

CITY OF SALEM
JANUARY 11, 2024
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, January 11, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on January 9, 2024, at 2:04 P.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

All Councillors present.

Council President Hapworth presided.

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

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

Salem City Council Land Acknowledgment

The Salem City Council honors that this land is Naumkeag, or fishing place, where generations of Naumkeag people from the Pawtucket band of the Massachusetts Tribe lived and passed through for centuries.

We acknowledge that this is unceded Indigenous land and also acknowledge the Massachusetts Tribe, who continue to honor and hold this land into the present.

Salem's City Council is committed to having ongoing meaningful dialogue with the indigenous peoples who have presence in Salem in order to dismantle the legacies of oppression and inequities that persist today.

PUBLIC TESTIMONY

1. David Pszenny, 21 Thomas Cir., Salem – No cell phone use in City Hall illegal
2. Alphonse Wright, 12 Hancock St., Salem – Looking at issues through humanitarian lenses

#4 – (#610 of 2023) - COMAST TO INSTALL CONDUITS AT NORTH & FEDERAL STREET

A hearing was held on the order from Comcast to Install Conduits at the corner of North St and Federal St. (for service at 36 Federal St.).

Dave Flewelling, 9 Forbes Ave. Woburn MA, representative from Comcast appeared in favor. This is to provide service to #36 Federal Street.

Councillor Watson-Felt wanted to make sure there was no blocking of or a change in traffic pattern when work is being done.

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Councillor Watson-Felt moved that the public hearing be closed. It was so voted.

Councillor Watson-Felt moved that this order be granted. It was so voted.

(#583 of 2023) – REAPPOINTMENTS TO VARIOUS BOARDS

Held from the last meeting, the Mayor's Re-Appointments with the following terms to expire were confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

(These appointments were confirmed 12/6/2022 for 1 Year with the condition that when expire in December of 2023 their term to expire reverts to their original termination date.)

| <u>Name</u> | <u>Board</u> | <u>Term Length</u> | <u>Term Expiration</u> |
|----------------------|-----------------------------------|---------------------------|-------------------------------|
| Mary Ellen Halliwell | Beautification Committee | 3 Years | March 1, 2026 |
| Colleen Downie | Bicycling & Shared Path Committee | 3 Years | February 27, 2026 |
| Robert Millerick | Board of Assessors | 3 Years | March 1, 2026 |
| Paul Kirby | Board of Health | 3 Years | March 1, 2026 |
| Sara Moore | Board of Health | 3 Years | March 26, 2026 |
| Darren Black | Commission on Disabilities | 3 Years | April 23, 2026 |
| Rebecca Christie | Commission on Disabilities | 3 Years | April 13, 2026 |
| Debra Lobsitz | Commission on Disabilities | 3 Years | March 1, 2026 |
| Eliud Alcala | Council on Aging Board | 3 Years | March 1, 2026 |
| Abigail Butt | Council on Aging Board | 3 Years | March 1, 2026 |
| Kristin Macek | Council on Aging Board | 3 Years | February 27, 2026 |
| Kathy Winn | Salem Harbor Port Authority | 3 Years | January 12, 2026 |
| Vijay Joyce | Historical Commission | 3 Years | March 12, 2026 |
| Rosa Ordaz | Zoning Board of Appeals | 3 Years | May 1, 2026 |

#5 – APPOINTMENTS TO VARIOUS BOARDS

The Mayor's appointments of the following with the terms to expire were held under the rules.

| <u>Name</u> | <u>Address</u> | <u>Board</u> | <u>Term to Expire</u> |
|-------------------------------|-----------------------|-----------------------------------|------------------------------|
| Timothy Norton | 9 Glover St. #2 | Scholarship & Education Committee | March 28, 2025 |
| Margarida Raka-Goncalves, Esq | 16 Kosciuszko St. | Historical Comm. | January 11, 2026 |

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#6 – REAPPOINTMENTS TO VARIOUS BOARDS

The Mayors Re-Appointment of the following with terms to expire were held under the rules.

| Name | Board | Term Length | Term Expiration |
|--------------------|-------------------------------------|-------------|------------------|
| Jason Sydoriak | Affordable Housing Trust Fund Board | 2 years | January 25, 2026 |
| Jason Leese | Affordable Housing Trust Fund Board | 2 years | January 14, 2026 |
| Patrcia Small | Council on Aging Board | 3 years | January 14, 2027 |
| Gwendolyn Rosemond | Public Art Commission | 2 years | January 11, 2026 |
| Norene Gachignard | Public Art Commission | 2 years | January 11, 2026 |

#7 – APPROPRIATION OF \$30,000.00 TO DPS BURIAL

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

ORDER: That the sum of Thirty Thousand Dollars (\$30,000.00) is hereby transferred and appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account (14112-5383) in accordance with the recommendation of His Honor the Mayor.

| From | To | Amount |
|--------------------------------|-----------------------|------------------|
| 2430-4800 R/Res Sale of Lots | 14112-5383 DPS Burial | \$15,000.00 |
| 2431-4800 R/Res Sale of Vaults | 14112-5383 DPS Burial | \$15,000.00 |
| Total | | 30,000.00 |

#8 – APPROPRIATION OF \$10,134.14 TO THE FIRE EQUIPMENT REPAIR ACCOUNT

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

ORDER: That the sum of Ten Thousand One Hundred Thirty-Four Dollars and Fourteen Cents (\$10,134.14) is hereby appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” account to the account listed below to fund required emergency repair costs in accordance with the recommendation of His Honor the Mayor.

| Description | Fund | Amount |
|--|------------|---------------------|
| Fire Department Fire Equipment Repair | 12202-5258 | \$ 10,134.14 |
| | | \$ 10,134.14 |

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#9 – PAYMENT OF FY23 INVOICE FROM FY24 BUDGET FOR FIRE DEPARTMENT IN THE AMOUNT OF \$10,134.14

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

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 Ten Thousand One Hundred Thirty-Four Dollars and Fourteen Cents (\$10,134.14) of outstanding Fiscal Year 2023 invoices is hereby allowed to be paid from the Fiscal Year 2024 Fire Department budget as listed below in accordance with the recommendation of His Honor the Mayor.

| Department | Vendor | Amount |
|---|-------------------------|---------------------|
| Fire Department (12202-5258 Fire Equipment Repair) | Allegiance Truck Repair | \$ 10,134.14 |
| Total | | \$ 10,134.14 |

#10 – DONATION OF \$1,200.00 TO PARK & RECREATION FOR BENCH

The following order submitted by the Mayor was adopted.

ORDER: To accept the donation of One Thousand Two Hundred Dollars (\$1,200.00) from Americal Auctioneers Services. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a standard bench in accordance with the recommendation of His Honor the Mayor.

#11 – HRP - AMENDING CH. 250 OF THE ACTS OF 2016 TO INCLUDE SALEM'S DESIGNATED PORT AREA AS PART OF SALEM HARBOR PORT AREA

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

ORDER: That a petition to the General Court, accompanied by a bill to amend Chapter 250 of the Acts of 2016, as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

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AN ACT amending Chapter 250 of the Acts of 2016 to include the City of Salem Designated Port Area as part of the Salem Harbor Port Area.

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:

Section 1. Section 4 of Chapter 250 of the Acts of 2016 is hereby amended by inserting the following clause at the end of that section: - “, and the Salem Harbor Designated Port Area containing an area of 112.3 acres more or less and as shown generally on a plan entitled ‘Salem Harbor Designated Port Area (DPA),’ Scale: 1” = 350’ +/-, Prepared by: Massachusetts Office of Coastal Zone Management, 251 Causeway Street, Suite 800, Boston, MA 02114, Date: March 2011.”

Section 2. Section 5 of Chapter 250 of the Acts of 2016 is hereby amended by deleting clause (iii) and (iv) and inserting the following clauses at the end of that section: - “(iii) may sue and be sued in its own name and plead and be impleaded, but notwithstanding any special or general law to the contrary, shall not be liable for punitive damages; (iv) may make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of the powers granted by this act including, but not limited to, the granting of leasehold interests, concessions, access and development rights and privileges and supplier, vendor, contractor and consultant contracts; and (v) may impose a tariff, pilotage and/or navigational requirements upon vessels calling on Salem Harbor or Harbor Port Area.”

Section 3. This act shall take effect as provided by law.

Councillor Jerzylo requested and received suspension of the rules to allow William McHugh, Salem’s Harbormaster to address the Council.

Harbormaster McHugh stated this is all about the language. The original Home Rule Petition only included Blaney Street. The language as it is does not define the port and as we move forward with commercial activities, we need to get this to Beacon Hill to have the correct jurisdiction.

#12 – CREATION OF AN ELECTION COMMISSION

The following order introduced by Councillor Varela was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss the creation of an Elections Commission and the process involved.

Councillor Morsillo requested this be sent to the Committee of the Whole instead.

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Councillor Cohen stated he was part of a group 7 ½ years ago relative to this and believes Government Service is the appropriate place.

Councillor Davis stated he supports this order as it is.

Councillor Stott stated it makes sense to send it to Committee of the Whole in order to have a full conversation. We do not have a vote on it if it is only co-posted.

Councillor Prosniewski stated many other cities and towns have Election Commissions, supports Committee of the Whole. This is an important matter.

Councillor Stott noted that anyone can chair a committee of the whole meeting.

Councillor Watson-Felt stated she will go with the will of the body. Since this is not a contentious matter, to send it to Government Service is fine.

Councillor Merkl stated she supports an Elections Commission. She sees it as a Government Service issue but if sent to Committee of the Whole Councillor Varela can chair it.

Councillor Harvey supports keeping this in Government Services.

#13 – (#613 & #614 of 2023) – GRANTING LICENSES

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

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

Seaworms: Paul Lynch, Timothy Lynch, Jose Machado, Joe Mendonca

Secondhand Clothing: Boston Street ReSale

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#14 – (#77 of 2023) – SINGLE ROOM OCCUPANCY

Councillor Stott offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of the Planning Department and the CIU Unit to discuss Single Room Occupancy, has considered said matter and would recommend that this matter be discharged from committee.

Councillor Stott stated that this matter was noted in the Mayor's speech and at his retreat. The Mayor's focus is making housing a priority in 2024. Planning is taking this up in house and the Affordable Housing Trust Fund Board will be part of the conversation. This will be a city-led effort and then something will come back to Council.

#15 – (#391 of 2023) - FOOD TRUCK ZONING OVERLAY DISTRICT

Councillor Stott offered the following report for the Committee Community and Economic Development co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of creating a Zoning Overlay District relative to food trucks and temporary food vendors, has considered said matter and would recommend that this matter be discharged from committee.

Once there is something to review then it will be put in front of Council. Then it can be taken up. The City Solicitor and Councillor Varela are working on an RFP and they expect some response by mid-February.

#16 – (#560 of 2023) – HAUNTED HAPPENINGS 2024 DEBRIEFING

Councillor Stott offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

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The Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of discuss Haunted Happenings 2023 issues and debriefing has considered said matter and would recommend that this matter remain in committee.

#17 – NATIONAL GRID AND VERIZON TO INSTALL A JOINTLY OWNED POLE AT POPE AND PROCTOR STREET

A hearing was ordered for January 25, 2024, on the petition from National Grid and Verizon to install 1 Jointly Owned Pole 400' northeast of the centerline of the intersection of Pope and Proctor Street.

#18 - NATIONAL GRID AND VERIZON TO INSTALL A JOINTLY OWNED POLE AT HARBOR AND CONGRESS STREET

A hearing was ordered for January 25, 2024, on the petition from National Grid and Verizon to install 1 Jointly Owned Pole 142' west of the centerline of the intersection of Harbor St. and Congress Street.

#19 – PUBLIC GUIDE LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:

Scott Aden 14 Winthrop Shore Drive Winthrop
 Cynthia J. Aparicio P.O. Box 390453 Cambridge
 William Ayer 5 Cornell Road Marblehead
 Heidi Bevins-Ayer 5 Cornell Road Marblehead
 Sarah Black 377 Essex Street Apt C Salem
 Derrick Buflod 80 Linden St. Salem
 David Coviello 41 Washington Sq N. Salem
 Patrick Curran 9 Rockland Road Danvers
 Sean CE Dixon-Gumm 10 Hersey St. #3 Salem
 Corey Fedde 27 Dunlap St #2 Salem
 Erin Fortunato 43 Shortell Ave. Beverly
 Donald Friary 16 Loring Ave. Salem
 Robert L. Gautreau, Jr 21 Sturgis St. #2 Woburn
 Loretta Jamieson 31 Waldeck St. Dorchester
 Rebecca Johnson 5 Laurel St Unit 1 Salem
 David N. Harris 3 Buford Rd. Peabody
 Linda M. Harris 3 Buford Rd. Peabody
 Robert Hawkins 90 Ridgewood Ln. Gardner

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Jobian Herron 12 Dearborn St #2 Salem
Mark Hurwitz 22 Cloutmans Ln Marblehead
Rachel Justin 6 Phelps St. Apt 2 Salem
Robert Kerrigan 13 Bruce Ln Wenham
James Low 92 Washington Sq Salem
Dawn McGrath 10 Phelps St. Salem
David Molinet 30 Franklin St. Malden
Aurelia Nelson 12 Davis St Beverly
Joan M. Pagliuca 31 Winthrop St Dedham
Ellen Pariser 135 North St. Salem
Christine Remus 13 Merrimac St Amesbury
Jason Daniel Roberts 17A Bonair Ave Hampton, NH
Kathryn Rutkowski 1 Spiros Way Peabody
Diane Sanchez 6 Sutton Ave Salem
Joseph R Steele 32 West St Beverly
Maria Stephens 11 Noyes Pl #4 Boston
Jonathan Beirne Streff 10 Bradford St Salem
Kayla Sullivan 11 Winthrop Ave #2 Beverly
Michael Vitka 384 Essex St Apt. 1 Salem
Donald Warnock 1 Fortune Way Salem
Charles Galvin 5 Warren St Salem
Hilary Ippolito-Wan 42 Walter St Salem
Beth Crowley 100 Federal St Salem
Cody McAllister 8565 Sierra Brook Ct Elk Grove CA
Mikayla Boyle 32 Braman St Danvers
Charles Galvin 5 Warren St Salem
Joyce O'Brien 4 Winter Island Rd Salem
Danielle Aldrich 18 Watson St Marblehead, MA
Ryan Sullivan 8 Hersey St Salem
Michael Hanan 80 Summer St Salem
Simon Checksfield 6 Hale Park Ave Beverly
Henry Gilbert 141 Washington St Salem
Danielle McMullen 28 Teele Rd Bolton
Michael Perry 18 Watson St Marblehead

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#20 – LICENSE APPLICATIONS

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

SECONDHAND VALUABLE: Tobies Jewelry 140 Washington St.
Glass and Etc. 180 Essex St.
Olde Naumkeag Antiques 1 Hawthorne Blvd

#21 - #26 – CLAIMS

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

Katheryn Weiss 9 Madison Rd., Marblehead
Robert Blinkhorn 498 Loring Ave., Salem
Suzanne Biscaia 21 Cushing St., Salem
Felicia Copeland 357 Essex St., Salem
Ellen Jarmusick 21 ½ Cross St., Salem
Ellen Berman 153 Nassau Dr., Springfield

#27 - DRAINLAYER/CONTRACTOR OPERATOR LICENSE APPLICATIONS

The Following Drainlayer/Contractor Operator License Applications were granted.

McGrath Enterprises 28 Oakville St., Lynn
Geosearch, Inc, 11 Chocksett Rd., Sterling
RB Strong Excavating 122 Western Ave., Gloucester
N. Granese & Sons 59 Jefferson Ave., Salem
Frank DeLucia & Sons 119 Newton Rd (rear), Plaistow, NH
Delulis Bros Const. 31 Collins St. Ter., Lynn
Landmark Utilities & Site Exc. 134 Centre St., Danvers
Six Progress Cort 6 Verona St., Salem

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(#600 of 2023) – ORDINANCE AMENDING TRAFFIC HANDICAP PARKING – BEAVER STREET

The Second Passage of an ordinance amending a traffic ordinance Ch. 42, Sec. 50B – Handicapped Parking – Beaver Street was taken up. The 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 50B Handicapped Zones limited time by adding the following:

Beaver Street – in front of #36 Beaver Street, running northwest for twenty (20) feet.

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

On the motion of Councillor Prosniewski the meeting adjourned at 7:46 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK