

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

A Continuation of the October 20, 2022 Regular Meeting of the City Council was held in-person and remotely via zoom on Tuesday, October 25, 2022, at 7:00 P.M. for the purpose of transacting any and all business remaining on the original October 20, 2022 agenda. Notice of this meeting was posted on October 21, 2022, at 1:28 P.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Morsillo presided.

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

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

PUBLIC TESTIMONY

1. Steve Kapantais, 23 Wisteria St., Salem – Weapons Ordinance
2. Alphonse Wright, 12 Hancock St., Salem – Andrew Jackson Portrait
3. Pat Gozemba, 17 Sutton Ave., Salem – Peabody's Gas Plant Resolution

(#579) – LAYING OUT AND ACCEPTANCE OF AMANDA WAY AND PORTION OF OSBORNE HILL DRIVE

Continued from the last meeting, a hearing on the Laying Out and Street Acceptance for Amanda Way and a portion of Osborne Hill Drive as public ways or streets in the City of Salem.

Brain McGrail, Attorney for Osborne Hills Realty Trust, appeared in favor. He represents the Dibiase family for the Strong Water Crossing Subdivision. There are 52 homes on these streets. There were different phases for this subdivision and the Planning is aware of this. The laying out of the street would be addressed after these phases were complete.

Councillor McClain stated he spoke with the Engineering Department, and they have not completed their review of the utilities underneath the streets before the city takes control and becomes responsible. He also had questions on the trails located at the rear of the ways. The original agreement stated there would be some usable green space. There have been some complaints that the trail is not being maintained, and that there are people living there. The neighbors are concerned because they will become responsible for this green space.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Attorney McGrail stated that this project goes back to 2004 when it got approval. There is a trail system and open space. Originally 96 acres was to be open space but the Planning Board modified to increase the space. The space falls into two zones, R-1 and RC. The Planning Board also put a condition that the trail network not be open to the public in the R-1 zone until the final certificate of occupancy is issued. There are about 5 homes left. And the open space in the RC zone will not be open until the final certificate in that zone is issued. The RC zone is about to commence. Mr. Dibiase hired a trail expert to put the network into good shape before it is handed over to the home owners.

As for the city reviewing the underground utilities, the Attorney believes the city hired a private company to look at them. A video was provided to them in November of 2021.

Councillor McClain stated that it was the video review that was not completed yet by the Engineer.

Mr. Paul Dibiase restated that the trail system will be open to the public when the last occupancy permit is issued in phase 5. He stated he hire a company out of Maine to assess the trails and to clear and rehab some of these areas. All that work was done. They installed parking spaces for the public and signage. And that every spring the trail system will be reviewed for maintenance.

Councillor McClain was glad to hear there was a time frame starting in the Spring. He thinks the signs bring attention to the area.

Councillor McClain moved that the Public Hearing remain open and continue to November 17, 2022. It was so voted.

#622 - NATIONAL GRID TO INSTALL A JO POLE ON POPE STREET

A hearing was held on an order from National Grid to install one jointly owned pole on Pope Street. (This petition was to originally appear on the October 13, 2022 agenda with the hearing to be held on October 20, 2022. The October 13th meeting was not held due to posting issues. Then the October 20th meeting was cut short due to technical issues and the meeting was continued to October 25, 2022. Therefore no separate council order for the petition.)

Sabhita Mahabier-Sheehy, a representative from National Grid appeared in favor. This pole is needed to install in order to hold equipment to monitor infrastructure.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Councillor McClain moved that the Public Hearing be closed. It was so voted.

Councillor McClain moved that petition be granted. It was so voted.

#623 – APPROPRIATION OF \$38,000.00 TO INSTALL SOLAR LIGHTING IN THE ORNE SQUARE AREA

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

ORDERED: That the sum of Thirty-Eight Thousand Dollars (\$38,000.00) is hereby appropriated within the “Capital Outlay” account (20002308-5846FP) to be expended by the Electrical Department for the installation of solar lighting in the Orne Square area in accordance with the recommendation of Her Honor the Mayor.

#624 – DONATION OF \$7,500.00 TO THE TAXPAYER SCHOLARSHIP ACCOUNT

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Riccardi was recorded as absent.

ORDERED: To accept the donation from “Alternative Therapies Group, Inc, (‘ATG’), in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00). These funds will be deposited into the Taxpayer Scholarship Account 83041-4830 in accordance with the recommendation of Her Honor the Mayor.

#625 – RESOLUTION TO FILE AND ACCEPT GRANTS FOR IMPROVEMENTS TO PALMER COVE PARK

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

RESOLUTION: TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE LWCF PROGRAM FOR PHASE II IMPROVEMENTS TO PALMER COVE PARK

Whereas: Palmer Cove Park is by far a community wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The Palmer Cove Park Phase II renovation will greatly enhance this facility with conversion of the baseball field to a grass multiuse field, construction of a second

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

basketball court, new asphalt paths, a rain garden, new tree plantings, enhanced kayak launch, and site furnishings, including play equipment, benches, and signage., etc.;

Whereas: This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of parks through the Land and Water Conservation Fund Grant Program per the Land and Water Conservation Fund Act, P.L. 88-578, 78 Stat 897; and

Whereas: The project will cost a total of \$1,027,190.00

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Council hereby appropriates \$1,027,190.00 to implement the project, to be reimbursed up to a maximum amount of \$513,595.00 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and
4. That Palmer Cove Park is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EEA's announcement of the awarding of said LWCF Grant and be null and void in the event no grant is awarded.

Councillor Cohen stated he is in favor of the resolution. It will be a positive impact on the point neighborhood and Pioneer Terrace. Believes it was in the budget.

Councillor Dominguez questions what happens if we cannot match this grant? The project has good intentions but can we match the money and from where will it be taken? He suggests to refer it to A&F coposted with the Committee of the Whole.

Councillor McClain seconded the motion. The funding source is not clearly defined. Meet on it and bring it by the next meeting to accept before the end of the year.

Councillor Morsillo asked about question #2.

Councillor McCarthy stated that was another sticking point about the resolution.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Councillor McClain the language inside a resolution strikes me as odd. It feels irresponsible. Not that the project isn't worthy it is just worth a further discussion.

Councillor Cohen and Varela were recorded as opposed to referring the matter to committee.

#626 – RESOLUTION TO FILE AND ACCEPT GRANTS FOR IMPROVEMENTS TO SALEM WILLOWS

The following Resolution submitted by the Mayor was referred to the Committee on Administration and Finance co-posted with Committee of the Whole.

RESOLUTION: TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARC PROGRAM FOR PHASE II IMPROVEMENTS TO SALEM WILLOWS

Whereas: Salem Willows is by far a community wide asset and the preservation and improvements to this park are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: Salem Willows Phase II renovation will greatly enhance this park by upgrading the pedestrian pathways to meet ADA standards, reducing pavement, and adding greenspace for recreation, trees, and bioretention basins, etc.;

Whereas: This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of parks through the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program; and

Whereas: The project will cost a total of \$825,000.00

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

2. That the Council hereby appropriates \$825,000.00 to implement the project, to be reimbursed up to a maximum amount of \$400,000.00 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and
4. That Salem Willows is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EEA's announcement of the awarding of said PARC Grant and be null and void in the event no grant is awarded.

#627 – CREATION OF A FOOD POLICY COUNCIL

The following Order submitted by the Mayor was adopted.

ORDERED: There is hereby established within the City of Salem a Food Policy Council consisting of 11 members appointed by the Mayor, subject to confirmation by the City Council. Four members shall serve for a term of one year; four members shall serve for a term of two years; and three members shall serve for a term of three years. Thereafter and upon expiration of the term of each such member, the mayor shall appoint members of the Food Policy Council to succeed such appointees whose terms expire and each member so appointed shall hold office for a term of three years. The City Council President may appoint a City Councilor to serve as a liaison to the Food Policy Council. The Food Policy Council shall assess the City's food landscape by identifying how and where residents are able to access nutritious and affordable food, and make evidence-based recommendations to the Mayor to promote food justice and health equity in the Salem community.

In 2016 it was an Independent Coalition. The Mack Park Food Farm was critical during COVID. Money from Mass in Motion was used to offset costs.

Councillor Hapworth requested and received suspension of the rules to allow Kerry Murphy to speak.

Kerry Murphy stated that raising funds is the most challenging aspect and if the City established this Council then more opportunities for funding are made available including state funds.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

#628 – ZONING ORDINANCE AMENDMENT RELATIVE TO ACCESSORY DWELLING UNITS (ADUS)

The following zoning ordinance amendment submitted by the Mayor was referred to the Planning Board to hold a Joint Public Hearing.

In the year Two Thousand and Twenty-Two

An Ordinance to amend an ordinance relative to zoning

Section I. Amend Section 3.2.4 *Accessory Buildings and Structures* by

- a. Deleting the phrase “with the exception of setback, which shall comply with Section 3.2.4(6)” from paragraph 5.
- b. Deleting paragraph 6 in its entirety.

Section II. Amend Section 3.2.8(5) *Affordable Accessory Dwelling Units. Requirements* by

- a. Deleting paragraph 5(b) in its entirety.
- b. Deleting the following text from Section 5(h) “and at least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the “owner” shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an affordable accessory dwelling unit to be permitted.”
- c. Deleting the word “water” from section 5(j).
- d. Inserting the word “exterior” following the word “all” in Section 5(l).
- e. Deleting Section 5(m) in its entirety.

Section III. Amend Section 3.2.8 by deleting, in their entirety, the definitions of “Existing detached accessory building,” “Expanded detached accessory building,” and “New detached accessory building.”

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

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

#629 – ELECTION ORDER FOR THE NOVEMBER 8, 2022 STATE ELECTION

The following Order introduced by Councillor McCarthy was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Riccardi was recorded as absent.

ORDERED: That the meetings of the qualified voters of the City of Salem be held in the several voting precincts in the City at the polling places designated hereinafter on **Tuesday, November 8, 2022**, for the purpose of casting votes in the State Final Election for the candidates of political parties for the following offices:

ORDENÓ: Que las reuniones de los votantes calificados de la Ciudad de Salem se celebren en los varios recintos electorales de la Ciudad en los lugares de votación designados a continuación el martes 8 de noviembre de 2022, con el propósito de emitir votos en la Elección Final Estatal para los candidatos de los partidos políticos para los siguientes cargos:

GOVERNOR and LIEUTENANT GOVERNOR	FOR THIS COMMONWEALTH
GOBERNADOR Y VICEGOBERNADOR	POR ESTE ESTADO
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
FISCALGENERAL	POR ESTE ESTADO
SECRETARY OF STATE	FOR THIS COMMONWEALTH
SECRETARIO DE ESTADO	POR ESTE ESTADO
TREASURER	FOR THIS COMMONWEALTH
TESORERO	POR ESTE ESTADO
AUDITOR	FOR THIS COMMONWEALTH
AUDITOR	POR ESTE ESTADO
REPRESENTATIVE IN CONGRESS	SIXTH DISTRICT
REPRESENTANTE EN EL CONGRESO	SEXTO DISTRITO
COUNCILLOR	FIFTH DISTRICT
CONCEJAL	QUINTO DISTRITO
SENATOR IN GENERAL COURT	SECOND ESSEX DISTRICT
SENADOR DE LA LEGISLATURA ESTATAL	SEGUNDO DISTRITO DE ESSEX
REPRESENTATIVE IN GENERAL COURT	SEVENTH ESSEX DISTRICT
REPRESENTANTE DE LA LEGISLATURA ESTATAL	SÉPTIMO DISTRITO DE ESSEX
DISTRICT ATTORNEY	EASTERN DISTRICT
FISCAL DE DISTRITO	DISTRITO DEL ESTE
SHERIFF	ESSEX COUNTY
ALGUACIL	CONDADO DE ESSEX

QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48)?

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

A YES VOTE would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A NO VOTE would make no change in the state Constitution relative to income tax.

PREGUNTA 1: ENMIENDA PROPUESTA A LA CONSTITUCIÓN

¿Aprueba la incorporación de una enmienda a la Constitución, que se resume más abajo, y que recibió la aprobación del Tribunal General de Justicia en sesiones conjuntas de ambas cámaras el 12 de junio de 2019 (afirmativos: 147 - negativos: 48) y, nuevamente, el 9 de junio de 2021 (afirmativos: 159 - negativos: 41)?

RESUMEN

Esta enmienda constitucional propuesta establecería un impuesto estatal sobre la renta adicional del 4% sobre la porción de la renta imponible anual que supere el millón de dólares. Este nivel de ingresos se ajustaría anualmente, mediante el mismo método utilizado para los tramos de impuestos federales sobre la renta, para reflejar los aumentos en el costo de vida. Los ingresos que se obtengan a partir de este impuesto se utilizarían, sujeto a la apropiación de la Legislatura estatal, para la educación pública, facultades y universidades públicas, y para la reparación y el mantenimiento de caminos, puentes y transporte público. La enmienda propuesta se aplicaría a los años fiscales que comiencen a partir del 1 de enero de 2023.

UN VOTO SÍ significaría una enmienda de la Constitución estatal por medio de la cual se impondría un impuesto adicional del 4 % sobre la parte de los ingresos que superen un (1) millón de dólares y cuyo destino sería, sujeto a la apropiación de la Legislatura estatal, la educación y el transporte.

UN VOTO NO no implicaría ningún cambio en la Constitución estatal en lo que respecta al impuesto sobre los ingresos.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

PREGUNTA 2: LEY PROPUESTA POR UNA PETICIÓN DE INICIATIVA

¿Aprueba la ley que se sintetiza más abajo, respecto de la cual el Senado o la Cámara de Representantes votaron “No” el 3 de mayo de 2022 o anteriormente?

RESUMEN

Bajo la ley propuesta, se instruiría al Comisionado de la División de Seguros de Massachusetts a aprobar o desaprobado las tarifas de los planes de beneficios dentales, en tanto que se exigiría que un proveedor de seguro dental se ajuste a un índice de pérdida médica acumulada anual del 83 % en lo que respecta a sus planes de beneficios dentales cubiertos. Con el índice de pérdida médica, se mediría el monto de dólares de prima que destina un proveedor de seguro dental a los gastos dentales de sus miembros y a mejoras en la calidad, en contraposición a los gastos administrativos. En caso de que el índice de pérdida médica acumulada anual del proveedor sea inferior al 83 %, se requeriría que el proveedor reembolse las primas excedentes a sus personas y grupos con cobertura. Bajo la ley propuesta, se permitiría que el Comisionado renuncie a los fondos, o los ajuste, únicamente en caso de que se determine que el hecho de emitir reembolsos tendría como resultado una desventaja económica para el proveedor.

La ley propuesta se aplicaría a los planes de beneficios dentales, independientemente de si los emite directamente un proveedor, lo realiza a través del conector, o por medio de un

intermediario. La ley propuesta no aplicaría a los planes de beneficios dentales emitidos, entregados o renovados a un grupo auto asegurado o toda vez que el proveedor actúe en carácter de administrador externo.

Bajo la ley propuesta, se exige que los proveedores que ofrecen planes de beneficios dentales envíen información sobre su índice de pérdida médica, tanto proyectado como actual, gastos administrativos y otro tipo de información financiera al Comisionado. Se exigiría que cada proveedor envíe una declaración financiera anual e integral a la División de Seguros, detallada según el tamaño del grupo del mercado y la línea de negocios. Asimismo, se exigiría que un proveedor que también ofrece servicios administrativos a uno o más grupos auto asegurados presente un anexo junto con su declaración financiera anual con información sobre el negocio

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

auto asegurado. Bajo la ley propuesta, se impondría una penalidad tardía sobre todo proveedor que no presente su informe anual antes del 1 de abril, o en esa fecha.

Se requeriría que la División publique los datos enviados, emita un resumen anual para ser presentado ante ciertos comités legislativos e intercambie datos con la Comisión de Políticas de Salud. Se requeriría que el Comisionado adopte estándares que requieran del registro de personas o entidades que, de algún otro modo, no cuentan con licencia, o bien, no están registradas por el Comisionado, y criterios para la elaboración y presentación estandarizadas de informes, y para la asignación uniforme de metodologías entre los proveedores.

Bajo la ley propuesta, se permitiría que el Comisionado apruebe políticas de beneficios dentales a los efectos de ofrecerse a personas o grupos. Se requeriría que el Comisionado adopte regulaciones para determinar los criterios de elegibilidad.

Bajo la ley propuesta, se exigiría que los proveedores presenten tarifas base para grupos de productos y los cambios en los factores de calificación grupal que entrarán en vigencia el 1 de enero de cada año o antes del 1 de julio del año anterior. Se requeriría que el Comisionado desapruebe cualquiera de los cambios propuestos en las tarifas base que se consideren excesivos, inadecuados o irrazonables en relación con los beneficios cobrados. Asimismo, se requeriría que el Comisionado desapruebe cualquier tipo de cambio que tenga lugar en los factores de clasificación grupal que sea discriminatorio o no sea lógico a nivel actuarial.

Bajo la ley propuesta, se establecen ciertos criterios que, en caso de cumplirse, requerirían que el Comisionado desapruebe, en forma presunta, la tarifa de un proveedor, incluido si el índice de pérdida médica acumulada para todos los planes de beneficios dentales que ofrece un proveedor sea inferior al 83 %.

Bajo la ley propuesta, se establecerían procedimientos a seguir en caso de que la tarifa propuesta se desapruebe presuntamente, o bien, si el Comisionado desaprueba una tarifa.

Bajo la ley propuesta, se exigiría que la División lleve a cabo una audiencia en caso de que un proveedor informe un índice de capital basado en el riesgo bajo el fundamento de entidad combinada que supere el 700 % en su informe anual.

Bajo la ley propuesta, se exigiría que el Comisionado promulgue regulaciones en consonancia con las disposiciones para el 1 de octubre de 2023. La ley propuesta se aplicaría a todos los planes de beneficios dentales que entren en vigor, se entreguen o renueven a partir del 1 de enero de 2024, inclusive.

UN VOTO SÍ se regularían las tarifas de seguros dentales, incluso al exigir que las compañías destinen, como mínimo, el 83 % de las primas a gastos dentales de los miembros y mejoras en la calidad, en lugar de hacerlo a gastos administrativos, y al implementar otros cambios en las regulaciones de seguros dentales.

UN VOTO NO no se aplicarían cambios en la ley relacionada con las regulaciones que rigen para las compañías de seguros dentales.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

PREGUNTA 3: LEY PROPUESTA POR UNA PETICIÓN DE INICIATIVA

¿Aprueba la ley que se sintetiza más abajo, respecto de la cual el Senado o la Cámara de Representantes votaron “No” el 3 de mayo de 2022 o antes?

RESUMEN

Bajo la ley propuesta, se incrementarían los límites estatales respecto de la cantidad combinada de licencias destinadas a la venta de bebidas alcohólicas para consume fuera de las instalaciones (incluidas las licencias para “todas las bebidas alcohólicas” y para “vinos y bebidas con malta”) que podría tener un solo minorista bajo su control y propiedad: de 9 a 12 licencias en 2023; a 15 licencias en 2027, y a 18 licencias en 2031.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

A partir de 2023, según la ley propuesta, se establecería en siete (7) la cantidad máxima de licencias para “todas las bebidas alcohólicas” que podría tener un solo minorista bajo su control o propiedad, excepto que un minorista actualmente tenga más de 7 de dichas licencias.

Bajo la ley propuesta, se requeriría que los minoristas realicen las ventas de bebidas alcohólicas para consumo fuera de las instalaciones por medio de transacciones presenciales, en tanto que se prohibirían las ventas automatizadas o con cajas de autoservicio de bebidas alcohólicas por parte de dichos minoristas.

Bajo la ley propuesta, se modificaría el cálculo de la multa que podría aceptar la Comisión de Control de Bebidas Alcohólicas en lugar de suspender cualquier tipo de licencia emitida de conformidad con la Ley Estatal de Control de Bebidas Alcohólicas. Bajo la ley propuesta, se modificaría la fórmula para calcular dicha tarifa y pasar de basarse en las ganancias brutas derivadas de la venta de bebidas alcohólicas a basarse en las ganancias brutas de todas las ventas minoristas.

Bajo la ley propuesta, también se agregarían las licencias de vehículos motorizados ajenos al estado a la lista de formas de identificación que cualquier titular de una licencia emitida en virtud de la Ley Estatal de Control de Bebidas Alcohólicas, o su agente o empleado, podría elegir como prueba razonable de la identidad y la edad de una persona.

UN VOTO SÍ se incrementaría la cantidad de licencias que podría tener un minorista para la venta de bebidas alcohólicas para consumo fuera de las instalaciones, se limitaría la cantidad de “bebidas totalmente alcohólicas” que podría adquirir un minorista, se restringiría el uso de cajas de autoservicio, y se exigiría que los minoristas acepten identificaciones de los clientes ajenas al estado.

UN VOTO NO no se aplicarían cambios en las leyes que regulan la venta minorista de bebidas alcohólicas.

QUESTION 4: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

A YES VOTE would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

A NO VOTE would repeal this law.

PREGUNTA 4: REFERÉNDUM SOBRE UNA LEY EXISTENTE

¿Está de acuerdo con la ley que se resume a continuación y que fue aprobada por la Cámara de Representantes y el Senado el 26 de mayo de 2022?

RESUMEN

Esta ley permite a todos los residentes de Massachusetts que no puedan brindar prueba de presencia legal en los Estados Unidos obtener una licencia de conducir o un permiso de aprendiz estándares si reúnen todos los requisitos para solicitar una licencia de conducir o un permiso de aprendiz estándares, incluida una prueba en carretera y un seguro, y

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

que presenten una prueba de su identidad, fecha de nacimiento y residencia. La ley estipula que, cuando se procese una solicitud para la licencia o el permiso de aprendiz mencionados o para registrar un vehículo a motor, el registrador de los vehículos a motor no realizará preguntas ni creará un registro sobre el estado de ciudadanía o inmigración del solicitante, excepto que así lo requiera la ley. Esta ley no permite que las personas que no puedan brindar prueba de presencia legal en los Estados Unidos obtengan una IDENTIFICACIÓN REAL.

Para probar la identidad y la fecha de nacimiento, la ley exige que el solicitante presente como mínimo dos documentos, uno de cada una de las siguientes categorías: (1) un pasaporte extranjero válido y que no haya vencido o un documento de Identificación Consular válido y que no haya vencido; y (2) una licencia de conducir válida y que no haya vencido de cualquiera de los estados o territorios de los Estados Unidos, el original o una copia del certificado de nacimiento, una tarjeta de identificación nacional extranjera válida y que no haya vencido, una licencia de conducir extranjera válida y que no haya vencido o un certificado de casamiento o una sentencia de divorcio emitida por cualquier estado o territorio de los Estados Unidos. Uno de los documentos que presente el solicitante debe incluir una fotografía y uno debe incluir la fecha de nacimiento. Cualquier documento que no esté en idioma inglés debe estar acompañado por una traducción certificada. El registrador puede revisar todos los documentos emitidos por otro país para determinar si se pueden usar como prueba de identidad o de la fecha de nacimiento.

La ley exige que los solicitantes de una licencia de conducir o de un permiso de aprendiz certifiquen, bajo apercibimiento de ley, que su licencia no fue suspendida ni anulada en ningún otro estado, país o jurisdicción.

La ley específica que la información que proporcione un solicitante o titular de la licencia o esté relacionada con dicha persona no será un registro público y no se divulgará, excepto que así lo requiera la ley federal o que esté autorizado por disposiciones de un Fiscal General, y salvo a efectos del seguro del vehículo a motor.

La ley instruye al registrante de los vehículos a motor a cumplir con las disposiciones en relación a los documentos requeridos a ciudadanos de los Estados Unidos y a otras personas que brinden una prueba de presencia legal junto con su solicitud de la licencia.

La ley también requiere que el registrante y el Secretario de la Mancomunidad establezcan los procedimientos y las disposiciones para garantizar que un solicitante de una licencia de conducir o permiso de aprendizaje estándares que no brinde prueba de presencia legal no sea registrado automáticamente para votar.

La ley entra en vigencia el 1.º de julio de 2023.

UN VOTO SÍ mantendría vigente la ley que permite a los residentes de Massachusetts que no pueden brindar prueba de presencia legal en los Estados Unidos obtener una licencia de conducir o un permiso si reúnen los demás requisitos.

UN VOTO NO revocaría esta ley.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

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

Y ADEMÁS ORDENARSE: Que los siguientes lugares sean y por la presente se designen como lugares de votación para dichas reuniones:

WARD ONE / DISTRITO UNO

Precinct 1	Bentley Academy Gymnasium, 25 Memorial Drive
Recinto 1	Gimnasio, Escuela Bentley Academy, 25 Memorial Drive
Precinct 2	Community Room, 135 Lafayette Street
Recinto 2	Sala Comunitaria, 135 Lafayette Street

WARD TWO / DISTRITO DOS

Precinct 1 & 2	Community Life Center, 401 Bridge Street
Recinto 1 & 2	Centro De Vida Comunitaria, 401 Bridge Street

WARD THREE / DISTRITO TRES

Precinct 1 & 2	Salem High School Auditorium, 77 Willson Street
Recinto 1 & 2	Auditorio, Salem High School, 77 Willson Street

WARD FOUR / DISTRITO CUATRO

Precinct 1 & 2	Witchcraft Heights School Gymnasium, 1 Frederick Street
Recinto 1 & 2	Gimnasio, Escuela Witchcraft Heights, 1 Frederick Street

WARD FIVE / DISTRITO CINCO

Precinct 1 & 2	Saltonstall School Auditorium, 211 Lafayette Street
Recinto 1 & 2	Auditorio, Escuela Saltonstall, 211 Lafayette Street

WARD SIX / DISTRITO SEIS

Precinct 1 & 2	Bates School Gymnasium, 53 Liberty Hill Avenue
Recinto 1 & 2	Gimnasio, Escuela Bates School, 53 Liberty Hill Avenue

WARD SEVEN / DISTRITO SIETE

Precinct 1 & 2	Salem State Enterprise Center, 121 Loring Avenue
Recinto 1 & 2	Salem State Enterprise Center, 121 Loring Avenue

AND BE IT FURTHER ORDERED: That the polls at said meetings be opened at 7:00 a.m. and closed at 8:00 p.m. and that the City Clerk be instructed to post this notice as required by law.

Y ADEMÁS ORDENARSE: Que las urnas en dichas reuniones se abran a las 7:00 a.m. y se cierren a las 8:00 p. m. y que se le indique al Secretario Municipal que publique este aviso según lo exige la ley.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

#630 – RELOCATING THE ANDREW JACKSON PORTRAIT TO THE ANTE ROOM

The following order introduced by Councillor Merkl/McClain was adopted.

ORDERED: That the Ralph Eleaser Whiteside Earl portrait of Andrew Jackson in the Salem City Council Chambers be temporarily relocated to the Josephine Fusco City Council Anteroom until such time as a permanent location for this painting may be secured.

And be it further Ordered that the City Council Committee on Government Services co-posted with the Committee of the Whole convene a meeting following the relocation to discuss and determine a possible permanent location of the painting and then refer the matter back to the full City Council with a recommendation.

Councillor Merkl stated that this portrait should be removed out of respect for the incoming Naumkeag Portrait. One issue is his aggression towards Native Americans and he signed the Indian Removal Act; the Indian Trial of Tears. The City's action of inclusivity will be reflected in this temporary removal of the portrait.

Councillor Cohen stated that Andrew Jackson perpetuated ethnic cleansing. He owned a 100s slaves. He directed the Post Master General to censure anti-slavery mailings. He had prisoners executed and he persuaded tribes to sell their land.

Councillor Hapworth there have been lots of conversations, feelings, and thoughts around this subject matter. Would we accept this portrait today and hang it in the most public place?

Councillor Dominguez supports this order. He would also like to hear from the Native Community who have been the most impacted by this. We should bring in an education portion to this.

Councillor McClain stated there have been National conversations around race and the removal of statues. He is not a member of the Native American but a member of the African American community. What do we do about uncomfortable history: Does this undo history by removing them? This portrait should not be hanging on the same walls as the others and the new incoming portrait. We heard a lot about what kind of person Andrew Jackson is but what tonight is really about is who we would like to say who we are as a body. This is not just about others but what our values are as a community. Would I want to invite Native Americans into a space that does not feel safe for them. These are our walls. Who we want looking down at us. If Andrew Jackson stepped out of that portrait right now, he would be pretty shocked and angry to see me sitting at this table talking about him. I have no reservations about removing Andrew Jackson from these walls.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Councillor McCarthy assumes the chair.

Councillor Morsillo stated none of these people speak to me. Art Work on these walls have come and gone. This room is the people's room; it's a public room. It should reflect Salem and who we are. She would like to see women in this room like Sarah Parker Redmond, Charlotte Fortan, or Caroline Emmerton.

#631 – RESOLUTION OPPOSING THE PEABODY GAS PLANT

The following resolution introduced by Councillor Cohen was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Riccardi was recorded as absent.

Resolution of the Salem City Council in opposition to the Peabody gas plant.

WHEREAS, too much of Massachusetts' energy comes from fossil fuels that pollute and endanger our air and water and contribute to the climate crisis. The rationale for "peaker plants" is to mitigate the stress on our power grid, which will be alleviated by expansion of renewables such as solar & wind of our energy portfolio and yet this plant is about to be built in the middle of an environmental justice community and within 2 miles of 7 more; and

WHEREAS, Salem was the first community in Massachusetts to pass a 100% clean energy resolution and we've passed resolutions supporting carbon pricing. We are already enduring the effects of the climate crisis and are attempting to do our part, but are dependent on our state and surrounding communities to do theirs so we can all enjoy a safe environment for future generations; and

WHEREAS, the new plant will emit nearly 51,000 tons of the carbon dioxide, a greenhouse gas, into the atmosphere every year - the equivalent of adding 11,000 combustion engine cars to Massachusetts' roads each year, require the installation of a natural gas compressor to increase natural gas pressure, a 90-foot smokestack and a 2,500 to 7,500 new tank to hold aqueous urea, spew tons of particulate matter into a region located within half a mile of at least two designated environmental justice areas including Salem and commit ratepayers to paying for 30 years of high priced capacity, at a time when lower cost and cleaner alternatives are readily available. Children growing up in zip codes containing a fuel-fired power plant have higher rates of hospitalization for asthma and respiratory infections than those in zip codes without a power plant; and

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

WHEREAS, we are concerned that MEPA is not following through on its mission to study the environmental impacts of projects and mitigate damage to the environment. The first and only public meeting for the community to ask questions and raise concerns about the project was held 2 months ago and the proposed peaking power plant in Peabody did not undergo the complete Environmental Impact Study process when it was filed in 2015; and

WHEREAS, Salem is an environmental justice community and is relying on the State to follow through on the mandate of the Next Generation Roadmap for Massachusetts Climate Policy to protect ours and other environmental justice communities; and

We, THEREFORE, strongly and urgently oppose the construction of the plant and urge the Governor and Secretary of Energy & Environmental Affairs to reopen the MEPA process and do a full environmental impact review.

BE IT FURTHER RESOLVED that the Clerk for the Salem City Council send confirmed copies of this Resolution to: Governor Charles Baker, Secretary of Energy & Environmental Affairs Bethany Card, Director of Massachusetts Environmental Policy Act Office Tori Kim, Representative Paul Tucker, Senator Joan Lovely, Salem Mayor Kim Driscoll.

Councillor Cohen stated he heard from Councillor McCarthy was concerned about dictating to other cities how to run their cities. Councillor Cohen explained that this resolution is being addressed with our State Environmental Agencies.

Councillor McClain spoke to being hesitant to speaking to one of our neighboring communities and telling them what to do. We are running out of time to do the right thing.

Councillor McCarthy stated he did have a conversation with Councillor Cohen. Councillor Cohen explained that we are asking the State to look into their MEPA process and not us telling the City of Peabody what to do or not to do.

#632 – CITY COUNCIL MEETING DATES FOR NOVEMBER AND DECEMBER

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That the November and December meetings be held on November 17, 2022 and December 8, 2022 (which will also include the tax rate)

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

#633 – COMMITTEE OF THE WHOLE TO MEET TO DISCUSS THE RULES AND ORDERS OF THE CITY COUNCIL

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That the Committee of the Whole meet to review and discuss updates the Rules and Orders of the City Council, sections 1-36.

#634 – (#554) – ORDINANCE AMENDING DISPOSITION OF CITY OWNED LAND

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

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom it was referred the matter of an Ordinance to prioritize affordable housing when disposing of city land, has considered said matter and would recommend that the Ordinance be adopted for first passage.

#635 – COMMUNICATION FROM POLICE CHIEF TO INSTALL VIDEO SURVEILLANCE CAMERAS

The following letter submitted by Police Chief Miller regarding the installation of video surveillance cameras was adopted.

Dear City Council Members,

In accordance with Chapter 32, Article 5, Section 32-121, of the Code of Ordinances of the City of Salem, the Salem Police Department respectfully requests authority to install video surveillance cameras or have access to the camera systems at the following locations:

- Access to the camera system at the South Harbor and Witch City Mall parking garages allowing the Department the ability to monitor them and deter criminal activity.
- Installation of cameras at the Salem Willows parking lots allowing the Department the ability to monitor traffic/traffic congestion and deter criminal activity.
- Access to the camera system at the Forest River Pool allowing the Department the ability to monitor the area and deter criminal activity.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

- Installation of cameras along the Footprint Harbor Walk allowing the Department the ability to monitor the area for pedestrians and to deter criminal activity.

Per the Ordinance, the above listed security cameras will record video feed only; audio recording will not be conducted. Additionally, public notice of the installation and operation of video cameras will be published on social media and through the installation of signage at the specific locations identified above.

It is my belief that installation of / access to video surveillance cameras at the above locations will assist this Department in preventing criminal acts and should such acts occur, to take appropriate action.

Sincerely,

Lucas J. Miller
Chief of Police

#636 – FRAMEWORK OF A TENANT PROTECTION ORDINANCE

The following communication submitted by Amanda Chiancola, Deputy Director of Planning regarding framework of a tenant protection ordinance was referred to the Committee of the Whole.

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Framework of a Tenant Protection Ordinance

Ladies and Gentlemen of the City Council:

At the City Council meeting on February 24, 2022, the City Council unanimously adopted an order authorizing the City of Salem to enact a tenant protection ordinance for buildings containing two or more residential units. The home rule petition, H4453 is currently being reviewed by the state legislature.

In the interim, staff has been working with the Affordable Housing Trust Fund Board on the framework of a tenant protection ordinance. In April, a survey was distributed to over 8,000 households to request feedback. Over 200 residents responded to the survey, more than half of the responses were from renters.

On September 13, 2022, the Affordable Housing Trust Fund Board voted to submit an order for the Committee of the Whole to receive a presentation on the proposed framework of the tenant protection ordinance. To that end, staff is requesting the

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

opportunity to attend a Committee of the Whole meeting to present the framework and to request input.

If you have any questions, please contact me at achiancola@saalem.com or 978-619-5685.

Sincerely,

Amanda Chiancola, AICP
 Deputy Director

Cc: Affordable Housing Trust Fund Board
 Mayor Driscoll
 Tom Daniel, DPCD Director

(#553) – SECOND PASSAGE OF AN ORDINANCE TO REGULATE WEAPONS IN CITY BUILDINGS

The Second Passage of an Ordinance to regulate weapons in City Buildings was then taken up. The ordinance was adopted for second passage as amended.

Original with Amendments brought forth from Committee Report:

An Ordinance to regulate weapons in City buildings.

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

SECTION 1. A new section of the City of Salem Code of Ordinances, Chapter II-Administration, Article IX. - Public Property, Division 1, Section 2-1532, Regulation of Weapons in Public Buildings is hereby enacted as follows:

“Section 2-1532. Possession of Weapons in City Buildings

No person, other than a sworn officer of the Commonwealth or the United States, a member of the military service on active duty performing official duties, or a sworn municipal or county public safety official having a license to carry firearms, shall in any part of City Hall or other municipal buildings, have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of Section 10 of Chapter 269 of the General Laws, unless authorized by the Director of Public Property or the Chief of Police. Any person violating the provisions hereof shall be punished by a fine of two hundred (\$200.00) dollars to be recovered through noncriminal disposition in accordance with Chapter 40, Section 21A of the General Laws of Massachusetts.”

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

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

ORDINANCE AS AMENDED FOR SECOND PASSAGE:

An Ordinance to regulate weapons in City buildings.

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

SECTION 1. A new section of the City of Salem Code of Ordinances, Chapter II-Administration, Article IX. - Public Property, Division 1, Section 2-1532, Regulation of Weapons in Public Buildings is hereby enacted as follows:

“Section 2-1532. Possession of Weapons in City Buildings

No person, other than a sworn officer of the Commonwealth or the United States, a member of the military service on active duty performing official duties, or a sworn municipal or county public safety official having a license to carry firearms, shall in City Hall, City Hall Annex, Old Town Hall, Department of Public Services, Electrical Department, Fire Stations, Harbormaster’s Office, Cemetery/Shade Tree/Open Space Dept., Salem Contributory Retirement Board, the Community Life Center, the Salem Public Library, and city polling places have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of Section 10 of Chapter 269 of the General Laws, unless authorized by the Director of Public Property or the Chief of Police. Any person violating the provisions hereof shall be punished by a fine of two hundred (\$200.00) dollars to be recovered through noncriminal disposition in accordance with Chapter 40, Section 21A of the General Laws of Massachusetts.”

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

(#555) – ORDINANCE TO ENSURE SAFE ACCESS TO LEGALLY PROTECTED REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES

The Second Passage of an Ordinance to ensure safe access to legally protected reproductive and gender-affirming health care services was then taken up. The Ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-Two

An Ordinance to ensure safe access to legally protected reproductive and gender-affirming health care services

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Section 1. Chapter 2 *Administration* is hereby amended by adding a new Article XVIII *Ensuring Safe Access to Reproductive Health Care*

“ARTICLE XVIII – ENSURING SAFE ACCESS TO LEGALLY-PROTECTED HEALTH CARE

Section 2-2064. Definitions

As used in this Article the definitions below apply to the following words and phrases:

‘Abusive litigation’, litigation or other action to deter, prevent, sanction or punish any person engaging in legally-protected health care activity that is: (i) filed or prosecuted in any state other than the commonwealth where liability, in whole or part, directly or indirectly, is based on legally-protected health care activity that occurred in the commonwealth, including any action in which liability is based on any theory of vicarious, joint or several liability derived therefrom; or (ii) an attempt to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action; provided, however, that a lawsuit shall be considered to be based on conduct that occurred in the commonwealth if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in the commonwealth, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit

‘City agent’, any employee of the City of Salem, whether full time or part time, regular or seasonal, any intern or volunteer when acting on behalf of the City of Salem, any contractor for the City of Salem while a contract between the City of Salem and said contractor is in effect, and any recipient of City funding, grants, awards, or appropriations.

‘Gender-affirming health care services’, all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.

‘Legally-protected health care activity’, (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender affirming health care services secured by the constitution or laws of the commonwealth; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service by a person duly licensed under the laws of the commonwealth and

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

physically present in the commonwealth, and the provision of insurance coverage for such services, shall be legally protected if the service is permitted under the laws of the commonwealth, regardless of the patient's location.

'Reproductive health care services', all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy.

Section 2-2065. Purpose

To ensure the city of Salem protects all individuals' access to legally protected health care services.

Section 2-2066. Preamble

Access to reproductive health care services and gender-affirming health care services is recognized and declared to be a right secured by the constitution and laws of the commonwealth. Interference with this right, whether or not under the color of law, is against the public policy of the commonwealth. The City of Salem, as a corporation of the commonwealth, has a responsibility to codify protections to ensure safe access to reproductive and gender-affirming health care services.

Section 2-2067. Policy

- (a) Information related to the provision of reproductive health care services or gender-affirming health care services for any person, including individuals who are not residents of the City of Salem or the Commonwealth of Massachusetts, held by any city agent in their capacity as a city agent shall be kept confidential and shall not be subject to the disclosure provision of the Public Records Law pursuant to G. L. c. 4, § 7(26)(c).
- (b) Acting in their capacity as a city agent, no city agent may furnish information, assistance, or aid to any person or jurisdiction for the purposes of prohibiting, criminalizing, sanctioning, authorizing a person to bring a civil action against, or otherwise interfering with a person, entity or carrier that seeks, receives, causes, aids in access to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities. Additionally, no city resources, materials, or funds shall be so used.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

- (c) No city agent may in their capacity as a city agent furnish information, assistance, or aid to any person or jurisdiction when such information, assistance, or aid is knowingly intended for use in abusive litigation as defined in this article. Additionally, no city resources, materials, or funds shall be so used.
- (d) No person, regardless of residency or citizenship status, shall be held in custody by the Salem Police Department for seeking, receiving, causing, aiding in access to, aiding or abetting or providing, or attempting or intending to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction. This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other State would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.
- (e) Any person held in custody by the Salem Police Department shall not be remanded, transferred, or extradited to another jurisdiction for having sought, received, caused, aided in accessing, aided or abetted or provided, or attempted or intended to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction. This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other State would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Section 2-2068. Violations

- (a) Any city employee found to have violated this article shall be subject to the progressive discipline policies of the City of Salem and any applicable fines pursuant to section 1-10 of this Code.
- (b) Any city contractor found to have violated this article shall be subject to review and potential termination of contract and any applicable fines pursuant to section 1-10 of this Code.
- (c) Any recipient of city funds found to have violated this article shall cease to receive any further city funds for a period of twelve (12) months from the violation and shall repay any city funds received between the date of the violation and twelve (12) months prior and any applicable fines pursuant to section 1-10 of this Code.

Section 2-2069. Severability

As provided in section 1-9 of this Code, the sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.”

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

(#561) – SECOND PASSAGE OF A TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – REPEAL ENGLISH STREET

The Second Passage of an Ordinance Amending Traffic – Handicap Parking – Repeal English Street was then taken up. The ordinance was adopted for second and final passage.

In the year two thousand and twenty-two

An Ordinance to amend an Ordinance relative to Traffic

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

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

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

Repeal - in front of #11 English Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#562) – SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – HANDICAP PARKING CHASE STREET

The Second Passage of an Ordinance Amending Traffic – Handicap Parking – Chase Street was then taken up. The ordinance was adopted for second and final passage.

In the year two thousand and twenty-two

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:

In Front of #5 Chase Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#563) - SECOND PASSAGE ON AN ORDINANCE AMENDING TRAFFIC – HANDICAP PARKING –LAWRENCE STREET

The Second Passage of an Ordinance Amending Traffic – Handicap Parking –Lawrence Street was then taken up. The ordinance was adopted for second and final passage.

In the year two thousand and twenty-two

An Ordinance to amend an Ordinance relative to Traffic

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

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

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

In Front of #38 Lawrence Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#564) – SECOND PASSAGE ON AN ORDINANCE AMENDING TRAFFIC, CH. 42, SECS. 75 & 51 – PARADISE AVENUE

The Second Passage of an Ordinance Amending Traffic, Ch. 42, Secs. 75 & 51 – Paradise Ave was withdrawn. Paradise Ave is not an accepted street

In the year Two Thousand and Twenty-Two

An Ordinance Relative to Traffic

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

Section 1. Section 75 of Article V-A shall be amended by repealing the following:

Paradise Avenue – Parking Prohibitions Towing Zone (Resident Sticker) in its entirety, in a westerly direction, odd numbered side of the street only. Resident Sticker Parking, Tow Zone

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

Paradise Avenue – Parking Prohibited on certain streets in its entirety, northerly side.

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

(#565) – SECOND PASSAGE ON AN ORDINANCE AMENDING TRAFFIC, CH. 42, SEC. 13 – SERVICE ZONES

The Second Passage of an Ordinance Amending Traffic, Ch. 42, Sec. 13 – Service Zones throughout the city was then taken up. The ordinance was adopted for second and final passage.

An Ordinance Relative to Traffic

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

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Section 1. Section 13 of Article I be amended by repealing the following:

Boston Street – Service Zones – on the easterly side of Boston Street at No. 100 for a distance of thirty (30) feet as marked by signs. (6/6/61 DPW 10684)

Boston Street – Service Zones – on the easterly side of Boston Street at No. 74-76 Boston Street, for a distance of thirty (30) feet as marked by signs.

Boston Street – Service Zones - on the easterly side of Boston Street at No. 98 Boston Street for a distance of thirty feet (30) as marked by signs. (7/31/56 DPW 7777)

Boston Street – Service Zones – on the northeasterly side of Boston Street, beginning at the southwesterly property line at No. 80 and extending in a northwesterly direction for a distance of eighty (80) feet. (6/4/63 DPW 11850)

And inserting:

Boston Street – Service Zones – on the easterly side of Boston Street, beginning at a point one hundred and twenty-eight (128) feet north of the intersection with Bridge Street, and running in a northerly direction for a distance of sixty (60) feet.

Section 2. Section 13 of Article I be amended by repealing the following:

Bridge Street – Service Zones – easterly side, beginning at a point fifteen (15) feet from the intersection of Lathrop Street and extending in a southwesterly direction for a distance of thirty (30) feet as marked by signs. (3/31/77 DPW 5-1270)

Bridge Street – Service Zones – easterly side, beginning at a point fifty-six (56) feet from the intersection of Osgood Street in a southwesterly direction for a distance of twenty-five (25) feet. (12/3/84 DPW E5-258-2484)

Bridge Street – Service Zones – in front of #51 for a distance of seventy two (72) feet. (30 minute parking") (7-20-99)

Bridge Street – Service Zones – on the easterly side of Bridge Street at No. 41 Bridge Street for a distance of thirty (30) feet as marked by signs. (7/19/60 DPW 10175)

Bridge Street – Service Zones – on the easterly side of Bridge Street, beginning at a point sixty-five (65) feet from the southeasterly corner of Cromwell Street, and extending in a southerly direction for a distance of forty-five (45) feet. (1/3/72 DPW 5-527)

Bridge Street – Service Zones – on the easterly side of Bridge Street, beginning at a point twenty (20) feet south of the intersection of Bridge Street and Barton Street and extending in a northerly direction for a distance of forty-four (44) feet. (5/7/69 DPW 5-203)

Bridge Street – Service Zones – on the northerly side of Bridge Street at No. 101 Bridge Street for a distance of thirty (30) feet as marked by signs. (4/13/72 DPW 5-549)

Bridge Street – Service Zones – on the northerly side of Bridge Street at No. 44 for a distance of twenty (20) feet as marked by signs. (2/13/53 not approved by DPW)

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Bridge Street – Service Zones – on the southeasterly side of Bridge Street at No. 103 for a distance of thirty (30) feet as marked by signs. (3/27/62 DPW 11135)

Bridge Street – Service Zones – on the westerly side of Bridge Street, beginning at a point seventy-two (72) feet north of the intersection of Ames Street and extending northerly for a distance of twenty-five (25) feet as marked by signs. (10/23/67 DPW 5-8)

Canal Street – Service Zones – easterly side beginning at a point twenty (20) feet from the corner of Ropes Street and extending fifty (50) feet in a northerly direction. (4/24/75 DPW 5-1017)

Canal Street – Service Zones – on the easterly side of Canal Street beginning at a point one hundred and sixty-one (161) feet south of Ropes Street and extending forty-five (45) feet in a southerly direction. (12/8/65 DPW 13277)

Canal Street – Service Zones – westerly side, starting at a point one hundred twenty-four (124) feet south of the intersection of Canal Street and Mill Street and extending in a southerly direction for a distance of fifty (50) feet. No Parking Service Zone. (5/10/78 DPW 5-1428)

Central Street – Service Zones – on the easterly side of Central Street for a distance of nineteen and one-half (19 ½) feet, extending northerly from the police station driveway as marked by signs.

Central Street – Service Zones – on the northeasterly side of Central Street, for a distance of forty-four (44) feet from the junction of New Derby Street. (12/20/60 DPW 10430)

Central Street – Service Zones – westerly side beginning at the corner of Derby Street and running in a northerly direction for a distance of twenty (20) feet. (11/8/76 DPW 5-1231)

Cleveland Street – Service Zones – on the northerly side of Cleveland Street at No. 10 for a distance of thirty (30) feet as marked by signs. (8/19/64 DPW 12546)

Congress Street – Service Zones – easterly side, beginning at a point one hundred (100) feet from the intersection of Derby Street and Congress Street and continuing for a distance of seventy (70) feet in a southerly direction. (10/30/72 DPW 5-633)

Congress Street – Service Zones – easterly side, for a distance of forty (40) feet from the southeasterly side of the bridge. (9/1/81 DPW 5-2005) (5/9/88) (1-10-13)

Congress Street – Service Zones – on the easterly side of Congress Street, beginning at a point one hundred (100) feet from Lynch Street and extending thirty (30) feet in a northerly direction. (2/28/69 DPW 5-191)

Congress Street – Service Zones – westerly side, starting at a point forty-two (42) feet from the intersection of Dow Street, for a distance of twenty-nine (29) feet, in a southerly direction. (11/30/83 DPW 5-2360)

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Crombie Street – Service Zones – on the easterly side of Crombie Street, beginning at a point seventy-eight feet southerly from Essex Street and extending for a distance of fifty (50) feet in a southerly direction as marked by signs.

Derby Street – Service Zones – at No. 283 Derby Street of a frontage of twenty-five (25) feet. (10/10/52 Not approved by DPW)

Derby Street – Service Zones – eastbound in front of #201, for a distance of twenty (20) feet. (11-13-2001)

Derby Street – Service Zones – on the northerly side of Derby Street, beginning at the corner of Liberty Street and extending in an easterly direction for a distance of one hundred (100) feet. (7/16/69 DPW 5-235)

Derby Street – Service Zones – on the southerly side of Derby Street for a distance of forty (40) feet, extending easterly from Kosciuszko Street as marked by signs.

Derby Street – Service Zones – on the southerly side of Derby Street for a distance of forty (40) feet, extending westerly from Turner Street as marked by signs.

Endicott Street – Service Zones – on the southerly side of Endicott Street beginning at the easterly lot line of No. 21 and extending in a westerly direction a distance of fifty (50) feet as marked by signs. (6/11/54 Not approved by DPW)

Essex Street – Service Zones – northerly side, beginning fifteen (15) feet from the corner of Sewall Street and proceeding twenty (20) feet in a westerly direction. (5/9/88)

Essex Street – Service Zones – on the westerly side of Essex Street for a distance of twenty (20) feet, extending from a point two hundred and fifteen (215) feet from Webb Street, in a southerly direction. (9/5/72 DPW 5-600)

Essex Street – Service Zones – on the westerly side of Essex Street, for a distance of thirty-five (35) feet extending from a point two hundred (200) feet from Webb Street in southerly direction. (11/30/70 DPW 5-397)

Federal Street – Service Zones – on the southeasterly side of Federal Street for a distance of fifty-seven (57) feet running in a northwesterly direction beginning at a point three hundred eighty-seven (387) feet from Washington Street. (8/20/73 DPW 5-754)

Federal Street – Service Zones – westerly side, beginning at a point fifty (50) feet from the intersection of Washington Street and Federal Street and continuing for a distance of thirty (30) feet in a southerly direction. (2/13/75 DPW 5-992)

Federal Street – Service Zones – 10 Federal Street, westbound on the northerly side beginning one hundred seventy-five (175) feet from the intersection with St. Peter Street and proceeding fifty-two (52) feet in a westerly direction to the driveway at 10 Federal Street. (currently two (2) metered spaces). (4/27/06)

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Flint Street – Service Zones – easterly side beginning sixty-three (63) feet from the southerly side of Harrington Court for a distance of forty-four (44) feet, in a southerly direction. (6/26/75 DPW 5-1041)

Fort Avenue – Service Zones – in front of the business at #153 Fort Avenue for a distance of twenty (20) feet. (4/25/02)

Front Street – Service Zones – northerly side, beginning at a point one hundred and fourteen (114) feet from the intersection of Front Street and Washington Street and extending in an easterly direction for a distance of thirty (30) feet. (5/31/78 DPW 5-1433)

Gedney Street – Service Zones – on the northerly side of Gedney Street, beginning at a point one hundred and ninety (190) feet from Margin Street, in a westerly direction for a distance of forty (40) feet. (11/5/73 DPW 5-785)

Goodhue Street – Service Zones – westerly side, starting at a point seventy (70) feet from the northerly side of the driveway located at No. 18 Goodhue Street and extending in a northerly direction for a distance of thirty-five (35) feet. (1/7/80 DPW 5-1716)

Harrison Avenue – Service Zones – on the easterly side of Harrison Avenue at No. 1 Harrison Avenue, for a distance of thirty (30) feet as marked by signs. (7/31/56 DPW 7777)

High Street – Service Zones – on the westerly side of High Street adjacent to property at #20 High Street. (7/31/56 DPW 7777)

Highland Avenue – Service Zones – northerly side of Highland Avenue, beginning one hundred ten (110) feet from the intersection of Proctor Street and running twenty (20) feet easterly. No parking Service Zone 2:00 P. M. to 5:00 P. M., Monday through Friday. (8/13/90)

Jefferson Avenue – Service Zones – easterly side beginning at a point two hundred and seventy-five (275) feet in a northerly direction from Lawrence Street and continuing for forty (40) feet as marked by signs and painted curbing. (4/25/74 DPW 5-840)

Lafayette Street – Service Zones – on the westerly side of Lafayette Street beginning at a point one hundred and fifteen (115) feet from the intersection of "Meier Hall Drive" and Lafayette Street and continuing for a distance of twenty-five (25) feet in a northerly direction. (4/14/92)

Lafayette Street – Service Zones – westerly side, beginning at the intersection of Ward Street and Lafayette Street and running in a northerly direction to the intersection of Peabody Street and Lafayette Street for a distance of ninety-three (93) feet. (5/27/76 DPW 5-1169)

Leach Street – Service Zones – northerly side, beginning at the intersection of Leach Street and Lafayette Street for a distance of forty (40) feet, in an easterly direction. (4/16/85 DPW E5-258-2528) (5/9/88)

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Leach Street – Service Zones – on the northerly side of Leach Street at number No. 79 for a distance of thirty (30) feet as marked by signs.

Loring Avenue – Service Zones – on the northerly side of Loring Avenue, from a point twenty-two (22) feet from the westerly side of Broadway in a westerly direction for a distance of twenty-five (25) feet as marked by signs. (8/14/62 DPW 11342)

Margin Street – Service Zones – from Endicott Street in an easterly direction to a distance of sixty (60) feet. (4/2/82 DPW 5-2112)

Margin Street – Service Zones – on the westerly side of Margin Street, beginning at a point one hundred thirty (130) feet from Endicott Street in a southerly direction, for a distance of one hundred forty-five (145) feet in a southerly direction. (5/22/73 DPW 5-713)

Mason Street – Service Zones – on the southeasterly side of Mason Street, beginning at a point twenty-six (26) feet south of North Street and extending southwesterly for a distance of thirty-five (35) feet as marked by signs. (9/2/52 Not approved by DPW)

Mason Street – Service Zones – on the southerly side of Mason Street at No. 67 for a distance of thirty (30) feet. (7/31/56 DPW 7777)

New Derby Street – Service Zones – on the northerly side of New Derby Street, starting at a point ninety-five (95) feet westerly from the corner of Lafayette Street, and continuing westerly for a distance of twenty (20) feet. (6/8/56 Not approved by DPW)

Ocean Avenue – Service Zones – on the southerly side of Ocean Avenue at No. 31 for a distance of thirty (30) feet as marked by signs.

Peabody Street – Service Zones – on the southerly side of Peabody Street, beginning at a point seventy (70) feet east of Lafayette Street and extending forty-five (45) feet in an easterly direction.

Planters Street – Service Zones – on the northerly side of Planters Street, beginning at a point thirty (30) feet from the easterly side of Bridge Street, and extending in an easterly direction for a distance of eighty (80) feet. (12/5/61 DPW 10932)

Raymond Road – Service Zones – on the easterly side of Raymond Road at No. 1 for a distance of seventy-two (72) feet. (5/17/60 DPW 10096)

Ward Street – Service Zones – from Congress Street to Lafayette Street, in a westerly direction.

Ward Street – Service Zones – on the southerly side of Ward Street, beginning at a point sixty-three (63) feet east of Lafayette Street and extending forty (40) feet in an easterly direction. (2/28/69 DPW 5-191)

Washington Square North – Service Zones – on the westerly side of Washington Square North for a distance of thirty (30) feet extending northerly from Essex Street as marked by signs. (12/12/52 Not approved by DPW)

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Washington Square South – Service Zones – on the southerly side of Washington Square South, beginning at the easterly property line of No. 38 Washington Square South and extending in an easterly direction for a distance of eighty-eight and one half (88½) feet, as marked by signs. (12/18/67 Not approved by DPW)

Washington Street – Service Zones – easterly side, from a point beginning ten (10) feet from the northerly corner of New Derby Street and extending northerly at a distance of fifty (50) feet between signs. This space shall be marked "Service Zone". (9/8/88)

Washington Street – Service Zones – on the easterly side of Washington Street, for a distance of thirty (30) feet extending southerly from the entrance of First National Stores parking space as marked by signs.

Washington Street – Service Zones – on the westerly side of Washington Street, beginning at a point forty-eight (48) feet from the northerly junction of Lynde Street, and extending for a distance of thirty (30) feet in a northerly direction as marked by signs. (2/8/71 DPW 5-420)

Washington Street – Service Zones – westerly side, beginning at a point forty (40) feet from the southerly junction of E

And inserting:

Church Street – Service Zones – on the southerly side of Church Street, beginning at a point three hundred and five (305) feet east of Washington Street, and extending eastward for seventy (70) feet.

New Derby Street – Service Zones – on the northerly side of New Derby Street, beginning at a point one hundred and sixty-five (205) feet east of the intersection with Washington Street, and extending eastward fifty-five (55) feet.

New Liberty Street – Service Zones – on the westerly side of New Liberty Street, beginning two hundred and thirty (230) feet south of Brown Street, and extending sixty-five (65) feet to the south.

Central Street – Service Zones – on the easterly side of Central Street, beginning at a point one hundred and sixty (160) feet north of Derby Street, and extending forty (40) feet to the north, Monday through Saturday, 7:00 a.m. to 4:00 p.m.

Section 3. Section 13 of Article I be amended by repealing the following:

Federal Street – Service Zones – northerly side starting at a point of three hundred thirty-eight (338) feet west of St. Peter Street, in a westerly direction for twenty (20) feet in front of #20 Federal Street. (5/8/14)

And replacing it with:

Federal Street – Service Zones – on the northerly side of Federal Street, starting at a point three hundred and twenty-eight (328) feet west of St. Peters Street, and extending westward for one hundred and two (102) feet.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Section 4. Section 13 of Article I be amended by repealing the following:

Washington Street – Service Zones – #118, westerly side starting at a point of fifty-two (52) feet south of the junction of Essex Street, extending in a northerly direction for a distance of twenty (20) feet, "Service Zone". (4/26/07)

And replacing it with:

Washington Street – Service Zones – on the westerly side of Washington Street, beginning at a point twenty-two (22) feet south of Essex Street, and extending southward for forty-five (45) feet, Monday through Saturday, from 7:00 a.m. to 4:00 p.m.

Section 5. Section 13 of Article I be amended by repealing the following:

Central Street – Service Zones – in front of the Salem Fraternity Building. (10/13/98)

And replacing it with:

Central Street – Service Zones – in front of 15 Central Street.

Section 6. Section 13 of Article I be amended by repealing the following:

Lynde Street – Service Zones – beginning twenty-five (25) feet from Washington Street, in a westerly direction on the southerly side, for a distance of forty (40) feet. "Service Zone, thirty (30) minute limit."

And replacing it with:

Lynde Street – Service Zones – beginning twenty-five (25) feet from Washington Street, in a westerly direction on the southerly side, for a distance of forty (40) feet, Monday through Saturday, from 7:00 a.m. to 4:00 p.m.

Section 7. This ordinance shall take effect as provided by City Charter.

**(#572A) - SECOND PASSAGE OF AN ORDINANCE TO AMEND AND ORDINANCE
RELATIVE TO CH. 8 - ANIMALS**

The Second Passage of an Ordinance to amend and ordinance relative to Ch. 8 – Animals was then taken up. The ordinance was adopted for second and final passage.

In the year two thousand and twenty two

An Ordinance to amend an Ordinance relative to Ch. 8 – Animals

Be it ordained by the City Council as follows:

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

Section I. Article II Dogs, Division 1. GENERALLY by adding as a preamble:

“ This chapter is adopted pursuant to the authority of M.G.L. c. 140, §§ 136A to 137A, inclusive, and any other relevant statutes and regulations promulgated pursuant thereto. The purpose of this chapter is to establish regulations for the keeping of dogs in the City of Salem. The definitions of all words and terms used herein shall be as set forth in M.G.L. c.140, §§ 136A to 137A.”

Section II. Sec. 8-35 – Restraint Required subsection (c) is hereby amended by striking “\$25.00” and inserting with “\$50.00”.

Section III. Sec 8-77 - Penalty for violation is hereby amended by deleting in the first sentence “ fine of \$25.00 for a first offense” and replacing with “ fine of \$50.00”.

Section IV. By creating the following Article and sections

Article III. WILD ANIMALS, WILDLIFE AND BIRDS
DIVISION 1 - GENERALLY

Sec. 8.78 - Authority and Purpose

The purpose of these updates is to further protect the health and well-being of our wildlife, domesticated animals and our residents; and to minimize the disruption of our wildlife's natural feeding patterns.

Sec. 8-79. - Feeding of Wild Animals, Wildlife, And Birds

(a) Feeding of wild animals and/or wildlife is prohibited on city owned land.

(1). No person shall feed, bait, or in any manner provide access to food to any wild animal or birds within City of Salem on city owned land.

(2). No person shall leave or store any refuse, garbage, food product, pet food, forage product or supplement in a manner that would constitute an attractant to any wild animal or wildlife on city owned land.

(3). No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, or any other food source or product.

(b) Feeding of wild animals and/or wildlife on private property.

(1). The feeding of songbirds and other backyard birds shall be permitted on private property subject to the following conditions:

(a). Birds shall only be fed from bird feeders. It is strongly encouraged that bird feeders shall be installed at least five feet above the ground with catch basins.

CITY OF SALEM
OCTOBER 25, 2022
CONTINUATION OF REGULAR MEETING

(b). The feeding of wildlife is prohibited due to the detrimental effect it has on their health and the disruption and conflict it causes to their natural feeding patterns.

(c). Feeding that creates an unreasonable disturbance that affects the safety of surrounding property owners by attracting excessive rodents and other wildlife and renders other persons insecure in the use of their property is not permitted.

8.80 - Enforcement.

Inspectional services, Health Department and Board of Health, and/or animal control officer or designee shall enforce the provisions of this chapter.

8.81 - Penalties.

Any person violating any provision of this chapter shall be liable to a fine not less than twenty-five dollars or more than one hundred dollars for each offense.

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

On the motion of Councillor McCarthy the meeting adjourned at 9:00 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK