

## **CITY OF SALEM**

**JULY 9, 2020**

### **CITY COUNCIL REGULAR MEETING**

A Regular Meeting of the City Council is being held remotely on Thursday, July 9, 2020 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on July 7, 2020 at 8:18 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President McCarthy presided.

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

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

### **PUBLIC TESTIMONY**

1. Nancy Frazier, 40 Bridge St., Salem – Inclusionary Zoning
2. Robert Kennedy, 17 Carlton St., Salem – Surplus Public Land
3. Jeff Cohen, 12 Hancock St., Salem – Green Building Ordinance
4. Fawaz Abusharkh, 4 Harrison Rd., Salem – Inclusionary Zoning & Race Equity Task Force

### **(#320) – APPOINTMENT OF THOMAS FUREY TO THE PLANNING BOARD**

Held from the last meeting, the Mayor's appointment of Thomas Furey 36 Dunlap St., as a member to the Planning Board with a term to expire June 25, 2025 was held under the rules until the next meeting.

### **(#321) – APPOINTMENT OF GARY SANTO TO THE LICENSING BOARD**

Held from the last meeting, the Mayor's appointment of Gary Santo Jr. 25 Washington Sq. to the Licensing Board with a term to expire June 1, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Madore requested and received suspension of the rules to allow Gary Santo to speak

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#345 – APPOINTMENT OF JENNIFER RATLIFF TO THE CEMETERY COMMISSION**

The Mayor's appointment of Jennifer Ratliff of 1 Carlton St., Salem to the Cemetery Commission with a term to expire on February 11, 2022 was held under the rules.

**#346 – APPOINTMENT OF JOY LIVRAMENTO-BRYANT TO THE COMMUNITY PRESERVATION COMMITTEE**

The Mayor's appointment of Joy Livramento-Bryant of 22 Puritan Rd., Salem to the Community Preservation Committee with a term to expire on May 10, 2022 was held under the rules.

**#347 – REAPPOINTMENT OF DOUGLAS BOWKER TO THE SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE**

The Mayor's reappointment of Douglas Bowker of 41 Forrester St., Salem to the Sustainability, Energy and Resiliency Committee with a term to expire on July 20, 2023 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

**#348 – REAPPOINTMENT OF JAYNE O'LEARY TO THE BICYCLING ADVISORY COMMITTEE**

The Mayor's reappointment of Jayne O'Leary of 25 Wisteria St., Salem to the Bicycling Advisory Committee with a term to expire on July 20, 2023 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

**#349 – APPROPRIATION OF \$130,000.00 FOR PHASE 1 OF THE PIONEER VILLAGE/CAMP NAUMKEAG RELOCATION PROJECT**

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

ORDERED: That the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account to be transferred to the Short Term Capital Project Account 20002017-5846BG for services including designer fees, geotechnical work and soil testing and OPM services, which will enable the completion of the Study/Schematic Phase I of the Pioneer Village/Camp Naumkeag relocation Project in accordance with the recommendation of Her Honor the Mayor.

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<u>Description</u>	<u>Amount</u>
Receipts Reserved – Witch House	\$130,000.00
<b>TOTAL</b>	<b>\$130,000.00</b>

**#350- APPROPRIATION OF \$75,000.00 TO THE TRANSIT ENHANCEMENT FUND**

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

ORDERED: That the sum of Seventy-Five Thousand Dollars (\$75,000.00) is hereby appropriated and transferred from the “General Fund Balance Reserved for Appropriation – Free Cash” account (1-3245) to the Transit Enhancement Fund as provided in the Cannabis Host Agreements and the amount received through June 30, 2019, in accordance with the recommendation of Her Honor the Mayor.

<u>Description</u>	<u>Amount</u>
Transit Enhancement Fund (1%)	\$ 75,000.00
	<b>\$ 75,000.00</b>

**#351 – APPROPRIATION OF \$20,000.00 TO THE DPS BURIAL FUND**

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

ORDERED: That the sum of Twenty Thousand Dollars (\$20,000.00) 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 Her Honor the Mayor.

<u>From</u>	<u>To</u>	<u>Amount</u>
2430- 4800 R/Res Sale of Lots	14112- 5383 DPS Burial	\$ 10,000.00
2431- 4800 R/Res Sale of Vaults	14112- 5383 DPS Burial	10,000.00
	<b>Total</b>	<b>\$ 20,000.00</b>

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#352 – APPROPRIATION OF \$10,000.00 TO HUMAN RESOURCES FOR UNIFORMS**

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

ORDERED: That the sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” account (1-3245) to the “Human Resources Contracted Services Account (11522-5320) to cover uniform costs as required to comply with the AFSCME 1818 contract through FY 2020 in accordance with the recommendation of Her Honor the Mayor.

**#353 – DONATION FOR CREATION OF CROSSWALK WITH ADA COMPLIANT RAMPS ON CONGRESS STREET.**

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

ORDERED: To accept the contribution from Salem Waterfront Hotel & Suites, LLC in the amount of Fifteen Thousand Dollars (\$15,000.00) to contribute to the creation of a new crosswalk with ADA compliant ramps on Congress Street. These funds will be deposited into the City’s Transportation Enhancement Fund 25L01-4600 in accordance with the recommendation of Her Honor the Mayor.

**#354 – DONATION FOR TO COUNCIL ON AGING TO SUPPORT LOW TO MODERATE INCOME SENIORS**

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

ORDERED: To accept the donation from Salem Eastern Bank Charitable Foundation in the amount of Ten Thousand Dollars (\$10,000.00). This donation is a COVID-19 response to support low to moderate income seniors. These funds will be deposited into the COA’s Fund 24011-4830 in accordance with the recommendation of Her Honor the Mayor.

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#355 – DONATION FOR THE GOLF TOURNAMENT**

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

ORDERED: To accept the donation(s) listed below totaling Two Thousand Dollars (\$2,000.00). The donations are for two sponsorships for the Friends of Park and Recreation Golf tournament. These funds will be deposited into the account listed below in accordance with the recommendation of Her Honor the Mayor.

<b>From:</b>	<b>Fund Name</b>	<b>Org/Obj</b>	<b>Amount</b>
Robert Lutts	Park & Rec Donation	24061-4830	\$ 1,000.00
St. Jean's Credit Union	Park & Rec Donation	24061-4830	1,000.00
<b>Total</b>			<b>\$ 2,000.00</b>

**#356 – DONATION TO PARK & REC. FOR WILLOWS BENCH**

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

ORDERED: To accept the donation of One Thousand, Nine Hundred and Fifty Dollars (\$1,950.00) from Gayle G. Fraser and Brian P. LeBlanc. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a Willows Bench in accordance with the recommendation of Her Honor the Mayor.

**#357 – ACCEPT MGL CH. 44 SEC. 53E½ - REVOLVING FUND ACCOUNT FOR MACK PARK FOOD FARM**

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

ORDERED: That the City of Salem hereby requests the adoption of a Mack Park Food Farm revolving account in accordance with M.G.L. Chapter 44, Section 53E ½ which authorizes special purpose revolving accounts in accordance with the recommendation of Her Honor the Mayor

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#358 – DECLARE SURPLUS PARCEL OF LAND ON FRANKLIN STREET**

The following Order was introduced by the Mayor.

ORDERED: Parcel B shown on the attached plan entitled “Plan of Land, 16, 18, 20 and 20R Franklin Street, Salem, dated June 5, 2020, prepared by North Shore Survey Corporation” and consisting of 15,297 square feet is hereby declared surplus property as it is not needed for any municipal use. This parcel is part of a piece of land shown on the City Assessor’s Map as part of the City property at 20 Franklin Street, but which has been occupied by an abutter, Ferris, since 1952.

Be it further Ordered that the City’s Director of Public Property/Building Commissioner is authorized to advertise Parcel B for sale by sealed bid.

Attorney Rennard stated majority of Lot A dedicated Park Land mostly contains lead from burning of wood from the great fire. Land closer to the water more serious. The cleanup of the whole site, Lot A and B, is estimated at \$523,000.00 and the cleanup for Lot A only is \$200,000.00

Councillor Turiel state we are only voting on to surplus the land. The RFP is more about the cleanup.

Councillor Riccardi stated with all the public meetings, planning board meetings, ZBA meetings, even a Facebook meeting this is a good compromise.

Councillor Sargent asked the solicitor if the city can refuse the offer. She replied yes.

Councillor McCarthy stated that lot A is clearly Park land. We do not have any authority over that.

Councillor Dibble states he is still hesitant. Need to protect the City of Salem with appropriate wording. This should go to committee, so it doesn’t come back and then be our responsibility.

Councillor Dibble made a motion to refer this matter to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole and that the Solicitor and Park and Rec Commission be invited. Councillor Dominguez seconded the motion. This motion was defeated by a roll call vote of 4 yeas and 7 nays. Councillors Dibble, Dominguez, Flynn and Sargent were all recorded in the affirmative and Councillors Hapworth, Madore, Morsillo, Prosnowski, Riccardi, Turiel and McCarthy all voted in the negative.

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Councillor Riccardi made a motion to add that it be advertised as unbuildable and purchaser assume any liability and responsibility for remediation for contamination per DEP. Councillor Hapworth seconded the motion. This motion passed by a roll call vote of 9 yeas and 2 nays. Councillors Flynn, Hapworth, Madore, Morsillo, Prosnowski, Riccardi, Sargent, Turiel and McCarthy were recorded as voting in the affirmative. Councillors Dibble and Dominguez voted in the negative.

The motion to surplus City Owned Land entitled 16, 18 20 & 20R Franklin St as amended was adopted by a unanimous roll call vote of 11 yeas and 0 nays.

ORDERED: Parcel B shown on the attached plan entitled "Plan of Land, 16, 18, 20 and 20R Franklin Street, Salem, dated June 5, 2020, prepared by North Shore Survey Corporation" and consisting of 15,297 square feet is hereby declared surplus property as it is not needed for any municipal use. This parcel is part of a piece of land shown on the City Assessor's Map as part of the City property at 20 Franklin Street, but which has been occupied by an abutter, Ferris, since 1952.

Be it further Ordered that the City's Director of Public Property/Building Commissioner is authorized to advertise Parcel B for sale by sealed bid with the condition that the parcel be advertised as unbuildable and that the purchaser assume any liability and responsibility for remediation for contamination per Department of Environmental Protection.

**#359 – APPROPRIATION OF \$80,000.00 FOR THE SALEM COMMON FENCE**

Councillor Turiel moved for suspension of the rules to allow the matter to come before Council. It was so voted.

The following Order introduced by the Mayor was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole due to the late file.

ORDERED: That the sum of Eighty Thousand Dollars (\$80,000.00) is hereby appropriated and transferred from the "Capital Outlay Fund 2000" to the ST CIP Common Fence Restoration Project Account (20002020-5846BU) for restoration of the Salem common fence in accordance with the recommendation of Her Honor the Mayor.

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#360 – TRAFFIC ORDINANCE AMENDING RESIDENT STICKER – LAFAYETTE ST.**

The following ordinance introduced by Councillor Dibble was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

*In the year Two Thousand and Twenty*

**An Ordinance to amend an Ordinance relative to Traffic, Ch. 42, Sec. 75 Parking Prohibited Tow Zone (Resident Sticker)**

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

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

Lafayette Street – Parking Prohibitions Towing Zones (Resident Sticker) – ZONE B-COLOR RED, westerly side, starting at a point of twenty (20) feet north of Raymond Avenue and continuing in a northerly direction for four hundred ten (410) feet to the southeast property line of number 410 Lafayette Street. "Resident Sticker Parking only Tow Zone, Monday through Friday 6:00 A.M. to 8:00 P.M." ( 3/24/16 )

And replacing it with:

Lafayette Street – Parking Prohibitions Towing Zones (Resident Sticker) – ZONE B-COLOR RED, westerly side, starting at a point of twenty (20) feet north of Raymond Avenue and continuing in a northerly direction for five hundred forty (540) feet. Resident Sticker Parking only Tow Zone, Monday through Friday 6:00 A.M. to 8:00 P.M.

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

**#361 – TRAFFIC ORDINANCE AMENDING CH. 42 SECS. 10, 49, 51, 56, 57C – WASHINGTON ST., DODGE ST. AND DODGE ST. CT.**

The following Ordinance was introduced by Councillor Turiel.

*In the year Two Thousand and Twenty*

**An Ordinance Amending an Ordinance relative to Traffic Ch. 42**

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

**Section 1.** Section 10 of Article I be amended by adding the following:



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Dodge Street Court – One-Way Streets – between New Derby Street and Dodge Street in a southerly direction.

**Section 2.** Section 49 of Article IV be amended by adding the following:

Dodge Street Court – Obedience to Isolated Stop Signs – south bound traffic on Dodge Street Court at Dodge Street.

Dodge Street Court – Obedience to Isolated Stop Signs – north bound traffic on Dodge Street Court at Dodge Street.

**Section 3.** Section 51 of Article V be amended by adding the following:

Dodge Street – Parking Prohibited on Certain Streets – northerly side between Washington Street and Dodge Street Court.

**Section 4.** Section 56 of Article V be amended by repealing the following:

Dodge Street – Parking Meter Zones Established – northerly side between the intersection of Dodge Street Court and the intersection of the parking lot on the east side of Washington Street. Four (4) Hour Parking. (5/5/94) (7/14/11)

Dodge Street – Parking Meter Zones Established – westbound on the northerly side and extending seventy (70) feet from Riley Plaza East, Metered Zone Established, Four (4) hour limit, adds 3 metered spaces on Dodge Street. (4/23/09) (7/14/11)

**Section 5.** Section 56 of Article V be amended by adding the following:

Washington Street – Parking Meter Zones Established – easterly side beginning at Dodge Street in a southerly direction to the intersection with Canal Street and Mill Street. Four (4) hour parking.

Dodge Street – Parking Meter Zones Established – southerly side between Washington Street and Dodge Street Court. Four (4) hour parking.

**Section 6.** Section 57C of Article V be amended by repealing the following:

Dodge Street – Parking Time Limited; Monthly Zones – southerly side from Riley Plaza East to a point 60 feet east of the intersection with Dodge Street Court. (7/14/11)

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

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Councillor Prosniewski stated he was not comfortable with Section 10. He felt this will bottle neck the traffic if make it a one-way.

Councillor Hapworth asked what the rationale was behind making this a one way.

Councillor Turiel stated it was to make sure it was safe and hotel guests and restaurants have parking.

Councillor Dominguez stated that Councillor Prosniewski has a good point. This area is in a very dense neighborhood. This should be taken into consideration. By converting this to a one way street will cause more traffic. This ordinance should go back to Traffic.

Councillor Riccardi and Councillor Morsillo didn't know it was a street. It is very narrow and unsafe.

Councillor Riccardi asked if the Traffic and Parking Commission existed in 2014. It appears the Planning Board made this decision.

Councillor Turiel replied that there was not a Traffic Commission in 2014. Planning Board approved the plan and the project.

Councillor Prosniewski asked if there was any data on accidents. This use to be a grocery store with a big parking lot in the back. Giving up way to much to our residents.

Councillor Sargent stated that this street is used as a two-way and would like to see this section voted on separately and send section 10 back to the traffic commission.

Councillor Dibble stated if it isn't broken why fix it. Leave it a two way street. Move the entire matter back to traffic.

Councillor Turiel prefers to move on the whole ordinance.

Councillor Madore moved to divide the Question. Councillor Hapworth seconded. Refer section 1 of this ordinance relative to one-way street back to the traffic commission and adopt the remainder of the ordinance for first passage by roll call vote.

The motion to divide the questions was adopted by a roll call vote of 9 yeas and 2 nays. Councilors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi and Sargent were all recorded in the affirmative and Councillors Turiel and McCarthy voted in the negative.

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One the motion to adopt for first passage the traffic ordinance for Dodge St., Dodge St. Ct. and Washington St. Secs 51, 56 and 57C and send section 10 back to the Traffic and Parking Commission was adopted by a unanimous roll call vote of 11 yeas and 0 nays.

***In the year Two Thousand and Twenty***

**An Ordinance Amending an Ordinance relative to Traffic Ch. 42**

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

**Section 1.** Section 49 of Article IV be amended by adding the following:

Dodge Street Court – Obedience to Isolated Stop Signs – south bound traffic on Dodge Street Court at Dodge Street.

Dodge Street Court – Obedience to Isolated Stop Signs – north bound traffic on Dodge Street Court at Dodge Street.

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

Dodge Street – Parking Prohibited on Certain Streets – northerly side between Washington Street and Dodge Street Court.

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

Dodge Street – Parking Meter Zones Established – northerly side between the intersection of Dodge Street Court and the intersection of the parking lot on the east side of Washington Street. Four (4) Hour Parking. (5/5/94) (7/14/11)

Dodge Street – Parking Meter Zones Established – westbound on the northerly side and extending seventy (70) feet from Riley Plaza East, Metered Zone Established, Four (4) hour limit, adds 3 metered spaces on Dodge Street. (4/23/09) (7/14/11)

**Section 4.** Section 56 of Article V be amended by adding the following:

Washington Street – Parking Meter Zones Established – easterly side beginning at Dodge Street in a southerly direction to the intersection with Canal Street and Mill Street. Four (4) hour parking.

Dodge Street – Parking Meter Zones Established – southerly side between Washington Street and Dodge Street Court. Four (4) hour parking.

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**Section 5.** Section 57C of Article V be amended by repealing the following:

Dodge Street – Parking Time Limited; Monthly Zones – southerly side from Riley Plaza East to a point 60 feet east of the intersection with Dodge Street Court. (7/14/11)

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

**#362 – PARKING RATES FOR WASHINGTON AND DODGE STREET**

The following order introduced by Councillor Turiel was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the parking rates for the locations identified below shall be \$1.00 per hour:

Washington Street – easterly side beginning at Dodge Street in a southerly direction to the intersection with Canal Street and Mill Street. Four (4) hour parking.

Dodge Street – southerly side between Washington Street and Dodge Street Court. Four (4) hour parking.

**#363 – RACE EQUITY TASK FORCE FINDINGS AND RECOMMENDATIONS**

The following order introduced by Councillor Hapworth was adopted.

Councillor Dominguez stated that all should be represented at the table. The task force should invite all to the table and don't leave any group out.

ORDERED: That the Committee on Ordinances Licenses and Legal Affairs co-posted with the Committee of the Whole meet to discuss the findings and recommendations of the Race Equity Task Force along with public safety and policing in Salem.

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#364 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING WASHINGTON SQUARE EAST**

The following ordinance introduced by Councillor Madore was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

In the Year Two Thousand and Twenty

*An Ordinance* to amend an Ordinance relative to Traffic, Ch. 42. Sec. 50B

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

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

Washington Square East, in front of #96 starting at a point forty-two (42) feet southeast of Andrew Street, running southeast for twenty (20) feet, “Handicapped Parking Only, Tow Zone.”

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

**#365 – REVIEW THE DRAFT CREATION OF SALEM GREEN BUILDING ORDINANCE**

The following order introduced by Councillor Riccardi was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the Committee on Public Health, Safety and the Environment co-posted with the Committee of the Whole meet to review the draft Salem Green Building Ordinance below: (ends on page 32)

1. WHEREAS: The City of Salem is already taking action to reduce its carbon emissions and promote clean energy, including implementing PowerChoice, bringing 100% green energy options to all residents and businesses, encouraging alternative transportation through increased bicycling and feasibility of a Citywide shuttle, installing electric vehicle charging stations, pursuing renewable energy generation projects to rely less on conventional utilities for power, continuing to implement energy efficiency and conservation strategies in buildings and operations in accordance with the City’s participation in the Mass DOER Green Communities program; and

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2. WHEREAS, the City of Salem has already completed a Climate Change Vulnerability Assessment and Adaptation Plan in 2014, recognizing the threat of climate change to Salem's infrastructure and natural resources, The City has already begun addressing these vulnerabilities using MA Office of Coastal Zone Management resources to assess green infrastructure adaptation strategies including zero net energy, flood control management and beginning to update the City's emergency management plan to reflect rising sea levels and storm surges for major events; and
3. WHEREAS: The City is currently engaged in updating and developing the MVP (Municipal Vulnerability Preparedness) plan in coordination with the City of Beverly; and
4. WHEREAS: The City of Salem was the first community in MA to pass a 100% clean energy resolution in 2014 and passed a resolution in 2018 to encourage our state legislators to pass legislation to institute carbon pricing and a comprehensive omnibus energy bill that addresses the wide range of initiatives such as mitigating gas leaks, net metering and increasing the state's portfolio of renewable energy sources such as wind and solar; and
5. WHEREAS: It is important to maximize the health and well-being of building occupants and the public at large and to ensure the City will design and construct its buildings to meet programmatic requirements while enabling operations to achieve the highest reasonably attainable and economically viable performance standards for health, energy and resilience; and
6. WHEREAS: Buildings make up a significant percentage of greenhouse gas emissions in Salem as energy consumption from electricity use, heating, and cooling all contribute to greenhouse gas emissions. Rooftops can be used as a resource to reduce the negative impact of new development; and
7. WHEREAS: We must evaluate and select optimal designs which (1) address the building's intended programmed use and which (2) minimize and mitigate the negative impacts of development, construction and building operations on the natural environment; and
8. WHEREAS: Fulfilling our 100% clean energy resolution, we must maximize onsite renewable energy production given each building's respective site use while minimizing energy use and operational costs of City buildings so as to provide the most resilient and sustainable buildings.

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## 9. BE IT RESOLVED

## GREEN BUILDING ORDINANCE

## PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and welfare by requiring that certain new construction projects, and the renovation of certain existing buildings, within the City of Salem, employ sustainable design practices and/or building materials to promote energy conservation and improve environmental quality. Additionally, this ordinance aims to encourage Low Impact Development (LID) principles.

## DEFINITIONS:

For the purpose of this Chapter, unless the context requires otherwise, the following terms shall have the following meanings:

ADDITION: Any portion added to an existing building.

COMMERCIAL: All uses as defined and included in the scope of the International Building Code as adopted by the City.

GREEN ROOF: A green or living roof is a layer of vegetation planted over a waterproofing system that is installed on top of a flat or slightly-sloped roof. Green roofs are also known as vegetative or eco-roofs. Green roofs are partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

IBDCGC: The Integrated Building Design and Construction Goals Checklist (see appendix).

INTERIOR RENOVATION: Interior alteration, including remodeling, rehabilitation, or work otherwise contained mainly within the interior of a structure; this shall not include work for the sole purpose of improving a building system, such as HVAC, electrical, or plumbing.

LEED: The USGBC Leadership in Energy and Environmental Design Green Building Rating System™.

LID: Low Impact Development

SERC: Salem's Sustainability, Energy & Resiliency Committee

SERC Fund: A revolving account set up for projects initiated by SERC

SOLAR PV: PV = Photovoltaic, converts sunlight (solar radiation) into direct current electricity.

SQUARE FEET: The gross square footage being constructed or renovated as listed on the building permit.

USGBC: The United States Green Building Council.

VFD: Variable Frequency Drive (refers specifically to electronic drives controlling the speed

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of AC motors by adjusting the frequency and voltage delivered to the motor).

**POLICY:**

1. Design teams selected for all facility projects that are subject to this policy shall at a minimum include LEED™ accredited professionals with demonstrated experience in designing buildings that would meet the requirements of this policy and goals.
2. The Integrated Building Design and Construction Goals Checklist shall be monitored by the Building & Electrical Departments and used as guideline by the Design Review Board (DRB), and Zoning Board of Appeals (ZBA) if before them as well as the Sustainability, Energy & Resiliency Committee (SERC) throughout the project to ensure that requirements of this policy and the agreed upon, attainable goals are met.
3. At the end of every project phase (feasibility, schematic design, design development, construction documents and construction), the project design team will prepare an end of Project Phase Report that addresses the design's adherence to or departure from approved scope, cost, schedule and the Integrated Building Construction Goals Checklist as attached. Project success requires that the design approval at the end of the schematic phase and design development phase meet the approved scope, cost and schedule requirements and will submit these reports to the appropriate boards, including SERC. It is recommended that Board liaisons give regular updates to their respective Boards outside of the project phase reporting.
4. Any roof undergoing major construction be covered in either solar photovoltaic (PV) panels or a green roof system (covered in vegetation). Construction projects affected include new construction, vertical and horizontal extensions, and major modifications to the roof requiring a permit. A solar assessment shall be submitted and the assessment must include, at a minimum:
  1. An analysis for solar energy system(s) for the site detailing layout and annual production.
  2. Include the maximum feasible solar zone area of all structures and potential ground mounted canopies.
  3. An initial solar energy system assessment shall be submitted with the required application for Site Plan Review.. A final solar installation plan must be reviewed and approved by SERC, prior to the issuance of a Building Permit

(d) Exemptions: A project will not be required to install a solar energy system on the roof when there is no solar ready zone, or the solar-ready zone is shaded for more than 50 percent of daylight hours annually, or for building conversions with insufficient structural load capacity. Further, in the case of a mixed or ground mounted installation the requirement may be reduced or waived if the assessment determines there is not a viable location to meet the



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solar requirement. For properties that qualify for the solar exemption, a green roof is mandated.

**NEW CONSTRUCTION AND ADDITION REQUIREMENTS:**

Please refer to the checklist for all specific requirements.

New construction five thousand square feet (5,000 sq. ft.) or greater and current structures with additions that go to five thousand square feet (5,000 sq. ft.) or greater to City-owned or fully or partly City-financed buildings, and new construction five thousand square feet (5,000 sq. ft.) or greater and current structures with additions that go to five thousand square feet (5,000 sq. ft.) or greater to all commercial and multi-family buildings, shall employ requirements of the checklist applicable to said project in effect one hundred eighty (180) days prior to the date of application for a building permit.

**BUILDING SALE REQUIREMENTS:**

Any residential property that is sold within Salem must provide the following information to the City Building Department and any potential buyers:

- A. A Mass Save Energy Assessment of the property, which must have been done two years prior to the sale.
- B. Information regarding the property's most recent two years of yearly/monthly energy costs and use.

**DEVELOPER MEETINGS:**

The City shall meet with developers of projects that will be covered by the terms of this Chapter to discuss possible incentives, including expedited plan review or financial assistance for the costs that may be associated with such a project. Such meetings shall occur prior to any such developer making a permit application.

**SUBMISSIONS:**

Any developer who proposes a project that, pursuant to this Chapter, must be certified LEED Silver or higher, shall submit to the Building Department, as a required part of any application for a building permit related to the project a proposed LEED credit checklist, signed by an accredited LEED Professional, that identifies the LEED credits the developer intends to pursue for the project, the parties responsible for each credit, and a brief description of how each credit shall be earned.

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****POST-CONSTRUCTION REVIEW:**

For any project that must be certified LEED Silver or higher pursuant to this Chapter, the developer shall submit to the Building Department a completed LEED Design Phase Review Approval letter before the Building Department may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Department may request documentation related to the LEED credits earned prior to issuing the FCO.

**PENALTIES:****A. USGBC Certified Projects:**

1. For any project that must be certified LEED Silver or higher pursuant to this Chapter, the developer of said project shall demonstrate compliance with the applicable LEED requirements by means of an independent report provided by the USGBC. Should a project fail to obtain the required LEED certification, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:

$$P = [(LSM - CE) / LSM] \times CV \times 0.75\%$$

P is the Penalty in dollars; LSM is the minimum credits needed to earn a LEED Silver rating, or LEED Silver Minimum; CE is the number of Credits Earned as documented in the USGBC report; and CV is the Construction Value as set forth in the building permit for the project.

2. Any such developer shall have two (2) years from the date of the issuance of the project's temporary certificate of occupancy to supply to the Building Official the independent report from the USGBC certifying the project's LEED certification. Should any such developer fail to submit such a report in the time allowed, it shall owe the City a penalty calculated pursuant to Section 8-(A) of this Chapter with a CE equal to zero (0).
3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in this Chapter, or if the developer requires more time, the developer may appeal to the Building Inspector/Zoning Board of Appeals, which may reduce a penalty in whole or in part for good cause shown, taking into consideration the failure to comply with said requirements and the project's impact on the City.

- B. The City shall invest any monies collected pursuant to this Section in the SERC Fund. Monies deposited in the SERC Fund shall be used exclusively to support initiatives of SERC, including technical assistance and plan review for proposed green buildings, support education, training and outreach to the public and private sectors on green building practices, and other initiatives designed to support environmental sustainability and resiliency.

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****RECOMMENDATIONS:**

The City encourages ongoing training regarding green building practices for all City project managers, operation staff, and maintenance staff who supervise building design, construction, and operations, and the application of sustainable building practices to any construction or renovation project not subject to this Chapter, whenever such an application is practicable.

**HISTORIC PRESERVATION:**

The Salem Historical Commission (SHC) will continue to review applications for work proposed in the 4 historic districts. As “freely removable” solar PV & hot water panels will be accepted, with SHC able to dictate color (all black for example) and placement of all conduits and electrical equipment. SHC can mandate conduits being painted the color of house/trim.

When applications are made to install solar panels, air source heat pumps or other appliances that may enhance the property’s efficiency & sustainability, SERC will be notified so a member can attend the pertinent meetings.

**SEVERABILITY:**

If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

**Checklist:**

- A. for City-owned or City-financed facilities: LEED Silver Rating or higher;
- B. for all commercial and multi-family buildings greater than five thousand square feet (5,000 sq. ft.): LEED Silver Rating or higher;
- C. for all commercial and multi-family buildings greater than twenty thousand square feet (20,000 sq. ft.): LEED Gold Rating or higher.

“Integrated Building Design and Construction Goals Checklist” - LEED criteria and scoring

Area	Max Points	Source	Scope Item/Feature/Outcome	Goals
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<b>Location and Transportation</b>	<b>16</b>			
	<b>16</b>	LEED 4.0_LTc1	Neighborhood Development Location	Ev & Report
	<b>1</b>	LEED 4.0_LTc2	Sensitive Land Protection	Ev & Report
	<b>2</b>	LEED 4.0_LTc3	High Priority Site	Ev & Report
	<b>5</b>	LEED 4.0_LTc4	Surrounding Density and Diverse Uses	Ev & Report
	<b>5</b>	LEED 4.0_LTc5	Access to Quality Transit	Ev & Report
	<b>1</b>	LEED 4.0_LTc6	Bicycle Facilities	Ev & Report
	<b>1</b>	LEED 4.0_LTc7	Reduced Parking Footprint	Ev & Report
	<b>1</b>	LEED 4.0_LTc8	Green Vehicles	Ev & Report
<b>Sustainable Sites</b>	<b>10</b>			
	<b>Req.</b>	LEED 4.0	Construction Activity Pollution Prevention	Required
	<b>Req.</b>	LEED 4.0	Environmental Site Assessment	Required
	<b>1</b>	LEED 4.0	Site Assessment	Ev & Report
	<b>2</b>	LEED 4.0_SS4	Site Development - Protect or Restore Habitat	Ev & Report

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	<b>1</b>	LEED 4.0_SS5	Open Space	Ev & Report
	<b>3</b>	LEED 4.0_SS6	Rainwater Management	Ev & Report
	<b>2</b>	LEED 4.0_SS7	Heat Island Reduction	Ev & Report
	<b>1</b>	LEED 4.0_SS8	Light Pollution Reduction	Ev & Report
	<b>1</b>	LEED 4.0	Site Master Plan	Ev & Report
	<b>1</b>	LEED 4.0	Joint Use of Facilities	Ev & Report
<b>Water Efficiency</b>	<b>11</b>			
	<b>Req.</b>	LEED 4.0_WE1	Outdoor Water Use Reduction	Required
	<b>Req.</b>	LEED 4.0_WE2	Indoor Water Use Reduction	Required
	<b>Req.</b>	LEED 4.0_WE3	Building-Level Water Metering	Required
	<b>2</b>	LEED 4.0_WE4	Outdoor Water Use Reduction	Ev & Report
	<b>6</b>	LEED 4.0_WE5	Indoor Water Use Reduction	Ev & Report
	<b>2</b>	LEED 4.0_WE6	Cooling Tower Water Use	Ev & Report
		LEED 4.0_WE7	Water Metering	Ev & Report
<b>Energy and</b>	<b>33</b>			

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<b>Atmosphere</b>				
	<b>Req.</b>	LEED 4.0	Fundamental Commissioning and Verification	Required
	<b>Req.</b>	LEED 4.0	Minimum Energy Performance	Required
	<b>Req.</b>	LEED 4.0	Building-Level Energy Metering	Required
	<b>Req.</b>	LEED 4.0	Fundamental Refrigerant Management	Required
	<b>6</b>	LEED 4.0_EAc1	Enhanced Commissioning - Pursue: Option 1 of this credit: HVAC Commissioning Option 2 of this credit: Building Envelope Commissioning	Required
	<b>18</b>	LEED 4.0_EAc2	Optimize Energy Performance: Target onsite building energy use intensity (kBtUs/sq ft) for new buildings: 30% (New Construction) less energy use than ASHRAE 90.1 (current) or better. 20% (Renovation) less energy use than ASHRAE 90.1 (current) or better.	Required
	<b>1</b>	LEED 4.0_EAc3	Advanced Energy Metering : Use advanced metering and submetering to report and track hourly interval electricity use data by end-use categories that exceed	Required

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			10% of total annual electricity consumption and maintain said records for rolling two year periods. (LEED V.4 requires 3 yrs.)	
	<b>2</b>	LEED 4.0_EAc4	Demand Response : Install and properly maintain building management system to track and manage peak demand for energy cost reduction and emergency load shedding.	Required
	<b>3</b>	LEED 4.0_EAc5	Renewable Energy Production (LEED 10%) : Maximize onsite renewable energy, targeting at least 20% onsite renewable energy production and may supplement this with off site renewable energy.	Required
	<b>1</b>	LEED 4.0_EAc6	Enhanced Refrigerant Management	Ev & Report
	<b>2</b>	LEED 4.0_EAc7	Green Power and Carbon Offsets	Strive to Achieve
<b>Indoor Environmental Quality</b>	<b>16</b>			
	<b>Req.</b>	LEED 4.0	Minimum Indoor Air Quality Performance	Required
	<b>Req.</b>	LEED 4.0	Environmental Tobacco Smoke Control	Required

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	<b>Req.</b>	LEED 4.0	Minimum Acoustic Performance (Schools)	Required
	<b>2</b>	LEED 4.0_IEQc1	Enhanced Indoor Air Quality Strategies : Enhanced Filtration – Install and properly maintain particulate matter filters to protect health of the occupants and as appropriate for building type and use. Maintain indoor CO2 levels per Board of Health guidelines.	Required
	<b>3</b>	LEED 4.0_IEQc2	Low-Emitting Materials	Ev & Report
	<b>1</b>	LEED 4.0_IEQc3	Construction Indoor Air Quality Management Plan	Ev & Report
	<b>2</b>	LEED 4.0_IEQc4	Indoor Air Quality Assessment	Ev & Report
	<b>1</b>	LEED 4.0_IEQc5	Thermal Comfort	Ev & Report
	<b>2</b>	LEED 4.0_IEQc6	Interior Lighting	Ev & Report
	<b>3</b>	LEED 4.0_IEQc7	Daylight	Ev & Report
	<b>1</b>	LEED 4.0_IEQc8	Quality Views	Ev & Report
	<b>1</b>	LEED 4.0_IEQc9	Acoustic Performance	Ev & Report
<b>Innovation</b>	<b>6</b>			
	<b>5</b>	LEED 4.0	Innovation	Ev &



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				Report
	<b>1</b>	LEED 4.0	LEED Accredited Professional	Ev & Report
<b>Regional Priority</b>	<b>4</b>			
	<b>1</b>	LEED 4.0	Regional Priority: Specific Credit	Ev & Report
	<b>1</b>	LEED 4.0	Regional Priority: Specific Credit	Ev & Report
	<b>1</b>	LEED 4.0	Regional Priority: Specific Credit	Ev & Report
	<b>1</b>	LEED 4.0	Regional Priority: Specific Credit	Ev & Report

Certified: 40-49 points

Silver: 50-59 points

Gold: 60-79 points

Platinum: 80-110

City of Salem Form for capital projects over \$25,000 for City Council Approval

This form is to be filed with the City Council prior to authorization for funding for construction of applicable local projects. In addition, this form must be filed with the appropriate permitting authority.

New Construction or Major Renovation over 5,000 sq. ft. must be certified as one of the following:

- Net Zero Energy (Minimum)
- LEED Gold (appropriate sub-rating)
- PassiveHouse

For projects that are not new building construction:

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Does this project involve mechanical/electrical equipment?

\_\_\_No.

\_\_\_Yes, please check all that are incorporated the following. If any is no, you must provide an explanation.

- High Efficiency (higher than 780 CMR 110.Appendix AA) lighting Yes, No, N/A
- High Efficiency HVAC (higher than ch11 780 CMR R407.2) Yes, No, N/A
- Air Source Heat Pumps (higher than 2012 IECC code Table C403.2.3(2)) Yes, No, N/A
- VFD's Yes, No, N/A
- Energy Efficiency Controls Yes, No, N/A

· Others \_\_\_\_\_

Is this project eligible for rebates?

- If yes, the project is required to receive rebates. Provide documentation of receipt of rebates here.
- How much where received or are anticipated?

How much energy savings is this project estimated to have annually? (For smaller projects, this can be a simple calculation or estimate. For building projects over \$1M, energy model is required. See State models for guidance, such as found in the Massachusetts Comprehensive Energy Plan)

Water/Sewer

(Must provide projections if applicable)

Water consumption

Irrigation

Site

Does this project involve the installation of an impervious surface (not new, but upgrade of existing) on a City owned property other than streets?

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- Permeable driveways consisting of porous concrete, open cell unit pavers (turf block), flagstone, or brick pavers, allowing the infiltration of water into the underlying soil. No individual slab of pavement or flagstone may exceed 42 square feet in area.
- Either a minimum of one solar water heater, tankless water heater, or a hybrid electric water heater.

The project must have zero net runoff.

- The project must reduce runoff from existing. Please provide calculations demonstrating reduced runoff from existing.
- If reduced runoff cannot be achieved, please provide explanation.
- Does the project include green infrastructure? Please discuss.

Trees/Landscaping (please refer to the current tree ordinance), but recommend inclusion of native species and tree pits must be designed to allow water to infiltrate from impervious as well as 1 year of watering included in contract.

**Transportation**

All projects must include bicycle infrastructure (racks) as applicable

All new or renovated parking areas must include EV parking stations

**Materials**

Recycled/Local Materials/Re-used

Please briefly discuss products that are environmentally preferable.

Low Emitting Materials – Required for Paints, Coatings, Carpets

Please note here if any product cannot comply:

Any new construction or renovation that includes the replacement of plumbing in existing structures must abide by the water saving plumbing guidelines outlined below:

Fixture	Standard
Showerheads	No more than 2.75 gallons per minute at 80 pounds per square inch of

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	pressure
Lavatory and sink	No more than 2.2 gallons per minute at 60 pounds per square inch of pressure
Wall mounted, flushometer toilets	No more than 2.0 gallons per flush
All other toilets	No more than 1.6 gallons per flush
Urinals	No more than 1.0 gallons per flush
Drinking water fountains	Must be self closing
Swimming pools	New pools must have recirculating filtration equipment

**#365 - (#338.33) – PEG ACCESS ENTERPRISE FUND**

Councillor Turiel offered the following report for the Committee on Administration and Finance co-posted with Committee of the Whole. It was voted to accept the report and adopt the recommendation by a roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Administration and Finance co-posted with Committee of the Whole. to whom was referred the matter of Fiscal Year 2021 Peg Access Enterprise Fund in the amount of \$691,250.00 has considered said matter and would recommend adoption by roll call vote

Councillor Turiel motion for immediate reconsideration in the hopes it does not prevail was denied

**#367 – (#142) – INCLUSIONARY ZONING ORDINANCE**

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

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom it was referred the matter of the Inclusionary Zoning

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Ordinance has considered said matter and would recommend adoption as amended for first passage by roll call vote.

Councillor Madore discussed the amendment made at the June 25, 2020 meeting that require any development that uses the 25 percent density bonus to increase the number of affordable units from 10 to 15 percent. The MAPC evaluated the impact of the amendments since the number of affordable units, the level of the AMI and the density bonuses are inter-related; one factor cannot be changed without an impact on the other factors. MAPC concluded that this amendment would have a serious negative impact on the financial feasibility of housing developments. The MAPC provided a summary of eight variations to be considered. This will be the strongest or most progressive ordinance in the State. Currently 10% affordable units at 80% AMI is the standard in Salem. Like to see 60% in the future. Discussed an increase from 10 to 15% of affordable units when the developer wants to take advantage of the density bonus. Planning as going to see if this works. When came back, planning amended the ordinance to replace 10% to 12% affordable units and remove the fractional payments and keeping density bonus at 25%. There were still some concerns with density bonus and would like to look into it further. Adopt for 1<sup>st</sup> passage and look into how numbers work out about density bonus and see if within four corners of zoning to see if can make those changes between 1st and 2nd passage.

Councillor Hapworth good compromise at meeting. Supermajority exists to promote compromise. I hope we can get 1<sup>st</sup> passage today and schedule a special meeting once get answers to questions.

Councillor Dominguez agreed that it was a great productive meeting and compromise being made. He asked if Planning got answers for Councillor Dibble since it will make a difference on how we will vote tonight.

Councillor Dibble – Supermajority was created so cities or towns wouldn't be arbitrarily changing zoning frequently so if something is so good for Salem it will get the 8 votes. City Planner emailed him and spoke with him about alternate scenarios especially proposal #8. Instead of giving density bonuses Salem is already over-crowded, Councillor Dibble made a motion (that was defeated in Committee 3-2) to increase amount of affordability to 25% of units at 60% of AMI on any municipal property bought going forward 2 year. Seconded by C. Dominguez. This motion failed by a roll call vote of 4 yeas, 7 nays and 0 absent. Councillors Dibble, Dominguez, Flynn and Sargent were recorded in the affirmative and Councillors Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were recorded in the negative.

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Councillor Morsillo – reminded the body that the City Solicitor told us twice this Inclusionary Zoning is not the place to include the stipulation on city property. All for this discussion but not as part of this.

Councillor Hapworth – would like to see municipal owned land at 25%. I am not the solicitor if she said it should be in disposition of land then that is where we should take it up. We can't take this up now and not part of Inclusionary Zoning. Like to ask Councillor Dibble why does it have to be put in IZ and not somewhere else.

Councillor Dibble disagrees with Ward 3 Councillor. This is an extremely large ordinance. His motion shouldn't be part of the surplus land ordinance. Doesn't make any sense to put it there. This is in front of us right now. We can vote on this right now. Part of this ordinance that the developer should give something back.

Councillor Sargent – Disposition of Land Ordinance should stick with disposition of land this is an Inclusionary Zoning Ordinance and putting the sale of city owned land inside of IZ ordinance which includes an affordability portion. It does belong here.

Councillor Hapworth stated that he agrees that 25% should be built when selling city land and promises to work with Councillor Dibble on this, but if Solicitor says we cannot do this in IZ we should listen; if we could it would be great. Put it somewhere else. We have 8 options in front of us and hope we can settle on one of those.

Councillor Turiel would also like to see 25% on city owned land but the main issue here is Inclusionary Zoning.

Councillor Riccardi stated the City Solicitor know what you can and cannot do. Shouldn't submit this now but with surplus of land. We can't keep moving the goal post or we will not be able to get anything accomplished.

Councillor Madore stated we all share the same goals. This will be a great discussion to have at a later time. Let's take the City Solicitor's opinion and advise and stay focus on this ordinance.

Councillor McCarthy agrees with the Ward 7 Councillor's intent.

Councillor Madore stated again to refer out as amended for first passage. Went over the amendments from Tom Daniel's red line version – 12% affordability on 6 or more units, 60% of AMI, no fractional payments and 25% density bonus.

Councillor Flynn asked about the elimination of the density bonus.

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Councillor Madore stated to totally remove density bonus is not within the 4 corners. One of eight scenarios decrease density bonus to 10%. MAPC hasn't been able to come up with numbers yet.

Councillor Dominguez stated we don't want business as usual.

Councillor Turiel take steps that increase affordability. If developers can't make the project work, they won't come. Not saying that developers should get everything they want but if to prohibitive then won't build at all and we are trying to get people untis they can afford.

Councillor Dominguez stated at the end of the day I understand they can leave. Rents are high because it is business as usual.

Councillor Hapworth pointed out that we can treat affordability as a hypothetical, we can keep business as usual and prices will keep increasing. We can do 1212% and no density then nothing will be built. We still have to make the project work for developers; we cannot walk away from something that can help. If we don first passage tonight is there anything we can do before second passage.

Councillor Madore state that if we adopt for first passage we can decrease density bonus before second passage. We need to trust each other – we are all committed. For two years we have not passed anything helping housing affordability. Antigrowth is concerning or we will have to increase taxes. Outcome of last night's great meeting. Let's not loose sight.

Councillor Dibble stated growth is needed but doesn't have to be all luxury apartments. Planning Board can make changes without this ordinance. Councillor made a motion to delete density bonuses from this ordinance. Councillor Dominguez seconded. This motion failed by a roll call vote of 4 yeas, 7 nays and 0 absent. Councillors Dibble, Dominguez, Flynn and Sargent were recorded in the affirmative and Councillors Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were recorded in the negative.

Councillor Hapworth asked for clarification. If 60% AMI and no density bonus would that pencil out.

Councillor Madore said one or two of the scenarios deleting density bonuses would decrease affordability of units to 8% so not for deleting entirely. Bring in ordinances that will work.

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Councillor Dominguez stated this ordinance still doesn't address affordability. So, to say I'm against affordability is not true. I have a right to disagree. If I say no, then I'm the bad guy; that's wrong.

Councillor Prosniewski stated by debating density bonuses we are holding these people who need affordability hostage. They don't care how much the developers are making if they have a place to live. This argument is going sideways.

Councillor Madore stated she wanted to be very clear that she did not point out who was going to say no. Asking those who say no to bring in an ordinance that will help affordability. She will be happy to discuss it. If Inclusionary Zoning gets voted down then bring in something to address it.

Councillor Turiel made a motion to adopt for first passage as amended and refer the matter back to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole for further discussion. This motion failed by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were recorded in the affirmative and Councillors Dibble, Dominguez, Flynn and Sargent were recorded in the negative.

**#368 – (#324) – ORDINANCE AMENDING CH. 22 NOISE – FIRE WORKS**

Councillor Madore offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation by a roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Ordinances, Licenses and Legal Affairs. to whom it was referred the matter of the Amending an Ordinance relative to Noise Ch. 22 – Fireworks has considered said matter and would recommend adoption for second passage by roll call vote.

Councillor Dominguez asked if there could be some resources given to education about the illegal use of fireworks. It is not illegal in other countries.



**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#369 – REIMBURSEMENT FOR BUILDING FEES FOR 2 OUTLOOK HILL**

The request from the Director of Inspectional Services for reimbursement in the amount of \$1,162.00 for building department fees for 2 Outlook Hill was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

**#370 – PETITION FROM COMCAST TO INSTALL CONDUIT ON CONANT STREET**

A hearing was ordered for September 10, 2020 on a petition from Comcast to install a conduit on Conant Street

**#371 – BLOCK PARTY – CEDARCREST AVENUE**

A petition from the residents of Cedarcrest Ave. to hold a block party July 25, 2020 from 2:00 PM – 10:00 PM. with a rain date of July 26, 2020.

Councillor Dibble moved that it be granted with the following conditions that only 100 people maximum can gather, face coverings must be worn by people over 2 years of age, 6 feet of social distancing unless the same family and that Governor Baker's order and any changes made must be followed.

Councillor Hapworth asked if this violated any state guidelines.

Councillor Dibble responded doesn't violate anything. 100 people allowed at outdoor gatherings by Governor Baker. At first the Health Agent said not to approve this but then the Governor relaxed the gathering guidelines.

Councillor Flynn asked when did the Governor relax these guidelines.

Councillor Morsillo stated she is not comfortable with this. We should stick with Salem's decision of no block party permits.

Councillor Dibble stated there would not be any bouncy houses or slip and slides as in years past.

Councillor Riccardi stated it seems reckless to encourage and permit gatherings. She feels uncomfortable with this as well.

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Councillor Sargent stated people can legally gather. All we are doing is permitting the street to be blocked.

Councillor Dibble stated the State's Health Agents experts say 100 can gather. We can add these conditions to make it safe since we are granting the permit.

The petition to grant the block party was denied by a roll call vote of 5 yeas and 6 nays. Councillors Dibble, Dominguez, Flynn, Prosniowski and Sargent were recorded as voting in the affirmative. Councillors Hapworth, Madore, Morsillo, Riccardi, Turiel and McCarthy were recorded as voting in the negative.

**#372 – PUBLIC GUIDES**

The Following License Applications were granted.

PUBLIC GUIDES: Paige Nicole Welch, 90 Faith Dr., Hampstead, NH  
Kelly Gifford, 24 Flying Cloud Lane, Salem  
Denise Duffin, 67 Hathorne St., Salem  
April Newman, 367 West St., Reading  
Donald Friary, 10 Broad St., Salem  
Beth Crowley, 7 Forrester St., Salem  
Vanassa Riutta, 7 Forrester St., Salem

**#373 – SEAWORM APPLICATION**

The Following License Applications was granted under suspension of the rules.

SEAWORM: Manuel Silva, 80 Northend St., Peabody

**#374 – DRAINLAYER / CONTRACT OPERATOR**

The Following Drainlayer/Contract Operator License Application was granted

Bartlett and Steadman, 67 R Village St., Marblehead

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****#375 – CLAIM**

The Following Claim was referred to the Committee on Ordinances, Licenses and Legal Affairs.

Leone Wallace, 23 Eclipse Ln., Salem

**(#302) – SECOND PASSAGE OF A BOND ORDER IN THE AMOUNT OF \$9,638,451.00 FOR FISCAL YEAR 2021 GENERAL FUND CAPITAL IMPROVEMENT PROGRAM**

The following Bond Order was adopted for Second Passage by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Dibble, Dominguez, Hapworth, Madore, Morsillo, Riccardi, Sargent, Turiel and McCarthy were all recorded as voting in the affirmative. Councillors Flynn and Prosniewski were recorded as absent. Councillors Flynn and Prosniewski recused themselves.

<b>Fiscal Year 2021 General Fund Capital Improvement Program</b>		
<b>Ordered:</b>		
That the sum of \$9,638,451 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY21 CIP- Funded from BOND AUTHORIZATION and for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.		
<b>FY21 CIP-Funded from BOND AUTHORIZATION</b>		
<b>Dept.</b>	<b>Description</b>	<b>Amount</b>
Building	Repairs and ADA Improvements	\$30,000
Electrical	Riley Plaza LED Lighting	76,000
Electrical	SMART Signalization Expansion Phase 2	100,000
Electrical	ADA walk signal buttons	10,000
Electrical	2019 FORD Escape	24,000
Engineering	Common Bandstand Restoration	60,000

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Engineering	McGrath Park Soils Remediation	80,000
Engineering	Washington & Bridge St. Intersection Mass Works	100,000
Engineering	DPS Building Project	185,000
Engineering	Boston Street Complete Upgrade	285,000
Engineering	Derby Street Complete Street Phase 2/3	340,000
Engineering	Bridge Street Complete Street Flint-Boston	500,000
Engineering	Forest River Pool & Associated Facilities	1,000,000
Engineering	Citywide Seawall Improvements	100,000
Engineering	Citywide Roads, Sidewalks, and Crosswalks (Non-Chapter 90)	800,000
Fire	Fire Station 2 & 4 Facade Repair	32,000
Fire	Fire Station - ADA - #1 Paving, Ramp, Drainage, R&M	125,000
Fire	Station 1 Antenna Project	346,000
Harbor Master	Enhanced Communication DHS	\$ 25,500
IT	Digitization	150,000
IT	IT Life cycle Management (School)	171,449
IT	IT Lifecycle Management (City)	120,405
Library	Repairs to roof emergency stairway	28,750
Library	ADA Upgrades	10,000
Park & Recreation	Court Renovations	125,000
Park & Recreation	Forest River Restrooms Interior Renovation	175,000

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	Park & Recreation	ADA Park Improvements	40,000
	Park & Recreation	City Wide Playground Equipment/Park Upgrades	75,000
	Park & Recreation	Tractor/Loader/Backhoe	70,235
	Park & Recreation	Apron Tee Greens Mower	46,000
	Park & Recreation	Park+ Rec Facilities Truck	30,000
	Parking	Norman Summer Chestnut Roundabout Phase 4	241,000
	Parking	Traffic Calming Improvements	50,000
	Parking	Garage Improvements - Annual Maintenance & ADA Compliance	100,000
	Parking	Bicycle Infrastructure Design, Implementation & Maintenance	200,000
	Planning	OTH and Artists' Row Repairs, Minor Renovations, ADA Compliance, Studies	30,000
	Planning	Bike Parking Infrastructure	10,000
	Planning	Dickson Memorial Chapel Study and Door Repair	30,500
	Planning	Artists Row Bathroom Renovations Design & Construction & OTH Basement Renovations Design	130,000
	Planning	Mansell Field Restoration	150,000
	Planning	Palmer Cove Park Renovation Phase I	270,000
	Planning	Willows Restoration & Park Improvements (All Future Phases)	1,000,000
	Police	Salem Police Headquarters General Repair & ADA Projects	30,000
	Police	Auditorium Seating and Flooring Replacement with ADA Compliance	33,000
	Police	Vehicle Replacement Plan - Patrol and Non Patrol	250,000

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Police	Cameras - Community/Police	45,000
Public Services	Annual Small Repairs, Studies and ADA Improvements - DPS & Greenlawn	25,000
Public Services	replace 16 year old truck #9 with +/- 50% grant funded new vehicle	\$ 109,100
Public Services	International 6 Wheel Dump Truck (Replaces #10)	100,000
Public Services	ford f350 pickup	43,000
Public Services	f550 dump	23,012
School	ADA Upgrades / Studies / Repairs - Schools	265,000
School	New 29 Passenger Buses	68,500
School	School Capital Repairs (Roof Projs, Signage, Playground, Other)	330,000
School	School Building and Strategic Master Plan	125,000
School	Salem High Bathroom renovations	200,000
School	District Camera and Access Control	250,000
School	Collins office remodel	270,000
	<b>TOTAL BOND AUTHORIZATION:</b>	<b>\$9,638,451</b>
Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.		
<b>Be It Further Ordered:</b> That the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.		

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****(#303) – SECOND PASSAGE OF A BOND ORDER IN THE AMOUNT OF \$4,758,033.00 FOR THE FISCAL YEAR 2021 WATER/SEWER ENTERPRISE FUND CAPITAL IMPROVEMENT PROGRAM**

The following Bond Order was adopted for Second Passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

<b>Fiscal Year 2021 Water/Sewer Enterprise Fund Capital Improvement Program</b>		
<b>ORDERED:</b> That the sum of \$4,758,033 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY21 CIP- Funded from BOND AUTHORIZATION and for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.		
<b>FY21 CIP-Funded from \BOND AUTHORIZATION</b>		
Water	Forest River New Water Line	\$ 100,000
Water	Citywide Flushing, valve exercise, leak detection, GIS	300,000
Water	Water Distribution Main System Improvements	300,000
Water	Water Transmission Main System Improvements	500,000
Water	vactor truck #18 replacement	433,033
Water	Highland Ave 16 inch Water Main	200,000
Sewer	Willow Ave. Sewer Line Replacement	200,000
Sewer	Forest River Pool Sewer Line and Stormwater Systems	250,000
Sewer	Derby/Congress St. Drainage System Repairs	575,000
Sewer	SSES Report Implementation (eliminate I/I sources citywide)	600,000
Sewer	Rosie's Pond Flood Protection & Drainage System Improvements	1,000,000
Sewer	Citywide Flushing, Pipe Replacements, Sewer Extensions, GIS	300,000
	<b>TOTAL BOND AUTHORIZATION:</b>	<b>\$ 4,758,033</b>

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING**

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

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

**(#304) - SECOND PASSAGE OF AN ORDINANCE AMENDING CH. 46 SEC. 230 – SEWER USE CHARGES**

The matter of second passage of an Ordinance Amending Ch. 46 Sec. 230 – Sewer Use Charges was adopted for second passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

***In the Year Two Thousand and Twenty***

***An Ordinance to amend an Ordinance relative to Sewer Use Charges***

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

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

“(c) The rates for sewer use charges effective July 1, 2020 shall be as follows:

Residential, per 100 cubic feet...	\$ 7.13
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Nonresidential, per 100 cubic feet up to 25,000 cubic feet per month	\$10.80
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Nonresidential, per 100 cubic feet for 25,000 cubic feet and greater per month	\$13.83
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The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

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

**(#305) - SECOND PASSAGE OF AN ORDINANCE AMENDING CH. 46 SEC. 66 –  
RATES FOR USE OF WATER**

The Matter of Second Passage of an Ordinance Amending Ch. 46 Sec. 66 – Rates for Use of Water was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

***In the Year Two Thousand and Twenty***

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

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

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

“(b) The rate for all water furnished by meter measurements effective July 1, 2020 shall be as follows:

(1) Residential, per 100 cubic feet \$3.62

(2) Nonresidential, per 100 cubic feet \$4.90

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

“(e) The minimum rate for residential metered water for each quarter shall be \$36.20 per 1000 cubic feet effective July 1, 2020.

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

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

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING****(#306) – SECOND PASSAGE OF AN ORDINANCE AMENDING CH. 36 – TRASH FEES**

The matter of second passage of an Ordinance Amending Ch. 36 – Trash Fees was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent. Councillor Sargent recused himself on this matter.

***In the year Two Thousand and Twenty***

**An Ordinance** to amend an ordinance relative to solid waste management.

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

**Section 1.**

1) Chapter 36, Section 36-6 Collection fee for certain residences is hereby amended by deleting the fee of “\$19.50” as it appears in paragraph (a) and replacing it with the fee of “\$20.00” and further amending this paragraph (a) by deleting the fee of “\$125.00” and replacing it with a fee of “\$127.00”.

2) Chapter 36, Section 36-8 Collection fee for certain commercial establishments is hereby amended by deleting the fee of “\$28.50” and replacing it with the fee of “\$29.00”.

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

**(#307) – SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC CH. 42 – PARKING ENFORCEMENT ON SUNDAYS**

The matter of Second Passage of An Ordinance Amending Traffic Ch. 42 – Parking Enforcement on Sundays was adopted by a roll call vote of 6 yeas, 5 nays and 0 absent. Councillors Hapworth, Madore, Morsillo, Prosniewski, Riccardi and Turiel were all recorded as voting in the affirmative. Councillors Dibble, Dominguez, Flynn, Sargent and McCarthy were all recorded as voting in the negative.

***In the year two thousand and twenty***

**An Ordinance** to amend an ordinance relative to traffic.

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING*****Be it ordained by the City Council of the City of Salem, as follows:***

**Section 1.** Chapter 42, Article V, Division 2 Parking Meters is hereby amended by deleting the words “on Sunday or” as it appears in Section 57, 57A and 57C.

**Section 11.** This Ordinance shall take effect as provided by City Charter.

**(#323) - SECOND PASSAGE OF A BOND ORDER FOR FY20 CAPITAL IMPROVEMENT PROGRAM AUTHORIZATION AMENDMENT**

The matter of Second Passage of a Bond Order for FY20 Capital Improvement Program Authorization Amendment was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

**ORDERED:** That the order of the City Council passed on June 27, 2019 and approved by the Mayor on July 1, 2019 authorizing an appropriation and borrowing in the aggregate amount of \$11,770,192 to fund the Fiscal Year 2020 General Fund Capital Improvement Program and allocating such authorized amount among various capital projects in specified amounts (“the FY20 CIP Loan Order”), is hereby amended to reallocate \$150,000 of such appropriation and borrowing authorization from the Witchcraft School chiller and HVAC project to the Bertram Field phase 2 project by amending the amount of the appropriation and borrowing authorization allocated for the project designated in the FY20 CIP Loan Order as “Recreation – Bertram Field Phase 2” to be “\$5,106,357” and by amending the amount of the appropriation and borrowing authorization allocated for the project designated in the FY20 CIP Loan Order as “Schools – Witchcraft Chiller & Assoc. HVAC System” to be “\$455,000”; and that the FY20 CIP Loan Order is otherwise ratified and confirmed in all respects.

**(#325) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC HANDICAP PARKING – NORTH ST.**

The matter of the Second Passage of an Ordinance amending Traffic was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

***In the Year Two Thousand and Twenty***

*An Ordinance* to amend an Ordinance relative to Traffic, Ch. 42. Sec. 50B

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

**CITY OF SALEM****JULY 9, 2020****CITY COUNCIL REGULAR MEETING**

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

North Street, in front of #118 starting at a point twenty-four (24) feet northwest of the driveway at #118 North Street, running southeast for twenty (20) feet, “Handicapped Parking Only, Tow Zone.”

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

**(#326) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC HANDICAP PARKING – HATHORNE ST.**

The matter of the Second Passage of an Ordinance amending Traffic was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

**In the Year Two Thousand and Twenty**

*An Ordinance* to amend an Ordinance relative to Traffic, Ch. 42. Sec. 50B

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

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

Hathorne Street, in front of #76 starting at a point twenty-four (24) feet southeast of the driveway at #76 Hathorne Street, running northwest for twenty (20) feet, “Handicapped Parking Only, Tow Zone.”

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

On the motion of Councillor Sargent the meeting adjourned at 11:40 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK