

CITY OF SALEM

APRIL 28, 2022

REGULAR MEETING

A Regular Meeting of the City Council was held in-person and remotely via zoom on Thursday, April 28, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 26, 2022, at 8:29 A.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Morsillo presided.

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

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

PUBLIC TESTIMONY

1. Mary Hartfelder, 10 Monroe St., Salem – Urban Agriculture
2. Reagan Crowley, 8 Moulton Ave., Salem – Urban Agriculture
3. Anita Deeley (no address given) – Urban Agriculture
4. Brenda Kissane, 28A Federal St., Salem – Urban Agriculture
5. Richard Girard, 11 Saltwall Lane, Salem – Urban Agriculture

(#288) – INFLAMMABLE LICENSE FOR AL PRIME – 342 HIGHLAND AVENUE

Application from AL Prime Energy for an inflammable license to keep/store 94.5 gallons total above ground and 36,000 gallons total underground of inflammables for the property located at 342 Highland Avenue.

Anthony Guba, P.E., Engineer for AL Prime appeared in favor. He has been the person involved in the project design and layout. The tanks meet or exceed the State and Federal standards. They have a state of the art system for detection of leaks, spills, etc.

Anthony Santos, 6 Barcelona Ave., appeared in opposition. He stated this will not have a good impact on his property. He asked if the hours of operation have been determined. He is against 24/7. He also wants to make sure the trees that will serve as a buffer are mature trees.

Councillor Dominguez asked if the driveway next to the proposed station that has been use for many years by that resident will continue to have access to it?

Anthony Guba replied yes. He has had communication with Mr. LaChapelle and his brother. They didn't realize that a driveway was encroaching on their property. Not going to change and promised that we will grant him the right to continue to use that driveway. It will be documented.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Councillor Varela stated it was long overdue to have a gas station servicing heavy trucks on that side of Highland Ave. He is concerned about the hours of operation and the compression brake nuances.

Anthony Guba replied that there will be 40-50 shade trees, fencing and dense plantings going in. The construction director is here with me tonight if he is needed to answer any questions. He is the person who will be on sight when the station is being built. As for hours of operation, they always request 24 hours, but never use them. We have a station on Lafayette Street and that station has limited hours. Again requesting 24 but use closer to 18 hours – open to what the Council feels is best.

Councillor Cohen commented on and asked about the EV charging stations.

Anthony Guba commented that this area has mostly single family homes, so they have their own way to charge their vehicle. Typically our customers are commuters and not people on long trips. Not enough time to charge enough. Instead we are giving money to the city to put a charger somewhere else. Until the technology is there, i.e. car drive onto a floormat, not efficient.

Councillor Merkl expressed concern for the residents relative to the hours.

Councillor Watson-Felt state she was more comfortable with the 18 hours. She asked the following questions: Will there be a 1 for 1 replacement of any trees that are removed? What is the distance between the property line and the wooden fence? What is happening on the side of the store?

Mr. Guba replied that the mature trees in the back right corner are being left alone. Not removing any trees of large caliper. Believes the distance to be about 30 feet and that new trees and another wood cedar fence will be going in the back. The door leading out to the back is only an emergency exit. One can exit but there is no handle on the outside to enter. One condition of the planning board is to put signage that no right turn onto Barcelona Ave., have to go back to Highland Ave.

Councillor McClain asked about the process of installing the tanks.

Mr. Guba replied that they had an environmental inspection since ledge was a concern. What would it take to excavate? The design is to not have the tanker need to back-up. So the tanks are put in this location so they can drive in, empty the truck and pull out. The boring test showed sufficient depth there and can excavate without blasting or hammering. A large excavator will come in and clean out hole of 12 feet, place layer of stone, then put in backfill for the tank and back fill some more. Then after a few weeks for piping and bring up to grade then pour concrete. No excavation will be needed for where the building is going.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Councillor McClain asked him to describe the catch basin system.

Mr. Guba explained it was a 3 system rain storage of different heights. They are like crates covered with Geotech and capped with pavement. The catch basin is on Barcelona Ave. Their maintenance plan was submitted, and inspection time may change depending on what is found.

Councillor McClain asked to describe the above ground tanks. And how they capture fumes and odors? And to also describe the lighting layout of the store and canopy and how are vehicles prevented from using Barcelona Ave?

Mr. Guba responded that those are propane tanks set up for exchange from owners for their BBQ grills. They are in a locked cage with a total of 21 cylinders. If all are full at the same time, the total is under 100 gallons. Due to EPA mandates, when filling up a car, canisters are in the cars now and not the rubber hose around the nozzle, so odors do not escape. As for the tanks, the way the hoses are hooked up the vapor is managed and does not go into the air or neighborhoods. The lighting layout plan was submitted to the planning board. They are LED fixtures that are fully shielded. No glare above horizontal and are focused down. Lights are recessed on the canopy which will be similar to the Lafayette St. station. A traffic study was done. Customers may overshoot driveway and come in through Barcelona and as stated prior there is a sign that states no right turn onto Barcelona.

Councillor McClain comments were that they should have the same hours as across the street. Thinks there should be an EV station there and also thinks people will go down Barcelona Ave.

Councillor Morsillo also recognized DJ Geary was in the audience from Fire Prevention if the Councillors had any questions.

Councillor McClain asked DJ Geary what the general process is with working with a fuel station to give an overview of it and is this a good or bad station?

DJ Geary responded that the industry is heavily regulated. Can't think of any service station in the city that is bad. In his 7 years, no issues with safety.

Councillor McCarthy asked if there are any problems with propane being in front of the store, there being 36,000 gallons of fuel, and any problems with the flammable license? Councilor McCarthy also remarked that they can come back to Council for extended hours.

DJ Geary stated 20 cylinders is typical and for our purpose we consider them always full and no problem with the 36,000 gallons requested or the license itself.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Councillor Prosniewski inquired about the security of the station and how much video surveillance is there and what is being recorded.

Anthony Guba responded that there are cameras all over the place. There are cameras on each fueling space. In addition there are cameras inside, outside and around the store. There are 10-12 exterior cameras and 6 interior covering about 75% of the property.

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

Councillor McClain moved to approve the inflammable license be granted with the condition that the hours of operation are the same as the fueling station across the street. It was so voted. Councillor Hapworth and Councillor McClain were recorded as opposed.

#304 – (#289) – COMCAST TO INSTALL CONDUIT ON MARGIN STREET

A hearing was held on the petition from Comcast to install conduit on Margin St.

Dave Flewelling, a Comcast representative appeared in favor. This is to provide service to #36 Margin Street.

No one appeared opposed.

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

Councillor Watson-Felt moved Granted. It was so voted.

#305 – (#290) – NATIONAL GRID TO INSTALL CONDUIT AND REGULATOR ON APPLETON STREET

A hearing was held on the petition from National Grid to install Conduit and reconstruct a gas pressure regulator station on Appleton Street.

Dana Wolkiewicz, a representative from National Grid appeared in favor.

Councillor Riccardi asked questions on the new placement and inquired about alternate locations.

Dana Wolkiewicz replied that the original location there were issues with flooding, historic fencing and overhead wires.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Councillor Riccardi stated the new location was close to parking that is heavily utilized and what replacement materials will be used.

Dana Wolkiewicz replied that parking should not be impacted and will be replaced with in kind materials and concrete slabs.

Councillor Riccardi inquired if painting or decorating the box would be allowed.

Dana Wolkiewicz replied yes, we can coordinate with the city for a mural. That is an option.

Bobby Kilgus an Engineer from National Grid was there to answer any questions Dana could not, but she answered all of them.

Councillor Riccardi asked about the timing of this – what is the timeframe to start.

Dana Wolkiewicz replied there is no time frame in place but is looking at summer or early fall.

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

Councillor Riccardi moved that this be Granted. It was so voted.

(#252) - APPOINTMENT OF VERONICA FAUSTINO TO THE HOUSING AUTHORITY

Held from the last meeting the Mayor's appointment of Veronica Faustino of 64 Rainbow Terrace to the Housing Authority with a term to expire April 14, 2027 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Varela requested and received suspension of the rules to allow Veronica Faustino to speak.

(#253) – APPOINTMENT OF JOHNEL ROBERTS TO THE PARK & REC. COMMISSION

Held from the last meeting the Mayor's appointment Johnel Roberts of 135 Lafayette St. to the Park & Rec. Commission with a term to expire April 18, 2023 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor McCarthy requested and received suspension of the rules to allow Johnel Roberts to speak.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

#306 – REAPPOINTMENT OF JOY LIVRAMENTO-BRYANT TO THE COMMUNITY PRESERVATION COMMISSION

The Mayor's re-appointment of Joy Livramento-Bryant of 22 Puritan Road to the Community Preservation Committee with a term to expire May 10, 2024 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

#307 – REAPPOINTMENT OF PAUL VICCICA TO THE ZONING BOARD OF APPEALS

The Mayor's re-appointment of Paul Viccica of 35 Broad St. to the Zoning Board of Appeals with a term to expire May 1, 2025 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

#308 – CONSTABLE

The Mayor's re-appointment of Brian Davis of 21 Oakland Ave., Ipswich as a Constable with a term to expire February 23, 2025 was received and filed.

#309 – APPROPRIATION OF \$350,000.00 TO THE RETIREMENT STABILIZATION FUND

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

ORDERED: That the sum of Three Hundred and Fifty Thousand Dollars (\$350,000.00) is hereby appropriated from General Fund Balance Reserved for Free Cash (1-3245) to the following special revenue funds. This transfer is requested in accordance with the recommendation of Her Honor the Mayor.

Fund Name/Description	Amount
Retirement Stabilization Fund 8311	\$ 350,000.00

#310 – APPROPRIATION OF \$66,898.12 FOR SICK LEAVE BUYBACKS

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

ORDERED: That the sum of Sixty-Six Thousand, Eight-Hundred Ninety-Eight Dollars and Twelve Cents (\$66,898.12) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the sick leave

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

buybacks to be paid out for active employees pursuant to collective bargaining agreements with various unions in accordance with the recommendation of Her Honor the Mayor.

#311 – DONATION OF \$1,000.00 TO PARK & RECREATION – GOLF TOURNAMENT

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation from Robert Lutts in the amount of One Thousand Dollars (\$1,000.00) for the upcoming Friends of Park and Recreation Golf Tournament at Olde Salem Greens. These funds will be deposited into the Parks and Recreation Donation Account #24061-4830 in accordance with the recommendation of Her Honor the Mayor.

#312 – RESOLUTION – MBTA INCLUDE FUNDING FOR THE ELECTRIFICATION OF THE ROCKPORT COMMUTER LINE

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

RESOLUTION: THAT THE CITY OF SALEM REQUEST THAT THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY INCLUDE FUNDING FOR THE ELECTRIFICATION OF THE NEWBURYPORT-ROCKPORT COMMUTER RAIL LINE IN ITS FISCAL YEAR 2023 – 2027 CAPITAL INVESTMENT PLAN (CIP).

Whereas: There is enormous potential along the Newburyport-Rockport MBTA Commuter Rail line to create greater connectivity between access to housing and better paying jobs for residents in the 15 communities where stations are located and the surrounding municipalities; and

Whereas: In November 2019 the MBTA Fiscal Management and Control Board unanimously adopted resolutions to commit the MBTA to an electric Commuter Rail system at the same fare level and frequency as rapid transit which included prioritizing the Environmental Justice Corridor of the Newburyport-Rockport line; and

Whereas: Electric trains are up to 25 times more reliable than our current diesel fleet, which translates to dependable, reliable service and lower maintenance costs; and

Whereas: Electrification of the Newburyport-Rockport line would allow the state of Massachusetts to meet emissions reduction goals as outlined in the Next Generation Roadmap legislation signed into law in March 2021; and

Whereas: The City of Salem has long missed out on rapid transit and is in dire need of affordable, reliable public transportation; and

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Whereas: The way to solve the Commuter Rail’s existential crisis is to embrace the vision of a 21st century regional rail system that will make it more relevant for residents and riders to utilize while making their trips.

NOW, THEREFORE, BE IT HEREBY RESOLVED

1. That the city council of Salem formally request that the MBTA Board of Directors include funding for the following projects in their Fiscal Year 2023 – 2027 Capital Investment Plan (CIP):
 - a. the electrification of the of the Newburyport-Rockport Line;
 - b. the design and construction of high train platforms for step-free access onto commuter rail trains;
 - c. the construction of infill stations in Everett, Revere, and Salem;
 - d. bus rapid transit from downtown Peabody to Salem Depot to integrate commuter rail ridership

#313 – MONTHLY FINANCIAL REPORTS

The following order introduced by Councillor McCarthy was adopted.

ORDERED: That the monthly financial reports for FY2022 dated December 2021, January 2022, and February 2022 be received and filed.

#314 – TRAFFIC VIOLENCE AND PEDESTRIAN SAFETY

The following order introduced by Councillor Hapworth was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet jointly with the Traffic and Parking Commission and that the Chief of Police or his designee be invited to discuss recent traffic violence and pedestrian safety in Salem. And that Beth Ann Cornell from the School Committee be invited.

#315 – SAFETY ISSUES CAUSED BY ILLEGAL DIRT BIKES SPEEDING

The following order introduced by Councillor Hapworth was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet with the Chief of Police or his designee to discuss the safety issues caused by illegal dirt bikes speeding through Salem’s neighborhoods.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

#316 – MAINTENANCE OF CITY SIDEWALKS

The following order introduced by Councillor Hapworth was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss and review the attached draft ordinance relative to Maintenance of City Sidewalks (see complete draft ordinance below)

In the year Two Thousand Twenty-two

An Ordinance to amend an ordinance relative to sidewalks.

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

Section I. Chapter 38 Streets and Sidewalks, Article III Sidewalk Construction, Division 2 Construction by Owner **is hereby amended as follows:**

- A)** Section 38-165. – Maintenance by City is amended by deleting Section 38-195 in its entirety and inserting:

“Sec. 38-165. - Maintenance by city.

- (a) Every sidewalk constructed under this division shall thereafter be kept in repair by the director of public services at the expense of the city.

- (b) Sidewalk materials.

- 1) Brick or concrete surfaces preferred

At the time of installation, construction, maintenance, repair, replacement, or reconstruction of any sidewalk located in the city and open to public travel, whether such sidewalks are located on public or private land, the surface material shall constructed as follows:

- a. Local Historic Districts.

Brick shall be the required surface material for all sidewalks located within the local historic districts.

- b. Downtown B5.

Brick shall be the encouraged surface material for all sidewalks located in the Downtown B5 District, and both brick and concrete shall be permitted therein. All pre-existing brick shall be maintained and replaced in kind.

- c. All other areas.

Concrete shall be the encouraged surface material for all sidewalks located outside of Salem’s historic districts and the downtown B5, and both brick,

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

concrete and asphalt shall be permitted therein. All pre-existing brick shall be maintained and replaced in kind.

2) Existing nonconforming sidewalk surfaces.

Any sidewalk open to public travel whose surface does not comply with this section as of its effective date may remain in such noncompliance until such time as it is maintained, repaired, replaced, and reconstructed, at which time it shall be brought into compliance.

3) Temporary asphalt surfaces.

Notwithstanding anything in this section to the contrary, the city engineer may, in its discretion, permit the temporary use of asphalt surface material for sidewalks:

- a. for a period no than two (2) months, tolled from November 1 through April 30; and/or
- b. for sidewalks abutting undeveloped parcels until issuance of a certificate of occupancy. The department shall specify in writing the time by which brick or concrete surface material, as the case may be, shall replace the temporary asphalt material.”

4) Sidewalk accessibility.

Accessibility is to be prioritized on city sidewalks. A wheelchair ramp must be provided on sidewalks in public ways of the city at pedestrian crosswalks when new or replacement curbing is required at such locations. The department of public services shall give priority to repair sidewalks that contain a wheelchair ramp on sidewalks in the public ways of the city at pedestrian crosswalks.

B) Section 38-126 is amended by deleting this section in its entirety.

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

#317 – (#261) - TRANSFER OF \$8,997.42 TO PURCHASING – TELEPHONE WIRELESS

Councillor McCarthy offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred the matter of \$8,997.42 transferred from the Purchasing Department’s “FT Salaries” account (11381-5111) to the Purchasing Department’s “Telephone-Wireless” account as provided below to cover payment associated with a prior year bill for T-Mobile services, has considered said matter and would recommend adoption.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

#318 – (#262) – ACCEPT MGL CH 44. SEC. 64 TO PAY FOR LAST FISCAL YEAR BILL FOR PURCHASING WITH THIS YEAR BUDGET

Councillor McCarthy offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Administration and Finance to whom was referred the matter of Per MGL Ch. 44 Sec. 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 request \$4,715.85 of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2022 Purchasing Department budget, has considered said matter and would recommend adoption as amended to replace the \$4,715.85 with \$8,997.42.

#319 – (#221 & #319A) – TAXI FARES AND OTHER ISSUES

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

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of possible changes to Ch. 44 Vehicles for Hire Sec. 38, Fares Established has considered said matter and would recommend the matter remain in Committee and the Ordinance (see below) be adopted for First Passage.

#319A – ORDINANCE AMENDING TAXI FARES ESTABLISHED

In the year two thousand and twenty-two

An Ordinance to amend an Ordinance relative to vehicles for hire

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

Section I. Chapter 44, Sec. 44-38 Fares Established is hereby amended by replacing the one mile or fraction thereof fare of "\$5.50" with "\$7.00" as it appears in the table within this section.

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

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

#320 – (#18, #237 & # 281) – ZONING ORDINANCE – GREEN INFRASTRUCTURE

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

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Zoning Ordinance relative to Green Infrastructure has considered said matter and would recommend that the matter remain in committee.

#321 – (#20 & #287) – ZONING ORDINANCE – URBAN AGRICULTURE

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation. Councillor Varela recused himself from this entire matter.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Zoning Ordinance relative to Urban Agriculture has considered said matter and would recommend adoption for first passage as amended.

The amendments included Section 1 - Sale of Products Items e & f; Section 2 - Domestic Fowl items a and c(ii) 2; Section 3 - Honeybees items a, b, c, e, & f.

#322 – (#278) – MAYOR’S STATE OF THE CITY ADDRESS

Councillor Morsillo offered the following report for the Committee of the Whole met to have the Mayor provide an update on the State of the City and the issues to face together, has considered said matter and would recommend that the matter be received and filed. Copy of address is as follows:

Councillors and guests, it gives me great pleasure to join you this evening to provide a brief update on the state of our City. I'd like to begin my remarks by acknowledging and honoring that the place where we're meeting tonight is – like all of Salem – indigenous land: a place called Naumkeag and home to countless generations of Massachusetts men, women, and children. Even as we approach the 400th anniversary of European arrival here in 1626, let us never lose sight of the important legacy of those who were living here in 1625 and for many generations prior.

While we are in person in City Hall today, for several months we were not able to gather collectively as the pandemic raged for many months that limited our ability for in person meetings and took lives and livelihoods from so many of us.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

As such, I would like to ask for a moment of silence in memory of the 111 Salem residents we've lost in the past two years due to COVID. They were parents and grandparents, sisters and brothers, seniors, veterans, and frontline workers. Please join me in honoring our neighbors who are no longer with us because of this deadly virus.

[*Moment of silence.*] Thank you.

While the state of our city is strong, and getting stronger every day, our community is poorer for the lives we've lost.

Two years ago, on this date, one of every 124 Salem residents had had COVID. As of today, that number is one of every four. And among Salem Public School students it is nearly one of every three. The trauma – physical, emotional, and mental – educational and economic – certainly will be with us, our children, and our communities for some time.

In 1899 Salem Mayor David Little said, “One of the most important subjects for the welfare of a community is the public health. The greatest care, should be taken to guard rigidly all matters pertaining to it.”

I am proud of the efforts we have made here in Salem over the last two years to do just that.

Now, we're rebuilding and recovering from this historic crisis. We're leveraging and investing relief funds sustainably and equitably into programs aimed at improving public health access and outcomes; strengthening our local economy, supporting renters, workers and families, boosting our public schools, and preparing for future challenges.

Our unemployment rate has returned to its pre-COVID levels. We had no net loss in businesses during the pandemic and our downtown storefront vacancy rate is at a record low - thanks in no small part to our intrepid small business owners, along with the members of our Economic Recovery Task Force and the City staff who have supported them.

I also want to highlight and acknowledge our public health staff and particularly the volunteer service of the members of our Board of Health – experts in the fields of public health and medicine, who made difficult, but appropriate decisions in the face of an overwhelming crisis and public scrutiny. None of them signed up to serve on a Board of Health during a global pandemic. But all of them stood up when their community needed them.

Lastly, enormous credit is due to the members of our school community – teachers, staff, families, administrators, and students alike – who all worked so hard and so unselfishly to keep our kids and teachers safe, to maintain as much learning time as possible, and to support the emotional and mental health needs of Salem students during this trying time.

It's because of COVID – and the Omicron surge in particular – that I'm offering this update to you today, instead of in January as is customary.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

For nearly two centuries the leaders of Salem have gathered in this chamber to debate the issues of their day, to celebrate what's been accomplished, to reflect on the lessons we learn in public service, and to chart the path forward for our community. Each time I stand before this body to share an update about the city we all love, I'm reminded of the *first* time I did so as Salem's Mayor.

It's still remarkable to me that I found a home as welcoming as Salem.

I'm a military brat, the daughter of an immigrant from Trinidad and a Navy chef from Lynn, we moved often in my youth as my dad was in service. I was fortunate to land in Salem – first, as a student at Salem State, then as a homeowner and newlywed, then as a mother of the three, a public school parent, a City Councillor and then Salem's 50th Mayor and the first woman to hold this job.

And that first time I stood before the City Council, back in January 2006, I felt that deeply – and I still do today.

Today, however, Salem is in a far better place.

Back then, our budget was a mess; our downtown was lackluster and our waterfront was underutilized. We didn't despair, though. We got to work.

We instituted new measures for transparency, bidding contracts, and reforming health insurance. We opened up government to more people living in our community - whether by inviting their feedback on projects or programs or by serving on a board or commission to help shape new growth. We established financial policies to rebuild our rainy day funds and bond ratings. Today, both of those very important financial benchmarks are at their highest levels ever in our city's history.

And, because of our stewardship, we've made historic investments in parks, schools, infrastructure, and public safety.

We did this, together, by setting aside the pettiness of political bickering and getting behind a unified vision for a city with a rich history and an even brighter future. We are all - elected officials, institutional leaders, small business owners, new and lifelong residents - Team Salem.

This work continues as we constantly strive to improve how we serve the people we're fortunate to represent – how we meet the needs of today, while maintaining that forward-looking vision that's come to define good municipal government here in Salem.

Together, as local officials, we're on the ground, in our most urgent fights – from COVID response and recovery, to racial equity, the climate crisis, strengthening our public schools, and making housing more affordable.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

We're engaging in that work – constructively, thoughtfully, but never timidly. As local leaders, we don't have the luxury of waiting for problems to solve themselves. We have to get stuff done every day. Because great communities don't happen by accident. They take careful, intentional, and inclusive planning and dedicated action. It's not always easy, and it's often messy, but it's truly meaningful work. We get to make a positive difference in the daily lives of the people we serve - our friends and neighbors.

I'm proud of the vision we have for our community – one that is inclusive, just, professionally run, and committed to the people we serve. And I hope you are, too.

Because of the foundation and work underway, four years from now our nearly 400-year-old city, will enter 2026 well positioned as a community that serves as a hub for offshore wind operations throughout the Northeast, once again utilizing our historic port to bring prominence and jobs to our local economy, not to mention a clean energy future for Massachusetts.

A city where, every four-year-old will have the ability to participate in a high-quality pre-k setting and our high school students will continue to have engaging and robust college and career pathways better preparing them for the 21st century global economy they will be entering into.

A city with robust transportation alternatives including well utilized ride share, car share, and bike share options, where you don't need to own your own vehicle to get in and around Salem and cleaner, faster rail if you're heading north or south.

A city working toward right sized housing supply for every resident, regardless of age or income.

The work we do now will help lead and ensure we deliver on our goals for 2026.

In 1920, my predecessor, Mayor Denis Sullivan, stood in this same place to deliver his annual address to the City Council.

Mayor Sullivan was our 40th Mayor, but the first Mayor under the revised City Charter that we still operate under today.

It had been a tumultuous period for Salem. In 1914 the Great Fire destroyed much of the city and left 18,000 residents homeless.

Shortly after that, scores of young men from Salem marched off to war in Europe, many never to return. Their names today are etched on stones at Greenlawn and above City squares dedicated in their honor.

Perhaps most alike to today, though, was the arrival of a devastating pandemic in 1918.

While there's no clear count of how many Salem residents perished from that catastrophe, the number who became sick was likely in the thousands. According to Salem Hospital's annual report, that year there was a 40% increase in admissions. Doctors and nurses were in short supply

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

and many themselves fell ill. As many as one of every three patients admitted to the hospital due to the pandemic died.

The Saint Chretienne Convent and School in South Salem was converted to an emergency isolation site, similar to how we created emergency quarantine sites at the Bates dorms at south campus, just next door, and at Salem High School and Lifebridge.

The Special Aid Society, originally formed to assist the war effort, pivoted to help with pandemic response to residents in need, similar to the Salem Together effort we launched at the outset of COVID.

And, just as hundreds of Salem residents in the last two years volunteered to drive to get groceries and prescriptions for homebound residents and to place well-being calls to check in on older adults in Salem – in 1918 Salem residents volunteered the use of their automobiles for nurses at Salem Hospital who needed fresh air and a change of scenery when in quarantine.

It was in the wake of all this that Mayor Sullivan stood before the Council 102 years ago and observed: “Salem has always courageously and fearlessly met every obligation... [For] to help the afflicted is one of the greatest blessings bestowed on mankind.”

He recognized, too, however, that merely lauding the accomplishments of the past was not sufficient: Salem must remain committed to the work to come.

He closed his remarks with this charge to the Council: “Let our sole aim be to attain the highest possible improvement of our city... Let our every public act be a credit to our city, true to the high standards and traditions of our people, and consistent with the ideal type of the American public official.”

He was right and I echo his words here today to renew that call to all of us. As we set to work on the people’s business, let’s keep striving for that highest possible improvement of our city, for acts worthy of the community we love and the rightly high standards of the people we serve.

Together, let’s lead Salem forward for everyone. Thank you for your work and your partnership!

(#285) – INTRODUCING DERBY THE NEW COMMUNITY RESOURCE DOG

Held from the last meeting, the communication from Police Chief Lucas Miller to introduce “Derby” the newly acquired community resource dog (CRD) and to also provide the Council with a brief overview of how the CRD program will be implemented in Salem was received and filed.

Chief Miller addressed the Council and introduced Sean Andrus as the new commander of the CIU and Jessica Rondinelli as Derby’s handler. Derby will assist and interact with

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

members of the community that are difficult to reach out, mistrust the police or need a sympathetic face. Derby will act as an ambassador for the Police Department.

Councillor McClain asked about the work the CIU is doing. He stated that there is a growing need for the food pantry and homelessness is growing.

Chief Miller stated that the numbers from 2021 are consistent with 2020 and 2022 is on track. So there is no increase or decrease in these numbers. However always seeking to improve our program. CIU tries to attend the various community meetings.

Councillor Dominguez asked what is Derby's job?

Chief Miller explained that when we had K-9s their job was to find narcotics and explosives but can't interact with people while they are working. Derby is not this type of traditional job but as important. Derby is the face of the police. Has been a success so far. For example with the tragedy in Marblehead, Derby was deployed to his school for comfort for the students.

Councillor Watson-Felt inquired if Derby would be deployed in domestic violence situations or fires when children are involved.

Chief Miller explained Jessica and Derby are on call in addition to their regular hours. They will come out and respond. They get a police care to take them. Incurred costs are covered by donations to the K9 funds.

Councillor Prosniewski stated he has worked with both Andrus and Rondinelli. They don't teach this. They need to think outside the traditional box.

A gift basket of treats and toys was given to Derby on behalf of the City Council.

#323 – (#177) – PLANNING BOARD RECOMMENDATION – ENTRANCE CORRIDOR OVERLAY DISTRICT

The following communication from the Planning Board regarding their recommendation for the Zoning Ordinance Amendment relative to the Entrance Corridor Overlay District was received and filed.

Report of the Planning Board to City Council Re: Entrance Corridor Overlay District

April 22, 2022

At its meeting on April 14, 2022, the Planning Board discussed a proposed amendment to the Zoning Ordinance to amend Section 8.2 to allow for limited substitution of smaller

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

ornamental trees for larger tree species within the Entrance Corridor Overlay District, subject to Planning Board approval via the creation of a design waiver, as well as other dimensional changes to support healthy planting. This item which was referred from the April 13, 2022, joint public hearing with the City Council.

The Planning Board voted eight (8) in favor (Bill Griset, Tom Furey, Helen Sides, Sarah Tarbet, Todd Waller, Carole Hamilton, Kirt Rieder, Zach Caunter) and zero (0) opposed to recommend that the City Council adopt the proposed amendment to the Zoning Ordinance with the following comment:

- Proposed addition: "Trees are a crucial component of the entry corridor, available in a broad range of species and sizes. Shade trees are preferred for their medium to large canopy width and height for a full range of community benefits identified in the tree ordinance, including cooling and stormwater uptake."

If you have questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Sincerely,
 William Griset
 Chair

CC: Ilene Simons, City Clerk

**#177 - ZONING ORDINANCE AMENDMENT RELATIVE TO SECTION 8.2 –
 ENTRANCE CORRIDOR OVERLAY DISTRICT OF SECTION 8.0 SPECIAL DISTRICT
 REGULATIONS**

The following Zoning Ordinance was then taken up. An amendment to Section 1 by adding 2 sentences was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. The zoning ordinance was adopted as amended for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Original Version:

In the year Two Thousand and Twenty-Two

An Ordinance to amend a zoning ordinance.

Section 1. Section 8.2 – Entrance Corridor Overlay District of Section 8.0 Special District Regulations is hereby amended as follows:

- A) Delete paragraphs 1 through 3 with Section 8.2.5 Parking Areas in their entirety and replace them with

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

“1. Landscaping shall include one (1) medium to large shade tree of three and one-half-inch to four-inch caliper diameter at breast height (DBH) for each three (3) parking spaces unless otherwise waived pursuant to Section 8.2.9 of this section. Trees shall be planted in plant beds bounded by six-inch granite curbing.

2. No plant bed shall be less than fifteen (15) square feet, and no dimension of such plant bed shall be less than forty-two (42) inches, measured from inside face of curb to inside face of curb or wall.

3. A planting strip of no less than forty-two (42) inches wide shall separate vehicles parked face to face in a parking area. Such planting strip shall include one (1) three and one-half-inch to four-inch caliper tree every twenty-seven (27) feet.”

B) Insert a new section

“8.2.9 Design Waivers.

1. Upon the request of the Applicant, the Planning Board may grant a Special Permit pursuant to Section 9.4 to waive the following requirements in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Entrance Corridor Overlay District. Applicants shall annotate plans to identify this distinction prior to approval.

A. In lieu of the standard three and one-half-inch to four-inch caliper DHB shade trees required per Section 8.2.5(1), the Planning Board may grant a waiver to allow up to 20% of the trees located within an ECOD to be smaller two-inch to three-inch caliper DBH ornamental trees and or container grown multi-stem and hedge species with a corresponding applicant payment to the Tree Replacement fund per Salem Code of Ordinances Ch. 43 Sec. 61, amount to be determined by the Tree Warden.”

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

Amended Version:

In the year two thousand and twenty-two

An ordinance to amend an ordinance relative to zoning

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

Section 1. Section 8.2 – Entrance Corridor Overlay District of Section 8.0 Special District Regulations is hereby amended as follows:

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

A) Add to the first paragraph Section 8.2.5 – Parking Area - “Trees are a crucial component of the entry corridor, available in a broad range of species and sizes. Shade trees are preferred for their medium to large canopy width and height for a full range of community benefits identified in the tree ordinance, including cooling and stormwater uptake.” Before the sentence “The requirements for such landscaping are as follows:”

B) Delete paragraphs 1 through 3 within Section 8.2.5 Parking Areas in their entirety and replace them with:

“1. Landscaping shall include one (1) medium to large shade tree of three and one-half-inch to four-inch caliper diameter at breast height (DBH) for each three (3) parking spaces unless otherwise waived pursuant to Section 8.2.9 of this section. Trees shall be planted in plant beds bounded by six-inch granite curbing.

2. No plant bed shall be less than fifteen (15) square feet, and no dimension of such plant bed shall be less than forty-two (42) inches, measured from inside face of curb to inside face of curb or wall.

3. A planting strip of no less than forty-two (42) inches wide shall separate vehicles parked face to face in a parking area. Such planting strip shall include one (1) three and one-half-inch to four-inch caliper tree every twenty-seven (27) feet.”

C) Insert a new section

“8.2.9 Design Waivers.

1. Upon the request of the Applicant, the Planning Board may grant a Special Permit pursuant to Section 9.4 to waive the following requirements in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Entrance Corridor Overlay District. Applicants shall annotate plans to identify this distinction prior to approval.

A. In lieu of the standard three and one-half-inch to four-inch caliper DHB shade trees required per Section 8.2.5(1), the Planning Board may grant a waiver to allow up to 20% of the trees located within an ECOD to be smaller two-inch to three-inch caliper DBH ornamental trees and or container grown multi-stem and hedge species with a corresponding applicant payment to the Tree Replacement fund per Salem Code of Ordinances Ch. 43 Sec. 61, amount to be determined by the Tree Warden.”

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

#324 – (#178) – PLANNING BOARD RECOMMENDATION – BRIDGE STREET NECK OVERLAY DISTRICT

The following communication from the Planning Board regarding their recommendation for the Zoning Ordinance Amendment relative to the Bridge Street Neck Overlay District was received and filed

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Report of the Planning Board to City Council Re: Bridge Street Neck Overlay District

April 15, 2022

At its meeting on April 14, 2022, the Planning Board discussed a proposed amendment to the Zoning Ordinance to amend Section 8, *Special District Regulations*, to add Section 8.7, establishing the Bridge Street Neck Overlay District, which was referred from the April 13, 2022, joint public hearing with the City Council.

The Planning Board voted seven (7) in favor (Bill Griset, Helen Sides, Sarah Tarbet, Todd Waller, Carole Hamilton, Kirt Rieder, Zach Caunter) and one (1) opposed (Tom Furey) to recommend that the City Council adopt the proposed amendment to the Zoning Ordinance, with the following comments:

- Strike administrative review;
- Transition Building Design Standards to guidelines;
 - o If retained as "Standards" any change would require an amendment. This change is meant to create flexibility and the opportunity for updates.
- Planned Unit Development (PUD): The Planning Board does not recommend prohibiting PUDs in the overlay district because it is unnecessarily restrictive to the few parcels that might benefit.
- Density: The Planning Board recommends a lot area per dwelling unit below 1700 square feet to encourage walkability and affordability.
- Design Review Board: The Planning Board feels that the DRB issuing a design recommendation is sufficient.
- Substitute hedging for shrubbery.
- Differentiate between common, open, and vehicular spaces.

If you have questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Sincerely,
 William Griset, Chair

CC: Ilene Simons, City Clerk

#178 - ZONING ORDINANCE AMENDMENT RELATIVE TO SECTION 8 SPECIAL DISTRICT REGULATIONS BY ADDING A NEW SECTION 8.7 BRIDGE STREET NECK OVERLAY DISTRICT

The Zoning Ordinance amendment relative to the Bridge Street Neck Overlay District was referred to the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Comm. of the Whole.

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

#325 - #328 –LICENSE APPLICATIONS

The Following License Applications were granted

LIMOUSINE: Americab 92 Jackson St., Salem (4 Limos)
Salem Taxi 30 Federal St., Salem (4 Limos)

PUBLIC GUIDES: Deborah Linehan 59 Flaxfield Rd, Dudley
Krystina Yeager 205 Highland Ave, Salem
David Coviello 41 Washington Sq. North, Salem
Conor Burke 14 Pratt St., Salem
Dulce Ros 5 Winthrop St., Salem
Allan Dorrington 64 Porter Terr., Lowell
Julia Gleason 61 Wheelwright Farm, Cohasset

TAXI OPERATORS: Luis Munoz 5 Porter St., Salem
Victor Rodriguez 52 Peabody St., Salem
Valentina Rodriguez 135 Lafayette St., Salem
Ramon Aristide Rodriguez 2 Park St., Salem
Santo Ozoria 9 Prince St. Pl., Salem
Eliezer Polanco 46 Ward St., Salem
Adrian Maria Polanco 53 Harbor St., Salem
Jose Alexander Soriel 7 Roselin St. Ct., Salem
Jario Castillo 4 Brightwood Ter., Lynn
Edwin Toribio 38 Prince St., Salem

**VEHICLE FOR HIRE
OPERATORS ONLY:** Tammy Harrington 48 Federal St., Salem
Roger Fruggiero 11 Berrywood Lane, Salem
Peter Harrington 28 Goodhue St., Salem

#329 – DRAINLAYER / CONTRACT OPERATOR LICENSES

The Following Contract Operator/Drainlayer Licenses were granted.

DiStasio Excavation Cont. 231 Central St., North Reading
M.T. Mayo Corp. 155 New Boston St., Woburn

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

(#268) – GENDER NEUTRAL LANGUAGE FOR CODE OF ORDINANCE

Second Passage of an ordinance to amend an ordinance relative to gender neutral language in the Municipal Code of Ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-Two

An Ordinance to ensure a more inclusive municipal Code of Ordinances.

Section 1. Section 2-532 – *Qualifications* of Chapter 2 is hereby amended by replacing the word “citizen” with the word “resident”.

Section 2. Article XV. – *Senior Citizen Tax Work Off Abatement Program* of Chapter 2 is hereby amended in the Article title by replacing the word “Citizen” with the word “Property-Owner”

Section 3. Section 2-1733 – *General duties* of Chapter 2 is hereby amended by replacing the word “citizen” with the word “individual”.

Section 4. Section 14-402 – *Issuance of licenses* of Chapter 14 is hereby amended by replacing the word “citizens” with the word “residents”.

Section 5. Section 24-4 – *Discharging firearms* of Chapter 24 is hereby amended by replacing the word “citizen” with the word “individual.”

Section 6. Section 26-66 – *Purpose and goals* of Chapter 26 is hereby amended in subsection (a) by replacing the word “citizens” with the word “residents” in both instances in which it appears in the subsection.

Section 7. Section 30-30 – *General duties* of Chapter 30 is hereby amended by replacing the word “citizens” with the word “residents.”

Section 8. Section 32-19 – *Constables* of Chapter 32 is hereby amended in subsection (b) by replacing the word “citizens” with the word “residents”.

Section 9. Section 32-130 – *Preamble* of Chapter 32 is hereby amended by replacing the word “citizens” with the word “residents”.

Section 10. Section 32-122 – *Legislative findings* of Chapter 32 is hereby amended in subsection (a) by replacing the word “citizen” with the word “individual” and by adding at the end of subsection (a) “to the extent permitted by law.”

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

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

(#273) – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING – SYMONDS STREET

Second Passage of an ordinance to amend an ordinance relative to traffic Ch. 42, Sec. 50B – Handicap Parking was adopted for second and final passage.

In the year Two Thousand and Twenty-two

An Ordinance to amend an Ordinance relative to Traffic – Handicap Parking

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

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

Symonds Street – in front of #16 Symonds Street for a distance of twenty (20) feet

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

(#274) – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 17A – FINES – MONTH OF OCTOBER

Second Passage of an ordinance to amend an ordinance relative to traffic Ch. 42, Sec. 17A - Fines was adopted for second and final passage.

In the year Two Thousand and Twenty-Two

An Ordinance Relative to Traffic

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

Section 1. Article I is hereby amended by repealing the following to Section 17A:

Section 50 - Prohibited in certain specified places. Within Ten Feet of a Fire Hydrant
\$50

Section 50 - Prohibited in certain specified places. Upon a Crosswalk \$25

Section 50 - Prohibited in certain specified places. Upon a sidewalk \$25

Section 50 - Prohibited in certain specified places. Within Four Feet of Driveway or Private Road \$15

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

Section 52. - Bus stops. Bus Stop \$15

Section 75 - \$15.00 Fine/\$40.00 Fine on Friday, Saturday and Sunday during Month of October for violation of Parking Prohibitions Towing Zone (Resident Sticker)

Section 75A – Parking Prohibitions towing zone (October Resident Parking) – \$50
 And replacing it with:

Section 50 - Prohibited in certain specified places. Within Ten Feet of a Fire Hydrant
 \$50.00 Fine/\$75.00 Fine during Month of October

Section 50 - Prohibited in certain specified places. Upon a Crosswalk \$25.00
 Fine/\$75.00 Fine during Month of October

Section 50 - Prohibited in certain specified places. Upon a sidewalk \$25.00 Fine/\$75.00
 Fine during Month of October

Section 50 - Prohibited in certain specified places. Within Four Feet of Driveway or
 Private Road \$15.00 Fine/\$75.00 Fine during Month of October

Section 52. - Bus stops. Bus Stop \$15.00 Fine/\$75.00 Fine during Month of October

Section 75 - \$15.00 Fine/\$75.00 Fine during Month of October for violation of Parking
 Prohibitions Towing Zone (Resident Sticker)

Section 75A – \$75.00 Fine Parking Prohibitions towing zone (October Resident
 Parking)

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

**(#275) – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING
 – HERSEY STREET**

Second Passage of an ordinance to amend an ordinance relative to traffic Ch. 42, Sec.
 50B – Handicap Parking was adopted for second and final passage.

In the year Two Thousand and Twenty-two

An Ordinance to amend an Ordinance relative to Traffic – Handicap Parking

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

CITY OF SALEM
APRIL 28, 2022
REGULAR MEETING

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

Hersey Street – in front of #18 Hersey Street for a distance of twenty (20) feet

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

(#276) – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING – CHASE STREET

Second Passage of an ordinance to amend an ordinance relative to traffic Ch. 42, Sec. 50B – Handicap Parking was adopted for second and final passage.

In the year Two Thousand and Twenty-two

An Ordinance to amend an Ordinance relative to Traffic – Handicap Parking

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

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

Chase Street – in front of #14 Chase Street for a distance of twenty (20) feet

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

On the motion of Councillor McCarthy the meeting adjourned at 9:40 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK