CITY OF SALEM

FEBRUARY 10, 2022

REGULAR MEETING

A Regular Meeting of the City Council was held remotely via zoom on Thursday, February 10, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 8, 2022, at 1:01 P.M. This meeting is being recorded and is live on S.A.T.V.

Councillor Dominguez arrived at 7:15 pm.

Council President Morsillo presided.

Councillor Varela 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.

#88 – (#72) – COMCAST TO INSTALL CONDUITS ON LYNDE STREET

A hearing was held on an order from Comcast to install Conduits on Lynde Street. David Flewelling representative from Comcast, 9 Forbes Rd. Woburn, appeared in favor. Comcast is requesting to place a 24X36 vault over existing conduit. From the newly placed vault install 1 – 1" conduit to provide service to 2 Lynde Street.

No one appeared in opposition.

Councillor Watson-Felt moved that the public hearing be closed. The hearing was closed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded as absent.

Councillor Watson-Felt moved that the order be granted. The order was granted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded as absent.

#89 – (#73) – COMCAST TO ENLARGE AN EXISTING MANHOLE ON CHARTER STREET

A hearing was held on an order from Comcast to enlarge the existing Comcast Manhole on Charter Street. David Flewelling representative from Comcast, 9 Forbes Rd. Woburn, appeared in favor. Comcast requests enlarging the existing manhole from a 2x2 to a 4x4 on Charter Street.

No one appeared in opposition.

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Councillor McCarthy requested that Comcast adhere to the street opening permit procedure and file in a timely manner as adhere to the specifications put in plance by electrical or the engineering department relative to the structure and quality of the vault.

Councillor McClain asked about the impact to the sidewalks.

Councillor McCarthy moved that the public hearing be closed. The hearing was closed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded as absent.

Councillor McCarthy moved that the order be granted with the conditions stated above. The order was granted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded as absent.

#90 – (#74) - NATIONAL GRID INSTALL CONDUITS ON PEABODY STREET

A hearing was held on the order from National Grid to install conduits on Peabody St. Appearing in favor was Sibhita Mahabier-Sheehy, a representative from National Grid, 44 River St., Beverly. This is to provide service for a building at 34 Peabody Street.

No one appeared in opposition.

Councillor McCarthy stated that National Grid need to adhere to the street opening permit in the time allotted, one week prior. There are some concerns with Engineering regarding this petition since we received a grant from MA Works. We will be doing some elevations with crosswalks there and need to make sure this work doesn't affect that and cause drainage problems. National Grid needs to work closely with the Engineering Department. Ms. Mahabier-Sheey stated a contractor will be doing this work and she will pass on the requirements to them.

Councillor McClain thought Engineering was concerned with the location of the conduits relative to the catch basins. Sibhita believes the contractors are in close contact with the engineering department and planning department. The plans were sent back a few times so all of that should have been worked out but will take it back and make sure it is done.

Councillor McCarthy moved that the public hearing be closed. The hearing was closed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor McCarthy moved that the order be granted with the conditions stated above. The order was granted by a roll call vote of 10 yeas, 1 nay and 0 absent. Councillor

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Cohen, Dominguez, Hapworth, McCarthy, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor McClain was recorded in the negative.

#91 – (#75) - NATIONAL GRID INSTALL CONDUITS ON NORMAN STREET

A hearing was held on the order from National Grid to install conduits on Norman Street. Appearing in favor was Sibhita Mahabier-Sheehy, a representative from National Grid, 44 River St., Beverly. This is to provide service to City's Sifi system.

No one appeared in opposition.

Councillor Watson-Felt inquired about the timing of this project. What are the plans for implementation?

Ms. Mahabier-Sheehy responded it was up to the company SiFi. They are doing the work for the city. We are not doing the digging here; they are.

Councillor Watson-Felt spoke to Jay Carroll about this. There are some reservations to move forward with this. Some questions lie with SiFi.

Ms. Mahabier-Sheehy responded this was the location for putting in the cabinet. SiFi was made aware of the conduits in the street and how busy the street is. Sibhita thought Mr. Carroll was reaching out to SiFi.

Councillor Watson-Felt moved that the public hearing remain open until the February 24,2022 meeting. This was seconded by Councillor Hapworth. The motion to keep the hearing open until February 24, 2022 was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

(#46) - APPOINTMENT OF CATHERINE BERTRAND TO THE PUBLIC ART COMMISSION

Held from the last meeting, the Mayor's appointment of Catherine Bertrand, 2 Beacon Street, to the Salem Public Art Commission, with a term to expire on January 11, 2024 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Watson-Felt requested and received suspension of the rules to allow Catherine Bertrand to speak.

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(#47) – APPOINTMENT OF BROOKE NAGLE TO THE BEAUTIFICATION COMMITTEE

Held from the last meeting, the Mayor's appointment of Brooke Nagle, 35 Washington Sq. #2, to the Beautification Committee, with a term to expire on January 27, 2025, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Watson-Felt requested and received suspension of the rules to allow Brooke Nagle to speak.

#92 - #94 – REAPPOINTMENTS OF THE FOLLOWING TO VARIOUS COMMITTEES

The Mayor's re-appointment of the following with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Name	Address	Board	Term to Expire
Kerry Neenan	330 Lafayette St	Commission on Disabilities	Feb. 14, 2025
Anthony O'Donnell	35 Washington Sq	Cemetery Commission	Feb. 14, 2025
Josh Gillis	7 Union St	Bicycling Advisory Committee	Feb. 14, 2025
Michael Williamson	13 Beckford St	Bicycling Advisory Committee	Feb. 11, 2025
Connor Ryan	39 Daniels St	Bicycling Advisory Committee	Feb. 11, 2025
Michael Jaros	20 Fowler St	Bicycling Advisory Committee	Feb. 11, 2025
Matt Caruso	1 Carol Way	Bicycling Advisory Committee	Feb. 11, 2025

#95 – APPROPRIATION OF $300,000.00 FOR FIRE DEPARTMENT – OVERTIME

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

ORDERED: That the sum of Three Hundred Thousand Dollars ($300,000.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to the account listed below to fund supplemental costs associated with FY2022 fire department overtime in accordance with the recommendation of Her Honor the Mayor.

Overtime (General) – Fire Department	12201-5131	$300,000.00

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#96 – APPROPRIATION OF $40,000.00 FOR HERITAGE TRAIL PROJECT

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

ORDERED: That the sum of Forty Thousand Dollars ($40,000.00) is hereby appropriated and transferred from the "Capital Outlay Fund 2000" to ST CIP Planning (20002220-5846DG) for signage, painting, and other costs associated with the Heritage Trail project in accordance with the recommendation of Her Honor the Mayor.

Councillor Hapworth explained that this project goes back two years ago. Our current heritage line is not in good shape and there is a certain connotation in the word "red-line". Painting this gold and renaming it will make it more diverse and inclusive history.

Councillor Merkl had discussions with Kate Fox and she is very excited about the new changes and reflecting the stories of Salem. This new line will also include overlooked places. It should be painted by April.

Councillor Dominguez is in favor of the project and thinks it is a good idea, however he thought we had our own painting machine and employees that we could utilize and do the job to save money.

Councillor Hapworth responded that he knows it is a special type of paint and color paint.

Councillor Merkl responded this amount covers not just paint by also signage and consulting.

#97 - RESOLUTION: CELEBRATING BLACK HISTORY MONTH

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

Resolution: Celebrating Black History Month

WHEREAS: Africans were first brought involuntarily to the shores of the United States as early as the 17th century, suffering enslavement and the injustices of centuries of lynch mobs, segregation, and the denial of the basic and fundamental rights of American citizenship; and,

WHEREAS: in 2022 the vestiges of those injustices and inequalities remain evident throughout American society; and,

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WHEREAS: thousands upon thousands of Black residents have, despite the systemic racism and inequities they faced, worked to oppose such challenges, and achieve success in our community, contributing to the economic, educational, political, artistic, athletic, literary, scientific, creative, and technological advancement of Salem; and,

WHEREAS: generations of Black residents lived, worked, and died in obscurity, never achieving the recognition or equal rights they deserved, yet paving the way for future generations to succeed; and,

WHEREAS: in 1926 historian Dr. Carter G. Woodson and minister Jesse Moorland's organization – today called the Association for the Study of African American Life and History – sponsored the first "Negro History Week" choose the second week of February to coincide with the birthdays of President Abraham Lincoln and Frederick Douglass, and over the following decades cities, schools, and colleges across America joined the movement as it grew to encompass an entire month, eventually prompting President Gerald Ford to first recognize national Black History Month in 1976; and,

WHEREAS: the City of Salem has made intentional strides toward undoing systemic and racist inequities embedded throughout our society, institutions, and community, but acknowledge there is far, far more work still to be done.

NOW THEREFORE BE IT RESOLVED: That the Mayor and City Council do hereby recognize and celebrate Black History Month, February 2022, as an opportunity for our community to reflect upon the history, culture, and struggles of Black residents. We further encourage all residents and members of the Salem community to use this occasion to commemorate and acknowledge the many contributions of Black residents to our city, to learn from the past, and rededicate themselves with resolve and self-reflection toward ensuring a more equitable and just community for every person, regardless of race.

#98 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – SHORE AVENUE

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

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

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Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Shore Avenue – One Handicap Parking space to be added in front of #24 Shore Avenue, for a distance of twenty (20) feet

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

#99 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – BOSTON STREET

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

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Boston Street – One Handicap Parking space to be added in front of #7 Boston Street, for a distance of twenty (20) feet

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

#100 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – CONGRESS STREET

The following ordinance introduced by Councillor McCarthy was adopted for first passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded as absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

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Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Congress St.– One Handicap Parking space to be added in front of #102 Congress Street. The space will begin thirty two (32) feet from the intersection with Palmer Street and run for a distance of twenty (20) feet

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

#101 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – REPEAL - LEAVITT STREET

The following ordinance introduced by Councillor McCarthy was adopted for first passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded as absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended as follows:

Repeal: Leavitt St.– One Handicap Parking space, northerly side, beginning at the intersection of Prince Street for a distance of seventy-four (74) feet in a westerly direction and proceeding twenty (20) feet in a westerly direction on Leavitt Street

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

#102 – REVIEW THE COMPENSATION OF THE MAYOR PER CH. 2 SEC. 142

The following order introduced by Councillor McCarthy was adopted

ORDERED: That the Committee on Administration and Finance co-posted with Committee of the Whole meet to review the “Compensation of the Mayor” Section 2-142 and that a recommendation be reported to the City Council no later than the first meeting in April. The Committee shall recommend the salary of the Mayor for the subsequent two fiscal years. And that the Human Resources Director will survey surrounding cities and towns as well as cities and towns of similar size.

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#103 – ZONING ORDINANCE AMENDING SEC. 6.8 – VISIBILITY AT INTERSECTIONS

The following zoning ordinance amendment introduced by Councillor Morsillo was referred to the Planning Board to hold a joint public hearing.

In the year Two Thousand and twenty two

An Ordinance to amend the Zoning Ordinance regarding Special Regulations

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

Section 1. Section 6.8 Visibility at Intersections of Chapter 6 – Special Regulations is hereby amended by replacing the word twenty-five (25) with thirty-five (35) as follows:

> "In order to provide unobstructed visibility at intersections, no sign, fence, wall, hedge or other structure or planting of more than three (3) feet above the established street grade shall be erected, placed or maintained within the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are thirty-five (35) feet distant from the point of intersection, measured along said street lines."

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

#104 – TAG DAY APPLICATION FOR THE NORTH SHORE BREAKERS

The following order introduced by Councillor Riccardi was granted.

ORDERED: The Tag Day Application for February 12, 2022 for the North Shore Breakers Softball be granted

#105 - (#35, #80 & # 81) – LICENSE APPLICATIONS

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

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of granting certain licenses, has considered said matter and would recommend that the following licenses be granted:

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PAWNBROKER:	Salem Loan & Jewelry, 133 Washington St., Salem
SECOND HAND VALUABLE:	Glass & Etc., 180 Essex St., Salem
TAG DAY:	SHS Concert Band & Wind Ensemble, May 14, 2022

#106 – (#559 OF 2021) – ORDINANCE AMENDING AN ORDINANCE RELATIVE TO MUNICIPAL BUILDINGS AND OPERATIONS (GREEN ORDINANCE)

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 an ordinance amending an ordinance relative to Municipal Buildings and Operations (Green Ordinance), has considered said matter and would recommend adoption as amended for first passage by roll call vote. This ordinance was adopted as amended by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

#107 – (#141 OF 2020) – ORDINANCE AMENDING CH. 2, SEC. 2028 – AUXILIARY AIDS AND SERVICES FOR PUBLIC MEETINGS

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 an ordinance amending Ch. 2 Sec 2028 providing for auxiliary aids and services for public meetings has considered said matter and would recommend adoption for first passage by roll call vote. This ordinance was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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#108 – (#19) – ORDINANCE ESTABLISHING REGULATONS FOR SUSTAINABLE FOOD WARE AND PACKAGING

Councillor Prosniewski offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of ordinance relative to an ordinance establishing regulations for sustainable food ware and packaging, has considered said matter and would recommend that the matter remain in committee.

#109 – (#23) – MEET WITH HR DIRECTOR TO DISCUSS COMPARATIVE SALARIES OF THE CITY CLERK

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter to meet with the HR Director to discuss comparative salaries of the City Clerk, has considered said matter and would recommend that a 3% COLA increase plus 5% increase based on Clerks ability to execute in complicated election processes and her ability to execute remotely during COVID and in gratitude based on her years of service to the city as well as recommending goals set for the City Clerk in FY23 include continue to make use of current technology in order to streamline processes and procedures in the city clerks office. Continue to work within her duties to ensure accurate, fair and accessible elections within state guidelines. Continue to carry out all duties of the City Clerk as prescribed by City Ordinance, this is inclusive of annual and ongoing goals outlined and set by the City Clerk.

Councillor Dominguez made an amendment to increase the COLA from 3% to 5%. This motion was seconded by Councillor McClain.

Councillor Watson-Felt stated that the subcommittee should take a closer look in the future into COLA and come up with a clear practice.

Councillor McClain stated to be careful. We have a responsibility to all the employees who put trust in the Councillors for the budget.

Councillor Watson-Felt stated she is not fully comfortable with the process this year. We need to keep working on the process.

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Councillor Riccardi stated the process and conversation is continuing in different committees since there are different orders in them. It doesn't seem like a good process right now. There are so many aspects to consider such as salary comparisons. HR thought that what the COLA would increase by this year. Working off of what the data we had. We had good numbers that we came up with.

Councillor Dominguez said let's see if we agree with the amendment – let's vote on it.

Councillor Hapworth stated this is not just a friendly amendment. It is not strictly up to me to accept the amendment.

Councillor McCarthy stated at this time we don't have a second yet. Even though friendly amendment 8% increase in pay. 3% was what management got last year.

Councillor Merkl stated this is an awkward position to be in. Don't know what the other city employees will be getting. There have been increase in duties with In-Person Early Voting, Vote by Mail, Zoom meetings, Hybrid meetings be worked on. We need to consider the cost of turnover. She is not in the bracket she should be in.

Councillor Prosniewski asked if the 8% to 10% was a recommendation or is it set in stone?

Councillor Morsillo stated sending this in for the budget.

The motion on the amendment to increase the 3% COLA to 5% COLA was adopted by a roll call vote of 6 yeas, 5 nays and 0 absent. Councillors Cohen, Dominguez, Hapworth, Merkl, Prosniewski, Watson-Felt were all recorded in the affirmative. Councillors McCarthy, McClain, Riccardi, Varela and Morsillo were recorded in the negative.

The motion to adopt the recommendation of 5% COLA and 5% Merit was adopted by a roll call vote of 6 yeas, 5 nays and 0 absent. Councillors Cohen, Dominguez, Hapworth, Merkl, Prosniewski, Watson-Felt were all recorded in the affirmative. Councillors McCarthy, McClain, Riccardi, Varela and Morsillo were recorded in the negative.

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#110 – (#25) – AMENDING CITY COUNCIL RULES AND ORDERS RELATIVE TO 31A – LIAISONS

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter amending Sec. 31A of Council Rules related to liaisons has considered said matter and would recommend that the matter be discharged from the committee.

Councillor Hapworth explained that the Assistant Solicitor, Vickie Caldwell , explained there were city boards created by ordinances, Mayoral advisory boards and private non-profits. There can be conflict of interest with a City Council appointed liaison with private groups i.e. if a private non-profit asked for money. City Councillors have never been appointed to non-profit groups.

#111 – (#33) – REQUEST FROM SALEM UNITED FOR A CITY COUNCIL LIAISON

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of a request from Salem United to have a City Council Liaison assigned, has considered said matter and would recommend not appointing a City Council liaison.

#112 – (#76) – REQUEST FROM SALEM HUMAN RIGHTS COALITION FOR A CITY COUNCIL LIAISON

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of a request from Salem Human Rights Coalition (formally No Place for Hate Committee) to have a City Council Liaison assigned, has considered said matter and would recommend that a City Council Liaison be appointed by the Council President.

Councillor McClain stated he is troubled by the lack of documentation.

Councillor Dominguez felt the same. He has not seen any investigation of documents by the City Solicitor and Council. And she says she was promised a liaison. Why not keep matter in committee to get answers.

Councillor Cohen stated that Ms. Wade said on Tuesday at the committee meeting that there was documentation. It is very clear from Vickie Caldwell that it is problematic to be a liaison for outside boards. Salem United is included in that. We are not looking at one organization, but applying this to all. We should act as Solicitor's office told us. We can be involved as private citizens.

Councillor Merkl reiterated that there are reasons why we can't be liaisons with outside boards, but she was very clear that she remembers a meeting with Council that she would get one.

Councillor Watson-Felt asked if we could track down what historically happened. We should follow legal advice we received now, today, regardless of the past. What will stop every non-profit from asking. There is homework to be done but should follow legal advice.

Councillor Prosniewski said we did get legal advice. But what do other groups do for a conduit to the city. Why does she want a liaison and why do others? We will help with what we can do.

Councillor Dominguez stated if Ms. Wade is right and gave her a liaison, we should allow process and clarify if we did. Let's find out what happened.

Councillor McCarthy made a motion to refer back to committee. This was seconded by Councillor Varela. Very simple doesn't matter what discussion she had. Did the City Council ever take a vote to add Salem United to get a City Council Liaison? I do not remember ever taking a vote on this but I could be wrong. No one is trying to say anything about the organization. The vote happened or it didn't.

The motion to refer back to the Committee on Government Services co-posted with the Committee of the Whole was adopted.

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#113 – MBTA COMMUNITIES DRAFT COMPLIANCE REGULATIONS FOR SECTION 3A

The following communication submitted by Amanda Chiancola, Deputy Director of Planning & Community Development, regarding MBTA Communities and Draft Compliance Regulations for Section 3A was received and filed.

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: DHCD Draft Guidelines for MBTA Communities

Ladies and Gentlemen of the City Council:

Enacted as part of the economic development bill in January 2021, new Section 3A of M.G.L. c. 40A (the Zoning Act) requires that each MBTA community have at least one zoning district that meets certain criteria to enable housing production. The City of Salem is served by the MBTA, as such it is considered an MBTA community that must comply with the new Section 3A. On December 15, 2021, the Department of Housing and Community Development (DHCD) issued updated DRAFT Compliance Regulations for Section 3A, herein referred to as the Draft Guidelines (Attachment 1). DHCD is in the process of collecting public comment on the Draft Guidelines. To remain in compliance with Section 3A while DHCD is collecting public comment, each MBTA community is required to provide a presentation of the Draft Guidelines in a meeting of the City Council. The purpose of this agenda item is to satisfy DHCD's initial requirements by providing a summary of the framework to the City Council and requesting comments for DHCD.

Summary of Section 3A
Section 3A requires MBTA communities have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets specific criteria. The specific criteria are listed in more detail in the next section. According to the Draft Guidelines, a general principle that informed the specific criteria is that all MBTA communities should contribute to the production of new housing stock given that these communities benefit from transit stations. The Act does not require that a specific number of units be constructed; it requires zoning that conforms to the Act.

Compliance with Section 3A
Communities that do not comply with Section 3A are not eligible for certain State funds, including grants from the Housing Choice Initiative, Local Capital Projects Fund, or the MassWorks Infrastructure Program. Salem has had great success leveraging these programs in the past and relies on them for infrastructure improvements. Thus, it is essential for Salem to comply with Section 3A.
As previously noted, the required zoning district must be of reasonable size and must

allow multi-family housing "as of right," meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Reasonable size is determined by a minimum land area of at least 50 acres or 1/10 of the land area within .5 mile of a transit station.

Other criteria that are set forth in the statute include:

- **Location:** Not more than ½ mile from the commuter rail station, subway station, ferry terminal or bus station if applicable.
- **Minimum Multifamily Unit Capacity:** The multifamily district in Salem must have the capacity to accommodate **4,070** units by right (20% of the 2020 year-round housing units). For minimum unit capacity, DHCD is counting what the zoning allows by right, not the number of units that currently exist.
- **Minimum gross density**: 15 units per acre.
- **Restrictions:** No age restrictions and must be suitable for families with children (meaning no bedroom restrictions).

Per the Draft Guidelines, each multi-family zoning district must satisfy both the unit capacity and minimum gross density requirements. In some cases, the minimum number of units will be equal to the minimum unit capacity. In other cases, the minimum number of units allowed as of right will be determined by the gross density requirement.

Compliance in Salem

It is anticipated the existing Central Business (B5) zoning district will fully comply with Section 3A. The zoning district already allows for many multi-family units through a site plan review, which is a by right permit. The district is approximately 120 acres; thus, it exceeds the minimum size of 50 acres, and it is within a half mile of transit (Attachment 2). As noted above, Salem must have the capacity to accommodate **4,070** units. An analysis will be undertaken to ensure the zoning district meets the unit capacity requirement.

Key Points

The unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. The guidelines recognize that in some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out.
Additional information, including FAQs on Section 3A can be found here: https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities.

Next Steps

The City has until December 31, 2022, to demonstrate full compliance with the criteria in Section 3A. In the coming months, staff will be requesting technical assistance from DHCD to calculate the current unit capacity within the B5 zoning district and will then submit the required compliance documentation.

CITY OF SALEM

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Please contact me at 978 619-5685 with any questions.

Sincerely,

Amanda Chiancola, AICP, Deputy Director

Attachments: (see back-up)
1. DRAFT Compliance Regulations for Multi-family Districts Under Section 3A of the Zoning Act (See back-up for full document)
2. Salem Transit Station Map (see back-up for map)

Amanda Chiancola gave a power point presentation on the draft compliance guidelines for multi-family districts under section 3A of the Zoning Act. This included an Overview of sec. 3A , Definitions, General Principles of Compliance, Allowing Multi-Family Housing "As of Right", Determining "Reasonable Size", Minimum Gross Density, Determining Suitability for Families with Children, Location of Districts, Determination of Compliance, Renewals and Rescission of a Determination of Compliance, and Effect of Noncompliance.

Salem is an MBTA Community. An MBTA community that does not comply with Section 3A is not eligible for funding from: ▪Housing Choice Initiative; ▪The Local Capital Projects Fund; or the ▪MassWorks Infrastructure Program

City of Salem's Multi-Family Zoning District. LOCATION TEST Within a half mile of transit? ✓YES (see the map) REASONABLE SIZE TEST At least 50 Acres? ✓YES, B5 is 120 Acres At least 1/10 of the land area within ½ mile of transit ✓YES (see the map) MINIMUM GROSS DENSITY TEST Minimum Unit Capacity 4,070 allowed by right? TO BE DETERMINED Minimum Gross Density of 1,800 units (120 acres*15)? To Be Determined.

Councillor Hapworth asked for clarity on communities. Beverly has 5 stations, do they have to do the same as Salem which has one station and what is the impact on other communities

Amanda answered yes Beverly has to do the same and it is to early to tell about the impact but will report back.

Councillor McCarthy asked if the MBTA station is the epicenter and we need a .5 mile radius, does the entire property become part of it? How is it measured?

Amanda responded that the zoning district radius has to be within that circle. There is not an exact measurement requirement; each community is give flexibility.

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Councillor Watson-Felt asked if minimum amount of units are already in the radius do we already comply? And what happens if we cannot meet this requirement? Do we have to exclude any type of housing i.e. public housing

Amanda responded that we cannot count units already built. If we had a blank slate and put our zoning down how many can we build. Could our current zoning get to 4,070 units if blank slate? We would have to look at another zoning district or could create AUs within ½ mile of station. No exclusions

The Department of Housing and Community Development public comment period will end on March 31, 2022. They will make determination of compliance with Section 3A upon request from community no later than December 31, 2022.

#114 - #116 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:

Jonathan Reardon 14A Pope St., Salem
William Clemens 49 Summer St., Danvers
John Alan Flanagan 38 BayView Ter., Danvers
James Morfis-Gass 10A Ames St., Salem
Sean Dixon-Gumm 10 Hersey St., Salem
Danielle Aldrich 18 Watson St., Marblehead
Jeremiah Hakundy 78 Washington Sq., Salem
Zachary Weeks 123 North St., Salem
Geoff Van Wyck 29 High St., Marblehead
Brian McCarron P.O. Box 129, Beverly
Raymond Swartz 30 Ocean Ave, Salem
Kimberly Bizjak 203 Washington St., Salem
Pamela Apran 394 Essex St., Salem
Sarah-Frankie Carter 394 Essex St, Salem
Devin Candilieri 39 Emanuel St, Revere
Alexia Demetroulakos 16 Main St, Westford
Christine Remus 13 Merrimac St., Amesbury
Richard Hite 140 Humboldt Ave, Providence
Melissa Nierman 7 Crombie, Salem
Giovanni Alabiso 2 Buxton St. Peabody
Stanley Dzierzeski 74 Statler Rd, Belmont
Robert Hawkins 402 Lowell St, Worcester
Tyler Carlton 22 Hancock St, Salem
Lemaris Bell 116 Boston St, Salem
Simon Checksfield 6 Hale Park Ave, Beverly

CITY OF SALEM

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TAXI CAB/LIMO: Witch City Taxi 92 Jackson St. (11 Liveries)

TAXI OPERATORS:
Rafael Moja 407 Essex St. Salem
Jose Munoz 16 Cherry
Samuel Cuveas 147 Sylvan St. Danvers
Richard Castillo de Jesus 20 Osgood St Salem
Joan Jones Frias-Diaz 14 Cherry St. Salem
Amsel Holohan 144 Bridge St. Salem
Jordan Sanchez 1000 Loring Ave. Salem
Hipolito Ozorio 10 Porter St. Salem
Juan Pimentel Lugo 34 Prince St Salem
Lao Rosario Payamps 71 Palmer St. Salem
Welkins Vicioso 52 Dow St Salem
Jesus Rosario 50 Warner St. Peabody

#117 – LICENSE APPLICATION

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

SECOND HAND VALUABLE: To Do Ta Done, LLC 3 Pleasant St., Salem

#118 – DRAINLAYER OPERATOR

The Following Contract Operator/Drainlayer Licenses was granted.

North American Excavating, LLC 26 Crestway Rd., Boston

#119 - #126 – CLAIMS

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

Stephen Brophy 7 Ashworth Ter. Haverhill
Carol Barry 9 Fortune Way. Salem
Kareem Hamman 13 Clifton Ave. Salem
Graham Hines 7 Burnside St. Salem
Andera Joseph 12 First St. Salem
Jennifer Schofield 49 Ward St. Salem
Jane Stewart 18 Dalton Pkwy. Salem
Marvin Young 398 Jefferson Ave. Salem

CITY OF SALEM

FEBRUARY 10, 2022

REGULAR MEETING

(#55) - SECOND PASSAGE OF AN ORDINANCE AMENDING MOORING PERMIT FEES

Second Passage of the following ordinance was adopted for second and final passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty-Two

An Ordinance to amend mooring permit fees.

Section 1. Section 10-24(d) *Mooring Permit* of Chapter 10 *Boats and Waterways* is hereby amended by deleting paragraphs (1) through (4) in their entirety and replacing them with the following:

"(1)Fee for mooring, $7.00 per foot of vessel per year.

(2) Fee for slip, $7.00 per foot of vessel per year.

(3) Fee for commercial transient mooring, $100.00 per year.

(4) Fee for guest mooring (city owned), $40.00 per day.

(5) Fee for private float, $100 per year.

(6) Fee for a waitlist for a mooring, $10 per year."

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

(#56) - SECOND READING OF AN ORDER TO AMEND THE RULES AND ORDERS OF THE CITY COUNCIL

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

ORDERED: That the Rules and Orders and the City Council shall be amended as follows:

Section 26. – Appointment of chairperson when into committee of the whole; and

Section 27. – Rules when in committee of the whole

Be deleted in its entirety; and

Section 30. Committees, generally be amended by adding the following:

#6. Committee of the Whole. The Committee of the Whole shall consist of all members of the Council and be chaired by the President or their designee, and shall meet separately when required to address matters before it.

CITY OF SALEM

FEBRUARY 10, 2022

REGULAR MEETING

(#57) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – RESIDENT STICKER – CLEVELAND STREET

Second Passage of the following ordinance was adopted for second and final passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic Ch. 42, Sec. 75 - Parking prohibitions towing zone (resident sticker)

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

Section 1. Section 75 – Parking prohibitions towing zone (resident sticker) of Article V-A be amended by adding the following:

> Cleveland Street – ZONE D-COLOR YELLOW-north side only, beginning forty (40) feet from the intersection with Jefferson Avenue, proceeding in a westerly direction for a distance of thirty (30) feet. No visitor passes shall be issued for qualifying addresses on this street.

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

(#58) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – PARKING PROHIBITED – JEFFERSON AVENUE

Second Passage of the following ordinance was adopted for second and final passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42 Sec. 51 - Parking Prohibited on Certain Streets

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

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

> Jefferson Avenue – Parking Prohibited on Certain Streets – westerly side beginning approximately one hundred and sixty-five (165) feet south of the intersection with Jackson Street in a southerly direction for a distance of eight (80) feet

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

CITY OF SALEM

FEBRUARY 10, 2022

REGULAR MEETING

(#59) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – PARKING PROHIBITED – LEAVITT STREET

Second Passage of the following ordinance was adopted for second and final passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic Ch. 42, Sec. 51 - Parking Prohibited on Certain Streets

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

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

> Leavitt Street – Parking Prohibited on Certain Streets – southerly side beginning at the intersection with Prince Street in a westerly direction for a distance of one hundred and five (105) feet

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

(#60) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – STOP SIGN – CEDARCREST ROAD

Second Passage of the following ordinance was adopted for second and final passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42 Sec. 49 - Obedience to Isolated Stop Signs

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

Section 1. Ch. 42, Section 49 – Obedience to Isolated Stop Signs shall be amended by adding the following:

> Cedarcrest Road – Stop Sign – southeast bound traffic on Cedarcrest Road at Cedarcrest Avenue

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

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FEBRUARY 10, 2022

REGULAR MEETING

(#61) - SECOND PASSAGE OF AN ORDINANCE AMENDING TRAFFIC – HANDICAP PARKING – NAUMKEAG STREET

Second Passage of the following ordinance was adopted for second and final passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty Two

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Naumkeag Street – One Handicap Parking space to be added in front of #36 Naumkeag 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 9:55 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK