

CITY OF SALEM
APRIL 13, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, April 13, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 11, 2023, at 3:13 P.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Stott presided.

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

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

PUBLIC TESTIMONY

1. Steve Kapantais, 23A Wisteria Street, Salem – Did not speak.

Councillor Morsillo asked for a point of personal privilege for a moment of silence for the two tragedies that took place earlier this week. Tammi Guy who died from her injuries after being struck by a vehicle and Robert Meehan who was struck and killed by an MBTA Commuter Rail train. Both incidents occurred in our hometown of Salem. Our sincere gratitude and thanks to all the Public Safety personnel for their assistance during this difficult time.

(#100) - NATIONAL GRID TO INSTALL A POLE ON BRIDGE STREET.

The Order and petition from a hearing held from the last meeting on an Order from National Grid to install 1 pole on Bridge St. (pole #598) was withdrawn by National Grid.

#174 – (#161) – EXTENDED HOURS FOR ON THE GRIND CAFE

A hearing was held for On the Grind Café located at 36 Jefferson Ave for extended hours from 6:00 AM to 7:00 PM to 5:00 AM to 7:00 PM.

Dave Potter, 11 Linden Ave., Swampscott, the petitioner appeared in favor. Many employees, most from the hospital, arrive prior to 6:00 AM.

Councillor Morsillo reminded Dave that this is not all commercial; there is a residence two doors down so please be conscious of that fact. Also keep an eye on the front sidewalk. No parking on sidewalk allowed. The sidewalk needs to be kept open and free for pedestrians, especially the kids walking to school.

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No One appeared opposed.

Councillor Morsillo moved to close the Public Hearing. It was so voted.

Councillor Morsillo moved that the extended hours be granted. It was so voted.

#175 – (#160) – NATIONAL GRID TO INSTALL CONDUITS ON OSBORNE HILL DRIVE

A hearing was held on the Order from National Grid to install conduits on Osborne Hill Drive.

Appearing in favor was Sibhita Mahabier-Sheehy, Representative from National Grid, 44 River St., Beverly. This is to provide service.

No one appeared opposed.

Councillor McClain moved to close the Public Hearing. It was so voted.

Councillor Morsillo requested the following condition be added: The contractor must mark out the proposed location for this conduit, and contact DigSafe, prior to submitting a street opening permit application to Engineering to perform the work. The permit application must be submitted a minimum of 7 days prior to the proposed start of work date. The Engineering Department will review the proposed conduit location in the field prior to issuing the permit. All vaults and other structures to be installed within public right of way (including sidewalks) shall be AASHTO H20 rated.

Councillor McClain moved that the Order be Granted with the above conditions. It was so voted.

#176 – (#159) – NATIONAL GRID TO INSTALL CONDUITS ON GROVE STREET

A hearing was held on the order from National Grid to install conduits on Grove Street.

Appearing in favor was Sibhita Mahabier-Sheehy, Representative from National Grid, 44 River St., Beverly. This is for the new development going into that location.

No one appeared opposed.

Councillor Morsillo moved to close the Public Hearing. It was so voted.

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Councillor Stott read the following conditions: The contractor must submit a street opening permit application to Engineering prior to performing the work. This application must be submitted a minimum of 7 days prior to the proposed start of work date including a Traffic Management Plan. All vaults and other structures to be installed within public right of way shall be AASHTO H20 rated. Contractor will need to replace full concrete panels after work is complete. Scoring pattern of concrete should match existing concrete sidewalk. Note: There are two utility poles, both numbered 555, near where Grove Street passes over the North River. The old pole (pole on the right closest to the river in picture below) was supposed to be removed after the new pole was installed but it has not been moved and this old pole is blocking the area where a new bike path will be installed as part of the 60-64 Grove Street development. No work can begin until that old pole has been removed.

Councillor Morsillo moved that the order be granted with the above conditions. It was so voted.

#177 – (#158) – NATIONAL GRID AND VERIZON TO INSTALL A JO POLE AND CONDUITS ON GROVE STREET

A hearing was held on the order from National Grid and Verizon to install 1 pole and conduits on Grove Street.

Appearing in favor was Sibhita Mahabier-Sheehy, Representative from National Grid, 44 River St., Beverly. This is in conjunction with the previous order. The conduits are supposed to come from this new pole.

No one appeared opposed.

Councillor Morsillo moved to close the Public Hearing. It was so voted.

Councillor Stott read the following conditions: The contractor must submit a street opening permit application to Engineering prior to performing the work. This application must be submitted a minimum of 7 days prior to the proposed start of work date including a Traffic Management Plan. All vaults and other structures to be installed within public right of way shall be AASHTO H20 rated. Contractor will need to replace full concrete panels after work is complete. Scoring pattern of concrete should match existing concrete sidewalk. Note: There are two utility poles, both numbered 555, near where Grove Street passes over the North River. The old pole (pole on the right closest to the river in picture below) was supposed to be removed after the new pole was installed but it has not been moved and this old pole is blocking the area where a new bike path will be installed as part of the 60-64 Grove Street development. No work can begin until that old pole has been removed.

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Councillor Morsillo moved that the order be granted with the above conditions. It was so voted.

#178 – (#157) – COMCAST TO INSTALL CONDUITS ON NORMAN STREET

A hearing was held on the order from Comcast to install conduits on Norman Street.

Appearing in favor was Dave Flewelling, Representative from Comcast. This is for a 3X3 manhole over the existing conduit for the Post Office.

No one appeared in opposition.

Councillor Watson-Felt moved to close the Public Hearing. It was so voted.

Councillor Watson-Felt moved that this be granted with the following conditions:

The contractor must submit a street opening permit application to Engineering prior to performing the work. This application must be submitted a minimum of 7 days prior to the proposed start of work date and shall include a Traffic Management Plan. **All vaults and other structures to be installed within public right of way (including sidewalks) shall be AASHTO H20 rated.** Contractor will need to replace full concrete panels after work is complete. Scoring pattern of concrete should match existing concrete sidewalk as well as a traffic management plan and making sure it stays in place during the duration of work. It was so voted.

#179 - #182 – APPOINTMENTS TO THE FOLLOWING BOARDS

The Mayor's Appointment of the following to serve on various boards and commissions with terms to expire was held under the rules.

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

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#183 – REAPPOINTMENT OF CHARLES BARTON TO THE BOARD OF REGISTRARS OF VOTERS

The Mayor's Re-appointment of Charles Barton to serve on the City of Salem's Board of Registrar's with the term to expire March 1, 2026, was held under the rules.

#184 – REAPPOINTMENT OF JOSH TURIEL TO THE PLANNING BOARD

The Mayor's Re-appointment of Josh Turiel to serve on the City of Salem's Planning Board with the term to expire May 24, 2028, was held under the rules.

#185 – APPOINTMENTS TO THE RECYCLING COMMITTEE

The Mayor's Appointment of the following to serve on the Recycling Committee were received and filed. (Informational Purposes Only)

Lucie Juneau Patrowicz	104 Bay View Ave.
Mari Alix	16 Thorndike St.
Catherine Deyo	18 Turner St.
Daniell Hepting	12 Lemon St.
Sandra O'Donnell	25 Woodside St.

#186 – APPOINTMENT TO THE CULTURAL COUNCIL

The Mayor's Appointment of Lisa Gray Duffy of 112 Columbus Ave., to Salem's Cultural Council with a term to expire April 13, 2026, was received and filed.

#187 – CONSTABLE REAPPOINTMENT – DOMINICK PANICO

The Mayor's Re-Appointment of Dominick Panico of 10 Buffum St. #3, Salem to serve as a Constable with a term to expire on April 13, 2026, was received and filed.

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#188 – APPROPRIATION OF \$4,000.00 FROM RETIREMENT BUYBACK ACCOUNT TO BE PAID OUT TO ACTIVE EMPLOYEES PER AGREEMENT

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

ORDERED: That the sum of Four Thousand Hundred Dollars (\$4,000) is hereby appropriated in the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the sick leave buybacks to be paid out for active employees pursuant to collective bargaining agreements with various unions in accordance with the recommendation of His Honor the Mayor.

#189 – EXEMPTION ON MGL CH. 44, SEC. 64 TO PAY AN INVOICE FROM FY 2020 FROM FY2023 BUDGET – POLICE DEPT. IN THE AMOUNT OF \$561.60

The following order submitted was submitted by the Mayor.

ORDER: Per MGL Chapter 44 Section 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council we request the sum of Five Hundred Sixty-One Dollars and Sixty Cents (\$561.60) of outstanding Fiscal Year 2020 invoices is hereby allowed to be paid from the Fiscal Year 2023 Police Department budget as listed below in accordance with the recommendation of His Honor the Mayor.

Department	Vendor	Amount	
Police Department (12102-5384 Animal Care)	Bulger Veterinary Hospital	\$	561.60
Total		\$	561.60

Councillor McClain corrected the amount due by amending the amount to \$350.00.

Councillor Cohen seconded the motion.

The order was adopted as amended under suspension of the rules as follows by a roll call vote of 10 yeas, 0 nays and 0 absent.

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Department	Vendor	Amount
Police Department (12102-5384 Animal Care)	Bulger Veterinary Hospital	\$350.00
Total		\$350.00

#190 – SUBMITTAL OF CDBG GRANT FUNDS

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

ORDERED: That the City Council hereby approves the submittal of the City of Salem's Application for Federal Assistance to the United States Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds for the period of July 1, 2023 through June 30, 2024 in the amount determined by HUD's formula entitlement allocation (\$1,059,113.00).

Councillor McClain requested and received suspension of the rules to allow Amanda Chiancola.

Amanda Chiancola stated this is just to submit the annual application. The public hearing for the Action Plan will take place next week, April 20th at 6Pm via zoom. Public Comment is open until May 1st.

#191 – JOINT CONVENTION WITH SCHOOL COMMITTEE

The following order introduced by Councillor Dominguez was adopted as amended.

Original:

ORDERED: That the City Council and School Committee accept nominations for the vacancy of a School Committee Member due to the resignation of James Fleming as of April 7, 2023. Those interested in being nominated must be a Registered Voter in Salem and send a letter of interest or resume which must be filed in the City Clerk's Office by **Monday, May 1, 2023, by 12:00 P.M.**

And that a Joint Convention of the City Council and School Committee be held in the City Council Chambers in-person on **Thursday, May 4, 2023, at 6:00 P.M.** for the purpose of electing a School Committee member to fill the vacancy.

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Amended:

ORDERED: That the City Council and School Committee accept nominations for the vacancy of a School Committee Member due to the resignation of James Fleming as of April 7, 2023. Those interested in being nominated must be a Registered Voter in Salem and send a letter of interest or resume which must be filed in the City Clerk's Office by **Friday, April 28, 2023, by 12:00 P.M.**

And that a Joint Convention of the City Council and School Committee be held in the City Council Chambers in-person on **Monday, May 1, 2023, at 6:00 P.M.** for the purpose of electing a School Committee member to fill the vacancy.

Councillor Morsillo requested that a City Seal and letter of thanks be sent to Mr. Fleming.

Councillor Prosniewski requested that we add that he was a Vietnam Veteran to the letter.

#192 – RIGHT TURN ON RED

The following order introduced by Councillor Morsillo was adopted.

ORDERED: That the Traffic and Parking Department provide to the City Council a list of all traffic lights in Salem, under the jurisdiction of the City of Salem, that do not currently prohibit "Right on Red". Additionally, that the Traffic and Parking Department provide the cost the creation of appropriate signage to prohibit "Right on Red". These items are requested by the May 25 meeting.

Councillor Morsillo stated that there is a number of cars acting boldly. The cars do not stop at red lights, they cars turn on red while the pedestrian light is on and drivers beep their horn if a car in front of them stop, pushing their way into congestion where there is no where to go (especially during Halloween). The number of pedestrian accidents in the last few years due to distracted drivers. The 1970 oil embargo was supposed to be a fuel conservation measure. The largest number of pedestrian accidents occurred in 2021. Studies show no turn on red reduces accidents. Need Safer Streets but also wants to know the costs involved i.e. signage.

Councillor Watson-Felt supports the order. We as a body see more of this across the City, but it comes down to enforcement. This is why a HRP was requested for red light cameras.

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Councillor Hapworth stated he would like to look at the data. Constantly balancing zero emissions with efficiency and safety.

Councillor Prosniewski agrees with Councillor Morsillo but has concerns that should be answered before asking Parking and Traffic to time and resources into this order. We should check the legal avenues to address the Federal Law of 2022 to increase domestic energy subsection (5) any Federal Assistance shall be include such actions as right on red, or left on left one way streets. This is money for energy costs. Emissions for cars stopped at red lights. Movement of traffic in the city if take away right on red is going to cause more frustration and congestion. Do we have the legal authority to take away or lessen the Federal Law and will we continue to receive the Federal money if we do. Would like it to go to committee first before asking Traffic and Parking to do this work.

Councillor McClain has concerns as well. This needs discussion. Need to know causes of accidents before take a large step such as this. Like to have a discussion with traffic and parking not just for them to give us data. We need to be collaborative among departments i.e. police, electrical and traffic and parking. Congestion factors – don't want to shut down measures that may be helping.

Councillor Merkle supports the order to get the data.

Councillor Morsillo stated that this order is transparent from the start for more discussion. Pains her to hear Councillors say congestion is more important than pedestrian safety. Once she gets the data then it will go into committee. The entire city of NY does not allow right on red anywhere in the state. We already have some signs that say no turn on red and we still get federal funds. This is just a start.

Councillor Watson-Felt stated we could send this to committee, but hard to have a discussion without data such as pedestrian injures caused by cars.

Councillor Prosniewski stated he understands the order, but we have 100's of lights. How will they obtain this data. Go out and look at them? That's a lot of effort and people power.

Councillor McClain stated pedestrian vs car point of contention around who gets priority in this discussion. We have to find a way to honor both of these needs. Drivers need to be made more aware of pedestrians. As we talk about prohibitions we also need solutions. We can't compare ourselves to New York. Change the framing of the conversation.

Councillor Hapworth agreed we need to change the framing of the conversation and we may need to sacrifice some efficiency.

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#193 – MONTHLY FINANCIAL REPORTS DATED DECEMBER 2022, JANUARY 2023 & FEBRUARY 2023

The following order introduced by Councillor McClain was adopted.

ORDERED: That the monthly financial reports dated December 2022, January 2023, and February 2023 be received and filed.

#194 – MEET TO DISCUSS AMENDING THE AFFORDABLE HOUSING TRUST FUND BOARD

Councillor Dominguez assumed the chair. M

The following order introduced by Councillor Stott was adopted.

ORDERED: that the Committee on Ordinances Licenses and Legal Affairs co-posted with the Committee of the Whole meet to review the City of Salem Code of Ordinances Chapter 2, Article 4, Division 14 (The Affordable Housing Trust Fund Board of Trustees), Sec 2-1001 (Composition) and Sec 2-1002 (Appointments of trustees; term; vacancies) to discuss the composition and number of trustees appointed to determine if this configuration allows the Affordable Housing Trust Fund Board to achieve its goals and purposes.

Councillor Stott explained that the board has trouble getting a quorum for their meetings. We are the only city that has 12 members. This number of members is uncommon and it is also uncommon to have Councillors sit on the board. One idea to reduce membership is to take away Councillor's appointments.

#195 – NAMING OF A VETERAN'S SQUARE AFTER U.S. ARMY PRIVATE RENE "PETE" PELLETIER – CORNER OF CABOT AND GARDNER STREETS

The following Order introduced by Councillor Cohen was adopted.

ORDERED: That the corner of Cabot and Gardner Streets be named Pelletier Square after U.S. Army Private Rene "Pete" Pelletier who was killed in action on May 5, 1945.

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**#196 – TRAFFIC ORDINANCE AMENDING CH. 42, SECS. 50A, 50B, & 75
RELATIVE TO HAZEL STREET**

The following ordinance introduced by Councillor Cohen was adopted for first passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

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

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

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

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

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

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

And inserting the following:

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

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

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#197 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 50B – HANDICAP PARKING – WASHINGTON SQUARE

The following ordinance introduced by Councillor Watson-Felt was adopted for first passage.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

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

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

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

#197A – LIST OF OPEN PROJECTS AND REQUESTS WITH MASS DEPARTMENT OF TRANSPORTATION

The following order introduced by Councillor Watson-Felt was adopted.

ORDERED: That the Acting Mayor produce and deliver to the City Council a list of open projects and requests in the City of Salem with Massachusetts Department of Transportation by the 11th of May, 2023.

#198 – (#79) – MAYOR’S COMPENSATION

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

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom it was referred the matter of review the Compensation of the Mayor, Ch. 2, Sec. 142, has considered said matter and would recommend that it remain at it’s current salary.

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The Committee reviewed the salary survey received from Human Resources. A Mayor in municipal government is not the same as a CEO in the private sector. They will look into cost-of-living increases in the future.

#199 – (#170) – GRANTING CERTAIN LICENSES

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

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

TAG DAY – Veterans Council May 26-29th, July 1-4th & Nov. 10-12th.

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

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

The Committee on the Ordinances, Licenses and Legal Affairs to whom it was referred the matter of Amending an Ordinance relative to Traffic Ch 42, Secs 51, 51B, 74 & 75 – Federal St., has considered said matter and would recommend Adoption as Amended for first passage.

Councillor Morsillo explained that the amendment was to strike the section relative to 27 North Street receiving resident sticker permits (Ch. 42, Sec. 75). Federal Street residents need Federal Street for their own on street parking.

Councillor Watson-Felt receives complaints about 27 North Street from the residents on Federal Street. When the property owners of 27 North Street went in front of the Zoning Board of Appeals for the conversion of offices into 2 additional residential units, the ZBA made part of their decision that 27 North Street will not be eligible for resident sticker parking permits. There is a parking area in the back of the building.

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

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

The Committee on the Ordinances, Licenses and Legal Affairs to whom it was referred the matter of an Ordinance Amending an Ordinance relative to Traffic Ch 42, Secs 50A, 51, 56, 74 & 75 – Federal St., has considered said matter and would recommend Adoption for first passage.

#202 – ELECTION ORDER FOR THE SPECIAL ELECTION TO BE HELD ON MAY 16, 2023

The following Order submitted by the City Clerk relative to the Election Order for the Special Election to be held on May 16, 2023 was granted.

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, May 16, 2023**, for the purpose of casting votes in the City's Special Final Election for the election of candidates for the following office:

ORDENADO: Que las reuniones de los votantes calificados de la Ciudad de Salem se lleven a cabo en los diversos recintos electorales de la Ciudad en los lugares de votación designados a continuación el **martes 16 de mayo de 2023**, con el propósito de emitir votos en la Elección Final Especial de la Ciudad para la elección de candidatos para el siguiente cargo:

Mayor: to fill vacancy due to the resignation of Kimberley Driscoll

Alcalde: para llenar la vacante debido a la renuncia de Kimberley Driscoll

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

Y SE ORDENE ADEMÁS: Que los siguientes lugares sean y por la presente sean designados 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

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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

COMMUNICATIONS FROM CITY OFFICIALS

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 SE ORDENE ADEMÁS: 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 instruya al Secretaria de la Ciudad que publique este aviso como lo exige la ley.

#203 – PRIMARY METHOD OF CITY COUNCIL MEETINGS RELATIVE TO PUBLIC ACCESS

The following Order submitted by the City Solicitor relative to the Primary and Secondary methods of Public Meetings for the City Council and their standing subcommittees was referred to the Committee of the Whole.

ORDERED: Notwithstanding Chapter 2 of the Massachusetts Acts of 2023 allowing public bodies to continue holding public meetings remotely until March 31, 2025, the City Council and its Standing Committees shall meet in person.

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In person shall be the primary method of public access to such meetings. A secondary method of public access may be provided, if technologically feasible, though Salem Access Television and/or remotely through technological means such as Zoom.

A quorum of members must be present in person unless a meeting is posted noting that the meeting will be held as a hybrid meeting, meaning both in person and remotely and enabling a quorum to include members present in Council Chambers and remotely. A hybrid meeting may only be held if members of the public can observe and listen to the meeting, or if it is a public hearing, they are able to provide public comment remotely.

All meeting notices shall indicate clearly whether or not the primary method of public access is in person, in person with a secondary public access via remote participation, or hybrid where the in-person and remote access must both be available. If applicable, the meeting notice shall indicate how members of the public may access the meeting remotely including the relevant links, URLs, access codes, PINs, meeting ID numbers, or telephone numbers. This Order supersedes the Remote Participation Policy adopted by the City Council on March 24, 2022.

#204 – M.G.L CH. 268A, SEC. 20(B) – EXEMPTION FOR JAMES ROGERS

The following order submitted by the City Solicitor relative to MGL Ch. 268A, Section 20(b) was adopted.

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that James Rogers has met the requirements for exemption as set forth in this Section and may be retained as an art and science instructor by the Park, Recreation and Community Services Department, not to exceed 500 hours in this calendar year.

#205 – OUTDOOR DINING ORDINANCE

The following order submitted by the City Solicitor relative to Outdoor Dining was adopted as amended. The date of May 8th was changed to April 24th. This motion was made by Councillor Varela and seconded by Councillor Morsillo

Original:

Ordered: That the City Solicitor work with the Health Agent, Building Commissioner, City Clerk and Executive Director of the Salem Redevelopment Authority, or their designees, to draft an amendment to the City Ordinance relative to outdoor dining (café permits) to allow

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for and regulate the use of public ways (sidewalks and parking spaces) for restaurants to build outdoor dining areas and to establish limitations and procedures for such use commencing in 2024. The Solicitor shall submit a draft to the City Council no later than May 8, 2023.

Amended:

Ordered: That the City Solicitor work with the Health Agent, Building Commissioner, City Clerk and Executive Director of the Salem Redevelopment Authority, or their designees, to draft an amendment to the City Ordinance relative to outdoor dining (café permits) to allow for and regulate the use of public ways (sidewalks and parking spaces) for restaurants to build outdoor dining areas and to establish limitations and procedures for such use commencing in 2024. The Solicitor shall submit a draft to the City Council no later than April 24, 2023.

#206 – NATIONAL GRID TO INSTALL CONDUITS ON HIGHLAND AVENUE

A hearing was ordered for April 27, 2023, for a petition from National Grid to install Conduits on Highland Ave.

#207 – ROAD RACE – WILD TURKEY – NOVEMBER 23, 2023

The request from The Boys and Girls Club to hold Wild Turkey 5 Mile Road Race and use of city streets on November 23, 2023, was granted.

#208 – ROAD RACE – MILES OVER THE MOON – JULY 21, 2023

The request from The Wicked Running Club to hold Miles over the Moon Road Race and use of city streets on July 21, 2023, was granted.

TAXI OPERATOR/
REQUEST HEARING: Dennis Duval 9 Perry Drive #3, Danvers
Alexie Quinones 2 Bresnahan St., Peabody

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#215 – LICENSE APPLICATIONS

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

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

#216 - #220 – CLAIMS

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

L.H. Personnier 54A Apex Ave., Hampton Australia
Phyllis Spector 23 Britannia Cir., Salem
Richard Finocchio 4 Arrowhead Rd., Marblehead
Richard McMullen 96 Washington Sq., Salem
Brendon Smith 2 Peach Highlands, Marblehead

#221 – DRAINLAYER / CONTRACT OPERATOR LICENSES

The Following Drainlayer/Contract Operator Licenses were granted.

R&J Construction 532 Water St., Wakefield
EB Rotondi & Sons 21 Manison St., Stoneham
Brennan Construction 419 Lafayette St., Salem
Landmark Utilities & Site Excavation 134 Centre St., Danvers

#222 – BONDS

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

DRAINLAYER: EB Rotondi & Sons 21 Manison St., Stoneham

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(#147) - SECOND PASSAGE OF A TRAFFIC ORDINANCE AMENDING HANDICAP PARKING REPEAL ON SUMMER STREET

The following ordinance was adopted for second and final passage.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

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

Repeal – Summer Street – easterly side, beginning fifty-five (55) feet north of Endicott Street and running in a northerly direction for twenty (20) feet. “Handicap Parking, Limited Time, Tow Zone”

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

(#148) - SECOND PASSAGE OF A TRAFFIC ORDINANCE AMENDING HANDICAP PARKING ON SUMMER STREET

The following ordinance was adopted for second and final passage.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

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

Summer Street - in front of #73, for a distance of twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

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**(#149) - SECOND PASSAGE OF A TRAFFIC ORDINANCE TO REPEAL AND
REPLACE PARKING PROHIBITED ON CERTAIN STREETS – BROAD STREET**

The following ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

Broad Street – Parking Prohibited on Certain Streets - northerly side, beginning at Pickering Street in an easterly direction for thirty (30) feet. (11/13/75 DPW 5-1114)

And inserting the following:

Broad Street – Parking Prohibited on Certain Streets - northerly side, beginning at Pickering Street in an easterly direction for one-hundred and two (102) feet.

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

**(#150) - SECOND PASSAGE OF A TRAFFIC ORDINANCE AMENDING CH. 42
SECS. 51B, 56 & 75 – RELATIVE TO ESSEX STREET**

The following ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

Essex Street – Parking Prohibited at Certain Times on Certain Streets - for a distance of one hundred thirty five feet (135) in a westerly direction beginning ninety-five feet (95) from Summer Street, southerly side. Thirty (30) minute parking, 8:00 A.M. to 6:00 P.M. (11/14/94)

Essex Street – Parking Prohibited at Certain Times on Certain Streets - for a distance of one hundred thirty-five (135) feet in a westerly direction beginning ninety-five (95) from Summer Street, southerly side. Thirty (30) minute parking, 8:00 A. M. to 6:00 P. M. (11/14/94)

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Section 2. Section 56 of Article V be amended by repealing the following:

Essex Street – Parking Meter Zones Established - northerly side, from North Street in a westerly direction to a point opposite the easterly line of Cambridge Street. Four (4) hour parking. (7/20/87) (7/14/11)

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

Essex Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone C – Color Green – both sides, beginning at Summer Street and continuing in a westerly direction to Cambridge Street. Two (2) hour nonresident parking allowed, Monday through Sunday, 8:00 A.M. to 6:00 P.M. No visitor passes shall be issued for qualifying addresses on this street.

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

(#153) - SECOND PASSAGE OF A TRAFFIC ORDINANCE AMENDING CH. 42
SECS. 51B, 57A & 75 – RELATIVE TO LAFAYETTE STREET AND OCEAN AVE.

The following ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

Lafayette Street – Parking Prohibited at Certain Times on Certain Streets - easterly side, beginning at the intersection of Ocean Avenue and running in a southerly direction for a distance of one hundred (100) feet. Two (2) hour parking. (11/18/76 DPW 5-1236)

Lafayette Street – Parking Prohibited at Certain Times on Certain Streets - easterly side, extending one hundred (100) feet from Ocean Avenue. Two (2) hour parking. (10/5/76 DPW 5-1210)

Ocean Avenue - Parking Prohibited at Certain Times on Certain Streets - southerly side, beginning at Lafayette Street and running in an easterly direction for one hundred fifty-eight (158) feet, two (2) hour parking. (11/12/15)

Ocean Avenue - Parking Prohibited at Certain Times on Certain Streets - from Lafayette Street to the westerly property line of #39 Ocean Avenue, total distance one hundred and fifty-eight (158) feet. (11/12/15)

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Section 2. Section 57A of Article V be amended by repealing the following:

Ocean Avenue – Parking Time Limited: Unmetered Zones - northerly side, starting at Lafayette Street and running to the rear property line of 284 Lafayette Street. Two (2) hour parking, Monday through Friday 9:00 A.M. to 6:00 P.M. Resident parking also authorized. (10/13/16)

And inserting the following:

Lafayette Street – Parking Time Limited: Unmetered Zones – easterly side, beginning at Ocean Avenue and running in a southerly direction for seventy-eight (78) feet, Two (2) hour parking, Monday through Friday, 8:00 A.M. to 6:00 P.M.

Ocean Avenue – Parking Time Limited: Unmetered Zones – northerly side, beginning at Lafayette Street and running in a westerly direction, ninety-two (92) feet, one (1) hour nonresident parking allowed, Monday through Friday, 9:00 A.M. to 6:00 P.M.

Ocean Avenue – Parking Time Limited: Unmetered Zones – northerly side, beginning at Lafayette Street and running in a westerly direction, ninety-two (92) feet, one (1) hour nonresident parking allowed, Monday through Friday, 9:00 A.M. to 6:00 P.M.

Ocean Avenue – Parking Time Limited: Unmetered Zones – southerly side, beginning at a point one hundred and three (103) feet west of Lafayette Street and running in an easterly direction to Lafayette Street, one (1) hour nonresident parking allowed, Monday through Friday, 9:00 A.M. to 6:00 P.M.

Ocean Avenue – Parking Time Limited: Unmetered Zones – southerly side, beginning at Lafayette Street and running in an easterly direction for one hundred fifty-five (155) feet, two (2) hour nonresident parking allowed, Monday through Friday, 8:00 A.M. to 6:00 P.M.

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

Ocean Avenue – Parking Prohibitions Towing Zone (Resident Sticker) - Zone E
Color Orange - starting from No. 50, both sides, running in a westerly direction to Canal Street. (10/2/90)

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

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(#154) - SECOND PASSAGE OF A TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – ALBION STREET

The following ordinance was adopted for second and final passage.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

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

Albion Street - in Front of #33 for a distance of twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#156A) - SECOND READING OF CITY COUNCIL RULES AND ORDERS RELATIVE TO 26C – RULES FOR TESTIMONY DURING “PUBLIC TESTIMONY “PORTION OF REGULAR MEETINGS

The following order for the second reading was adopted by a roll call vote of 10 yeas, 0 nays and 0 absent.

Ordered: Appendix A - Rules and Orders of the City Council, Sec. 26C. Rules for Testimony During "Public Testimony" portion of Regular Meetings is hereby amended by deleting this section in its entirety and replacing it with the following:

“Sec. 26C. Rules for Testimony During "Public Testimony" portion of Regular Meetings

The following rules shall be observed during the "Public Testimony" portion of Regular Meetings of the City Council:

- 1.. In order to manage Public Testimony in a reasonable amount of time, before opening the Public Testimony portion of the meeting, the President shall, depending on the number of speakers, set a time limit, not to exceed three minutes, which each individual presenting testimony must abide. The Public Testimony portion of the meeting shall not exceed fifteen (15) minutes, extended at the discretion of the President or to a time definite by majority vote of the Council.

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2. Anyone wishing to present testimony at a City Council meeting must sign-up online or sign a roster in the Clerk's office up to 30 minutes prior to the start of the meeting. The roster (s) shall be presented to the President of the City Council at the start of the Regular Meeting. Only those individuals whose names appear on the roster may present testimony at the meeting in question.
3. Public testimony shall be conducted in an orderly and peaceable manner. Failure to do so may result in the President terminating the speaker's comment period.
4. The Public Comment period is not a public hearing or a question and answer period."

Councillor Morsillo asked for point of personal privilege. She read into the record the following letter:

We, the undersigned community leaders of Salem, Massachusetts, want our LGBTQ+ youth and adults to know that we stand with you. We are aware of the recent uptick in violence and anti-LGBTQ+ legislation, and we want you to know that you are not alone.

We believe that everyone deserves to live their life authentically and without fear of discrimination or violence. We know that the recent events in our community and beyond may have left you feeling scared and anxious. However, we want to assure you that we will not stand idly by.

We want to thank the Salem Police Department for their swift and thorough action this past week regarding LGBTQ+ hate crimes here in Salem.

We recognize that the LGBTQ+ community is an essential part of our diverse and vibrant community in Salem. We want to ensure that you feel safe, supported, and welcomed in our schools and our city. We value your contributions to our community and appreciate the unique perspectives and experiences that you bring.

We also want to acknowledge the resilience and strength of the LGBTQ+ community. Despite the challenges and obstacles that you have faced, you continue to stand up for your rights and advocate for equality. We are inspired by your courage and determination and are committed to standing with you in solidarity.

We know that words alone may not be enough to address the systemic issues that lead to discrimination and violence against the LGBTQ+ community. That is why we are committed to taking concrete actions to promote equality and inclusion in our community. We will work tirelessly to ensure that all members of our community are treated with respect and dignity, regardless of their sexual orientation, gender identity, or expression.

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We urge you to reach out for support if you need it. There are many resources available in our community. As community leaders, we stand with NAGLY and with ALL our community members against all forms of bigotry, discrimination, bullying, and harassment.

In closing, we want to reiterate our commitment to promoting equality, inclusion, and diversity in our community. We stand with you and will continue to work towards a more just and equitable society for all.

Sincerely,

Congressman Seth Moulton - U.S. representative for Massachusetts's 6th congressional district
Joan Lovely - MA State Senator, 2nd Essex
Manny Cruz - State Representative, 7th Essex (Salem) and Vice-Chair of School Committee
Robert McCarthy - Acting Mayor, Chair of School Committee
Dr. Stephen Zrike Jr. - Superintendent of Schools
Amanda Campbell - School Committee Member
Beth Anne Cornell - School Committee Member
Jeff Cohen - Salem City Councillor, Ward 5
Domingo Dominguez - Salem City Councillor, At Large
Ty Hapworth - Salem City Councillor, At Large
Mary Manning - School Committee Member
Lev McClain - Salem City Councillor, Ward 4
Alice Merkl - Salem City Councillor, At Large
Patti Morsillo - Salem City Councillor, Ward 3
Dr. Kristin Pangallo - School Committee Member
Conrad Prosniewski - Salem City Councillor, At Large
Meg Stott - Salem City Councillor, Ward 6, Council President
Andy Varela - Salem City Councillor, Ward 7
Caroline Watson-Felt - Salem City Councillor, Ward 2

On the motion of Councillor Dominguez the meeting adjourned at 9:15 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK