/20/87)

And inserting the following:

Federal Street – Zones Established – Northerly side, beginning at the intersection of Washington Street and proceeding in a westerly direction to a point two hundred and sixty-three (263) feet east of the intersection with North Street. Four (4) hour parking.

Federal Street – Zones Established – Southerly side, beginning at a point forty (40) feet west of the intersection with Washington Street and proceeding in a westerly direction for a distance of one hundred and fifty (150) feet. Four (4) hour parking.

Section 4. Section 74 of Article V-A be amended by repealing the following:

Federal Street – General Prohibition Towing Zones - northerly side, from the intersection of Federal and Washington Streets and proceeding eighty nine (89) feet in a westerly direction except marked emergency vehicles, Monday through Friday. (12/1/88)

Federal Street – General Prohibition Towing Zones - in an easterly direction, two hundred and seventeen (217) feet from North Street. (2/2/78 DPW 5-1375)

Federal Street – General Prohibition Towing Zones - in front of #56, as marked by signs for a distance of one hundred (100) feet, Marked Police Vehicle Parking only, Tow Zone, Monday to Friday, 7:00 AM to 5:00 PM. (1/26/12)

And inserting the following:

Federal Street – General Prohibition Towing Zones – Southerly side, beginning at the intersection of Federal and Washington Streets and proceeding in a westerly direction for a distance of forty (40) feet.

Federal Street - General Prohibition Towing Zones – Northerly side, beginning at a point two hundred and thirty (230) feet east of North Street and proceeding in a westerly direction for a distance of one hundred and seventy-five (175) feet. Marked Police Vehicle Parking Only, Tow Zone, Monday to Friday, 7:00 A.M. to 5:00 P.M.

Section 5. Section 75 of Article V-A be amended by repealing the following:

Federal Street – Parking Prohibitions Towing Zone (Resident Sticker) - ZONE C-COLOR GREEN-southerly side, beginning one hundred and fifty (150) feet from the intersection of Washington Street and Federal Street in a westerly direction for a distance of one hundred and fifty-five (155) feet. "Resident Parking Only 5:00 P.M. to 9:00 A.M. (5/5/94)

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Federal Street – Parking Prohibitions Towing Zone (Resident Sticker) - ZONE C-COLOR GREEN-southerly side, beginning three hundred and five (305) feet from the intersection of Washington Street and Federal Street, in a Westerly direction to the intersection of North Street, Resident Sticker Parking Only, Tow Zone. (6/14/18)

And inserting the following:

Federal Street – Parking Prohibitions Towing Zone (Resident Sticker) - Zone C – Color Green – Southerly side, beginning at a point two hundred and twenty-five (225) feet west of the intersection of Washington and Federal Streets, in a westerly direction to the intersection of North Street and Federal Street, Resident Sticker Parking Only, Tow Zone.

Section 6. This ordinance shall take effect as provided by City Charter.

**(#196) - SECOND PASSAGE OF AN ORDINANCE AMENDING A TRAFFIC
ORDINANCE RELATIVE TO HAZEL STREET**

The following ordinance amending an ordinance relative to traffic on Hazel Street was adopted for second and final passage by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-three

An Ordinance to amend an ordinance Relative to Traffic

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

Section 1. Section 50A of Article V be amended by repealing the following:

Hazel Street – Handicap Parking Zones – in front of #30, for a distance off twenty (20) feet, Handicap Parking, Tow Zone.

Section 2. Section 50B of Article V be amended by repealing the following:

Hazel Street – Handicap Zones, Limited Time – in front of #20A, Handicapped Parking, Tow Zone (12/9/96)

Hazel Street – Handicap Zones, Limited Time – in front of #38, for a distance of twenty (20) feet. (4/11/02)

Section 3. Section 75 of Article V-A be amended by repealing the following:

Hazel Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone E – Color Orange – even side between Laurel Street and Holly Street.

And inserting the following:

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Hazel Street - Parking Prohibitions Towing Zone (Resident Sticker) – Zone E – Color Orange – westerly side, beginning at the intersection with Ocean Avenue and continuing to the intersection with Holly Street.

Section 4. This ordinance shall take effect as provided by City Charter.

**(#197) - SECOND PASSAGE OF AN ORDINANCE AMENDING A TRAFFIC
ORDINANCE CH. 42, SEC. 50B – HANDICAP PARKING – WASHINGTON SQUARE**

The following ordinance amending an ordinance relative to traffic – Handicap Parking on Washington Square was adopted for second and final passage by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

Washington Square East – in front of #70 Washington Square East, running in a southerly direction for twenty (20) feet. “Handicap Parking, Limited Time, Tow Zone”

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

On the motion of Councillor Dominguez the meeting adjourned at 8:30 P.M. by a unanimous roll call vote of 10 yeas, 0 nays and 0 absent.

ATTEST:

ILENE SIMONS
CITY CLERK