

CITY OF SALEM
FEBRUARY 24, 2022
REGULAR MEETING

A Regular Meeting of the City Council was held remotely via zoom on Thursday, February 24, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 22, 2022, at 10:08 A.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Morsillo presided.

Councillor McClain 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.

(#91) NATIONAL GRID TO INSTALL CONDUITS ON NORMAN STREET

Held from the last meeting, the hearing on the order from National Grid to install Conduits on Norman St.

Sibhita Mahabier a representative from National Grid appeared in favor. She stated she had not heard back from anyone she emailed.

No one appeared opposed.

Councillor Watson-Felt 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 Watson-Felt moved that the order be granted. The order was granted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

#127 – APPOINTMENT OF JAIME GARMENDIA TO THE TRAFFIC & PARKING COMMISSION

The Mayor's appointment of Jaime Garmendia of 6 Rawlins St, to the Salem Traffic and Parking Commission, with a term to expire on February 24, 2025 was held under the rules.

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#128 – APPOINTMENT OF JAMIE GRAHAM TO THE HISTORICAL COMMISSION

The Mayor's appointment of Jamie Graham of 25 Roslyn St., to the Salem Historical Commission, with a term to expire on April 11, 2025 was held under the rules.

#129 – APPOINTMENT TO THE RECYCLING COMMITTEE

The Mayor's appointment of Jennifer Birenbach of 2 West Ter., to the Salem Recycling Committee was received and filed. (informational purposes only)

#130 - #133 REAPPOINTMENTS TO VARIOUS BOARDS

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
Rebecca English	24 Prescott St.	Historical Commission	March 1, 2025
David Pabich,	8 Harbor View Ter.	Salem & Beverly Water Supply Board	March 1, 2025
Dan Ricciarelli	397 Essex St.	Conservation Commission	March 1, 2025
Paul Durand	27 Congress St.	Design Review Board	March 1, 2025

#134 – CORRECTION OF TERM FOR DIRECTOR OF TRAFFIC AND PARKING

On January 13, 2022 the Mayor's office included in error the re-appointment of Department Head David Kucharsky, Director of Traffic and Parking with a term to expire on January 21, 2024. He was already appointed in February 2021, with a term to expire January 31, 2023. This letter was received and filed.

#135 – CONSTABLE

The Mayor's re-appointment of Christopher Chigas of 80 Foster St., as a Constable with a term to expire October 3, 2024 was received and filed.

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#136 – APPROPRIATION OF \$250,000.00 FOR TRAFFIC CALMING INFRASTRUCTURE

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 Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated and transferred from the “Capital Outlay Fund 2000” to ST CIP Traffic & Parking (20002218-5846DH) for traffic calming infrastructure, including permanent and temporary “speed humps,” in accordance with the recommendation of Her Honor the Mayor.

#137 – APPROPRIATION OF \$90,000.00 FOR STUDY OF FUTURE PUBLIC PARKING DOWNTOWN

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

ORDERED: That the sum of Ninety Thousand Dollars (\$90,000.00) is hereby appropriated and transferred from the “Capital Outlay Fund 2000” to ST CIP Planning (20002220-5846DI) for the development and plan for the provision of downtown Salem’s future public parking infrastructure and associated development opportunities in accordance with the recommendation of Her Honor the Mayor.

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

Councillor Prosniewski stated in 1997 under Mayor Harrington the Peabody Essex Museum contributed \$300,000.00 (when the city gave them part of Essex St.) for a second level above the old Almy’s lot now known as the Church St. Lot. He asked Amanda if she knew what happened to that.

Amanda Chiancola stated she did not know and would look into that.

#138 – APPROPRIATION OF \$40,000.00 TO FINANCE CONTRACTED SERVICES

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 Thirty Thousand Dollars (\$40,000.00) is hereby transferred from the Finance Department’s “FT Salaries” account (11351-5111) to the Finance Department’s “Contracted Services” account as provided below to cover payment associated with temporary contract accounting services for FY2022 due to department vacancies in accordance with the recommendation of Her Honor the Mayor.

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#139 – APPROPRIATION OF \$3,375.00 TO REPAIR THE FLAGPOLE AT CITY HALL

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 Thousand Three Hundred Seventy-Five Dollars (\$3,375.00) is hereby appropriated and transferred from the "Capital Outlay Fund 2000" to ST CIP Building (20002202-5846DJ) for the repairs to the flagpole located at 93 Washington Street in accordance with the recommendation of Her Honor the Mayor.

#140 – APPROPRIATION OF \$10,000.00 TO GOLF COURSE FOR REPLENISHING PRO SHOP MERCHANDISE

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 Ten Thousand Dollars (\$10,000.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec – Golf Course "Renovation and Repairs" account 16512-5846 for costs associated with replenishing pro shop merchandise with the recommendation of Her Honor the Mayor.

#141 – APPROPRIATION OF \$2,525.00 TO GOLF COURSE TO REPLACE ICE MACHINE

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 Two Thousand Five Hundred Twenty-Five Dollars (\$2,525.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec – Golf Course "Equipment" account 16512-5860 for costs associated with the purchase of a replacement ice machine in accordance with the recommendation of Her Honor the Mayor.

#142 – APPROPRIATION OF \$2,500.00 TO GOLF COURSE FOR TELEPHONE AND INTERNET CHARGES

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 Two Thousand Five Hundred Dollars (\$2,500.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec – Golf Course "Telephone" account 16512-5341 for costs

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associated with phone and internet charges in accordance with the recommendation of Her Honor the Mayor.

#143 – APPROPRIATION OF \$2,500.00 TO GOLF COURSE FOR REPLACEMENT OF STEEL DOORS ON THE IRRIGATION PUMP HOUSE

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 Two Thousand Five Hundred Dollars (\$2,500.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec – Golf Course "Building Repairs/Maintenance Supplies" account 16512-5431 for costs associated with replacement of steel doors on the irrigation pump house in accordance with the recommendation of Her Honor the Mayor.

#144 – DONATION OF \$4,140.00 TO THE TAXPAYER SCHOLARSHIP ACCOUNT

The following order submitted by the Mayor was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. Councillor McCarthy requested a city seal and letter of thanks be sent to Cynthia Nina-Soto for her efforts.

ORDERED: To accept the donation from "Harborlight Community Partners", in the amount of Four Thousand One Hundred Forty Dollars (\$4,140.00). These funds will be deposited into the Taxpayer Scholarship Account 8304-4830 in accordance with the recommendation of Her Honor the Mayor.

#145 – DONATION OF \$1,950.00 TO PARK & REC. FOR WOODEN HISTORIC BENCH

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

ORDERED: To accept the donation from Kathleen Aubertin in the amount of One Thousand Nine Hundred Fifty Dollars (\$1,950.00) for a wooden historic bench. These funds will be deposited into the Parks and Recreation Donation Account #24061-4830 in accordance with the recommendation of Her Honor the Mayor.

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#146 – HRP TO ENACT A CONDO CONVERSION ORDINANCE FOR 2 OR MORE UNITS

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

ORDERED: That a petition to the General Court, accompanied by a bill for authorization to enact a local condominium conversion ordinance for the purposes of tenant stability and maintaining the general welfare of Salem residents, as set forth below, be filed with an attested copy of this Order be, and hereby is approved to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

AN ACT authorizing the City of Salem to enact a condominium conversion ordinance for buildings containing two or more residential units.

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

AN ACT RELATIVE TO A CONDOMINIMUM CONVERSION ORDINANCE IN THE CITY OF SALEM.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the City of Salem City Council by majority vote may enact an ordinance to regulate the conversion of housing accommodations in the municipality to the condominium or cooperative form of ownership in buildings containing two or more residential units.

SECTION 2. Such ordinance may include, but is not limited to: (i) provisions for investigations and hearings on condominium conversions or proposed conversions; (ii) a permit process; (iii) tenant notification requirements; (iv) relocation costs for tenants and other measures to protect tenants; (v) control of evictions; (vi) penalties for violation of the ordinance; and (vii) afford tenants and the City or the City's Designee the right to purchase the residential property in which the tenant(s) reside(s) when the residential property is being offered for sale.

SECTION 3. The ordinance may establish a condominium review board or vest administrative duties in an existing municipal board, commission, or office. The review board may exercise such powers as it is given by the ordinance.

SECTION 4. This act shall take effect upon its passage.

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Councillor Riccardi stated that this is not the submission of the ordinance but to create an ordinance using the language 2 units.

Councillor Hapworth stated that Amanda Chiancola has done an excellent job crafting this as well as the past and current Ward 2 Councillors.

Councillor Cohen stated this is a terrific bill to pass. Usually ordinances are for new development. Because this is just a HRP urges everyone to pass this tonight. The State Law is for 4 units or more.

Councillor Watson-Felt asked Amanda Chiancola if the word in Section one should be “of” instead of “or”. Councillor Watson-Felt asked for and received suspension of the rules to allow Amanda to speak.

Amanda stated yes that was typo. The City Clerk will change this.

Councillor McCarthy asked Amanda if we send this off to be approved and we can do this, then meet about the ordinance or will it go into effect? And why would we do this first and not adopt the State with 4 or more.

Amanda Chiancola replied it allows the Council to adopt an ordinance. The City could adopt on for 4 or more units but now we can start talking about an ordinance with 2 or more. Also the Affordable Housing Trust Fund Board would like to move forward with 2 unit ordinance. We need to get approval on this. Need to reach out to landlords and tenants. Imaginesalem.org has a great website and lists the reasons why.

Councillor Watson Felt added by stating that there is an urgency around housing. This is an attempt to slow conversion on the current rental stock we have now. Respond to Salem’s need. This will help stem the tide.

Councillor McClain concurs with Councillors Cohen and Watson-Felt to the urgent need. This only allows us to proceed to have conversations on this. He knows of at least 3 people whose leases are not being renewed because converting 2-3 family to condos.

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#147 – APPROPRIATION OF \$185,822.00 TO REPLACE FLOOR TILES AT WITCHCRAFT HEIGHTS ELEMENTARY SCHOOL.

The following order submitted by the Mayor was received after the deadline of Tuesday noon.

Councillor McCarthy moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec.28A). There was no objection.

The following order was referred to the Committee on Administration and Finance due to the late file (no discussion)

ORDERED: That the sum of One Hundred Eighty-Five Thousand Eight Hundred and Twenty-two Dollars (\$185,822.00) is hereby appropriated and transferred from the “Capital Outlay Fund 2000” to ST CIP School (20002225-5846DK) for costs associated with replacing floor tiles at the Witchcraft Heights Elementary School in accordance with the recommendation of Her Honor the Mayor.

#148 – RESOLUTION FOR DOMINICAN REPUBLIC INDEPENDENCE DAY

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

RESOLUTION: DOMINICAN REPUBLIC INDEPENDENCE DAY

WHEREAS: The Dominican Flag Committee of Salem will celebrate the raising of the Dominican Flag at Lafayette Park to Celebrate the raising of the Dominican flag that marks Dominican Republic’s 178th Anniversary of Independence; and

WHEREAS: The Dominican Community has dedicated this celebration of independence to Dominican Republic’s men and women who have distinguished themselves in different disciplines in the City of Salem; and

WHEREAS: The Dominican community has established itself through the efforts of many Dominicans in business, sports, politics, education, and many other disciplines and have exhibited their pride, passion and love of family, religion, and commitment to hard work; and

WHEREAS: The Dominican community enriches the City of Salem by promoting the rich Dominican culture through music, dances, and the arts; and

WHEREAS: The City of Salem recognizes that supporting the Latinx community will lead to greater continued equality for all residents and help strengthen our City; and

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WHEREAS: The Dominican Flag Raising will take place at Lafayette Park on Friday, February 25, 2022 at 4:00 P.M. in anticipation of Dominican Republic Independence Day; and

NOW, THEREFORE, We, the Salem City Councillors, and Mayor Kimberley Driscoll do hereby proclaim February 27th, 2022 as DOMINICAN REPUBLIC INDEPENDENCE DAY and call upon our public officials, educators, librarians, and all Salem Residents to observe this month with appropriate (remote) ceremonies, activities, and programs here in Salem and beyond the borders of our Commonwealth.

Due to the predicted inclement weather for Friday, February 25, 2022 the ceremony took place earlier this evening. The second to last paragraph was changed to read Thursday, February 24, 2022 at 5:00 P.M.

“WHEREAS: The Dominican Flag Raising will take place at Lafayette Park on Thursday, February 24, 2022 at 5:00 P.M. in anticipation of Dominican Republic Independence Day; and”

#149 – AMENDING ORDINANCE RELATIVE TO CH. 20 – FIRE PREVENTION – OUTDOOR FIRE PITS

The following order introduced by Councillor Varela was adopted.

ORDERED: That the Committee on Public Health, Safety and Environment co-posted with Committee of the Whole meet to discuss and review the attached ordinance relative to amending Ch. 20 - Fire Prevention and Protection, Secs. 128 & 129 relative to sale and use of solid fuel outdoor patio and space heaters, fire pits, chimineas, outdoor decorative heating appliances and outdoor fireplaces within the city.

In the year two thousand and twenty two

An Ordinance to amend Chapter 20, Fire Prevention and Protection relative to outdoor fireplaces

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

Section I. Amend Sec. 20-128. Sale of solid fuel outdoor patio and space heaters, outdoor decorative heating appliances, and outdoor fireplaces within the city by deleting paragraphs (a), (b) and (c) in their entirety and replacing them with the following:
“Any mercantile establishment located within the city shall be able to sell, or offer for sale, any outdoor patio or space heater or decorative heating appliance such as chiminea, fire pit, or outdoor fireplace that is fueled by a solid fuel such as wood, charcoal, fuel pellets or similar non-gaseous fuels.”

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Section II. Amend Sec. 20-129. Use of solid fuel outdoor patio and space heaters, outdoor decorative heating appliances and outdoor fireplaces within the city by deleting paragraph (a) in its entirety and replacing it with the following:

“ (a) *Definitions.* The following definitions shall be used in this Chapter:

Attended. Under the personal supervision of an adult over the age of 21 who shall remain at the location of the fire until the fire is thoroughly extinguished.

Chiminea. Portable devices, as defined by the manufacturer, intended to contain and control outdoor fires and which emit smoke or products of combustion from an enclosed chamber through a stack, chimney, duct, flue or pipe.

Fire pit. Portable devices, as defined by the manufacturer, intended to contain and control outdoor fires; permanently or temporarily constructed above-ground and below ground pits intended to contain and control outdoor fires.

Nuisance. Any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

Outdoor burning device. Any chiminea, fire pit, outdoor fireplace as defined in this section.

Outdoor fireplace. Portable devices, as defined by the manufacturer, intended to contain and control outdoor fires which may be open in design or which emit smoke or products of combustion from an enclosed chamber through a stack, chimney, duct, flue or pipe; permanently constructed devices intended to contain and control outdoor fires which may be open in design or which emit smoke or products of combustion from an enclosed chamber through a stack, chimney, duct, flue or pipe.

- (b) *Use of fire pit.* The primary purpose of the fire must be for cooking unless a burning permit is obtained from the city fire department and all relevant conditions of such permit are adhered to. Cooking fires must be reasonable in size. Use must also comply with general requirements for all outdoor burning devices as stated in subsection (e) of this section.
- (c) *Use of chiminea.* The primary purpose of the fire need not be for cooking and a burning permit is not required. Use must also comply with general requirements for all outdoor burning devices as stated in subsection (e) of this section.
- (d) *Use of outdoor fireplace.* Unless the outdoor fireplace emits smoke or products of combustion from an enclosed chamber through a stack, chimney, flue or pipe, the primary purpose of the fire must be for cooking unless a burning permit is obtained from the city fire department and all relevant conditions of such permit are adhered to. Cooking fires must be reasonable in size. If the outdoor fireplace emits smoke or products of combustion from an enclosed chamber through a stack, chimney, duct, flue or pipe the primary purpose of the fire need not be for cooking and a burning permit is not required. Use must also comply with general requirements for all outdoor burning devices as stated in subsection (e) of this section.

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- (e) *General requirements for all outdoor burning devices.* All use of outdoor burning devices must be attended, conducted during periods of good atmospheric ventilation and without causing a nuisance. If the city fire department receives a complaint that the smoke or product of combustion emitted from an outdoor burning device is causing a nuisance, the fire department will investigate and if necessary, have the fire extinguished.

The outdoor burning device may only be upon a flat surface of sandy or gravelly land or otherwise non-combustible material free from living or dead vegetation. Any permanently constructed outdoor burning device may be constructed using only non-combustible materials.

Safety Measures shall be put in place at all times, either a hose or fire extinguisher shall be accessible at all times.

The outdoor burning device shall not be located within 25 feet of any structure and shall not be used on decks and porches or 15 feet away from a property line or fence.

For those outdoor burning devices in which wood is burned, only the burning of aged, dried wood is permitted.

Burning of grass, hay, leaves, stumps and tires is prohibited. The burning of any type of construction material or trash is prohibited."

Section III. Further amend Sec. 20-129 by:

- 1) Replacing (b) with "(f) Winter Island."
- 2) Inserting a new paragraph as follows:

"(g)Penalty. The city fire department, through its agents and employees, is hereby empowered to enforce the provisions of this section pursuant to M.G.L.A. c. 40 § 21D and M.G.L.A. c. 111 § 31C. Whoever violates the provisions of this section shall be penalized by non-criminal penalty of \$50.00 for the first offense, \$75.00 for the second offense and \$100.00 for the third and each subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense."

- 3) Replacing (c) with "(h) *Enforcement.*"

Section IV. This ordinance shall be adopted as provided by City Charter.

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#150 – (#117) – GRANTING CERTAIN LICENSES

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 license be granted.

#151 – (#32) – PRESENTATION FROM YOUTH BUILD

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

The Committee on Community & Economic Development co-posted with the Committee of the Whole to whom was referred the matter of Youth Build Presentation has considered said matter and would recommend that the matter remain in committee.

#152 – (#28) – LAND ACKNOWLEDGEMENT STATEMENT

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 Land Acknowledgement Statement for the Council to read at the opening of Council Meetings has considered said matter and would recommend that the matter remain in committee.

#153 – SALEM YMCA ROAD RACE ON OCTOBER 15, 2022

A Petition from Salem YMCA to hold a Road Race the Witch City 5k and use of city streets on October 15, 2022 was granted.

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#154 – B & S FITNESS ROAD RACE ON SEPTEMBER 17, 2022

A Petition from B & S Fitness to hold a Road Race the Wicked Half Marathon and use of city streets on September 17, 2022 was granted.

#155 – B & S FITNESS ROAD RACE ON APRIL 3, 2022

A Petition from B & S Fitness to hold a Road Race the Black Cat 10 & 20 Miles and use of city streets on April 3, 2022 was granted.

#156 - #158 - THE FOLLOWING LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:	Bob Gautreau 21 Sturgis St. Woburn, MA Rachel Justin 115 Lowell St. Peabody, MA Charlotte Michaels 10 Summer St. Salem, MA Robin Glynn 7 Braeburn Dr. Nashua, NH
TAXI CAB:	Salem Taxi 30 Federal St. (4 Taxi's)
TAXI OPERATORS:	Luis Toribin 2 Park St., Salem Juan Miguel Martinez 12 Pope St., Salem Ramon Rodriguez Sauzo 100 Lafayette St, Salem Ramon Guzman 45 Walsh Ave., Peabody Cristian Vicioso Jose 52 Dow St., Salem Leandro Aristy Geden 157 Lafayette St. Salem Jose Castillo Dela Rosa 140 Broadway, Somerville Rudy Vargas 14 Mason St., Salem Pedro Sanchez 15 ½ Chase St., Salem Enger SG Diaz 16 Cherry St., Salem Antonio Risono 4 Dane St., Peabody Ramon Espinal Jr. 250 Broadway, Revere Juan Vidal 196 Loring Ave, Salem Jose Corniel 196 Loring Ave, Salem Glennys Gaarcia deFabian 42 Pulaski St, Peabody

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#159 - #160 - THE FOLLOWING LICENSE APPLICATIONS

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

SECOND HAND VALUABLE: Witch City Consignment 301 Essex St, Salem

SEAWORMS: Jose Machado 5 Marion Ave, Beverly

#161 - CONTRACT OPERATOR/DRAINLAYER LICENSES

The Following Contract Operator/Drainlayer Licenses were granted.

NEUCO 94 Glenn St, Lawrence
Pumel Enterprises 116 Rabbit Rd, Salisbury
Thomas Mackey & Sons 50 Broadway, Salem
R & J Construction 532 Water St, Wakefield
Brennan Construction 419 Lafayette St, Salem
McCourt Construction 60 K St, Boston
P.V. Barone 9 Pickwick Rd, Marblehead

#162 - #165 – CLAIMS

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

Sandra Pupelis 31 Mountwood Rd, Swampscott
Lynn Feazel 33 Conant St, Danvers
Richard Stirling 30 Blueberry Rd, Marblehead
Frank Hathaway 185 West Shore Dr, Marblehead

#166 - #168 –BONDS

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

DRAINLAYERS: North American Excavating 435 Shirley Rd, Winthrop
R & J Construction 532 Water St, Wakefield
McCourt Construction 60 K St, Boston

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(#559 of 2021) - ORDINANCE RELATIVE TO MUNICIPAL BUILDINGS, OPERATIONS AND TRANSPORTATION

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 twenty-two

An Ordinance to amend an ordinance relative to municipal buildings, operations and transportation

Section 1. Chapter 12 Building, Electricity and Plumbing Regulations is hereby amended by adding the following new Article:

“ARTICLE V. GREENING THE CITY OF SALEM’S MUNICIPAL BUILDINGS, OPERATIONS AND TRANSPORTATION

SEC. 12.250 PURPOSE

The purpose of this Ordinance is to promote public health, safety, and welfare by requiring sustainable design, construction, purchasing and practices for municipal buildings, operations, and transportation. This Ordinance intends to promote energy conservation, improve environmental quality and encourage Low Impact Development (LID) principles.

Through this Ordinance, the City of Salem intends to lead by example in setting standards for its own buildings, operations and transportation; reduce its greenhouse gas emissions by reducing energy consumption, shifting to renewable sources of energy and embracing smart, clean technology; strive to reduce, reuse and recycle products to decrease pollution and minimize impacts on our community and natural resources; and shift its transportation fleet to electric and hybrid vehicles while easing options for electric vehicle car charging and bicycle parking.

The City of Salem is committed to fulfilling a 100% zero net energy goal by maximizing onsite renewable energy production while minimizing energy consumption and the operational costs of municipal buildings.

SEC. 12.251 GREEN MUNICIPAL BUILDINGS

(1) NEW CONSTRUCTION, RENOVATION, AND ADDITIONS

City-owned or leased new construction or major renovations greater than or equal to five thousand square feet (5,000 sq. ft.) and City-owned or leased major renovations greater than or equal to ten thousand square feet (10,000 sq. ft.) to a current structure shall be certified as, at minimum, one of the following:

- Passive House Institute US (PHIUS) PassiveHouse®
- United States Green Building Council (USGBC) LEED® Gold
- Another applicable sustainable rating system as approved by the Mayor with the recommendation of the Sustainability, Energy, and Resiliency Committee.

In addition to the requirements set forth above, all new City owned or leased buildings and major

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renovations under 5,000 sq. ft. must incorporate sustainable building practices, as applicable, including, but not limited to:

- All projects must be designed and installed to maximize utility incentives
- All projects shall consider the repurposing, reuse, or recycling of building materials to the extent feasible. In addition to the requirement set forth above, all new City-owned or leased buildings, major renovations of City-owned or leased buildings or complete roof replacements on City-owned or leased buildings must include at least one of the following:
 - Solar power system
 - Green Roof
 - White Roof/Solar Ready

(2) DESIGN TEAMS

All requests for design services for City owned or leased facilities shall reference this Ordinance.

For those projects before the Designer Selection Committee, the Committee shall ensure that design teams selected for all applicable projects that are subject to this Ordinance shall be qualified to implement the standards in this ordinance and, at a minimum, include one LEED® accredited professional, or other comparable accreditation with demonstrated experience in designing buildings that would meet the requirements of this Ordinance.

(3) GREEN INFRASTRUCTURE AND PERMEABLE MATERIALS

City-owned properties shall employ best management practices and Low Impact Development (LID) to minimize stormwater runoff, thereby keeping water sources cleaner and reducing flooding. Additionally, land management practices shall maximize or increase sustainable vegetation to mitigate urban heat island effects and reduce flooding and encourage stormwater infiltration.

All City projects must meet the federal requirements for stormwater regulations if the new paved area is over five thousand (5,000) square feet and for any size projects requiring impervious surface it is encouraged to utilize permeable materials, including but not limited to porous paving, concrete, and bricks, when appropriate.

(4) MAINTENANCE AND TRAINING

All new and major renovations projects must include an operation and maintenance plan which includes training. Ongoing training related to the provisions of this Ordinance shall be considered by Departments in their annual budget submissions.

SEC. 12.252 GREEN MUNICIPAL OPERATIONS

(1) ENVIRONMENTALLY PREFERABLE PURCHASING

The City of Salem's Purchasing Department shall create, within three months of the date of this ordinance, an Environmentally Preferable Purchasing Program (EPPP) to guide the purchasing of

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sustainable products for city buildings, operations, and city-run events. The EPPP shall include standards for third-party certifiable green cleaning products; recycled and/or compostable plates, utensils, cups; hybrid or electric vehicles; low-emitting and recyclable materials; EnergyStar® appliances; and training for relevant City Departments and staff in procurement practices reflective of the EPPP. The EPPP shall be updated every two years at a minimum and submitted to the Sustainability, Resiliency, and Energy Committee for review and comment whenever so updated.

(2) WASTE REDUCTION

All occupied city-owned or leased buildings shall be equipped with recycling and composting bins to encourage and incentivize waste reduction. All parks or other City owned properties that have a waste receptacle shall also have a recycling bin. For projects involving site work or refurbishing, the City shall seek to restore, repurpose or recycle materials and furniture to the extent feasible and applicable.

SEC. 12.253 GREEN MUNICIPAL TRANSPORTATION

(1) CLEAN TRANSPORTATION ALTERNATIVES

The EPPP shall include standards for City-owned vehicles that shift the City's fleet to all electric and/or hybrid modes of transportation. Heavy duty vehicles and emergency vehicles shall also be transitioned to a higher efficiency and non-polluting fleet as technologically feasible. The City's municipal light-duty fleet shall be 100% zero-emissions by 2030, as technologically feasible, and the remaining fleet as technologically and financially available

(2) ELECTRIC VEHICLE CHARGING STATIONS

All new city-owned buildings and new or renovations of parking lots with more than 25 parking spaces shall include electrical vehicle charging stations to encourage use of lower-emission vehicular transportation.

(3) BICYCLE PARKING

All new construction and major renovations at city-owned buildings, parks, and other public properties shall include bicycle parking.

SEC. 12-254 APPROVALS AND WAIVERS

For all City projects subject to any provision of this Ordinance, the Purchasing Agent shall certify such compliance.

For projects between \$100,000 and \$999,999 seeking a waiver from any provision of this Ordinance, the Purchasing Agent, in consultation with applicable Departments, shall provide such waiver.

For projects over \$1,000,000 seeking a waiver from any provision of this Ordinance, the Department responsible for the project shall request a waiver from the Purchasing Agent who shall seek input and recommendation from the Sustainability, Energy, and Resiliency Committee (SERC).

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The Purchasing Department shall document waivers requested and shall provide a report to SERC annually.

SEC. 12.255 DEFINITIONS

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

Addition: Any portion added to an existing building.

Best Management Practices (BMPs): Regarding stormwater, BMPs means schedules of activities, practices (and policies), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters. BMPs also include the treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Environmentally Preferable Purchasing Program: A plan to procure more environmentally friendly products.

LEED: The USGBC (United States Green Building Council) Leadership in Energy and Environmental Design Green Building Rating System®.

Light Duty and Heavy Duty Vehicles – Heavy duty vehicles are defined as those with a gross vehicle weight (GVW) of 8,500 pounds or more. A vehicle less than 8,500 GVW is considered a light duty vehicle.

LID: Low Impact Development, a land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality.

Passive House: A environmental building certification from PHIUS (Passive House Institute US).

Square Feet: The gross square footage being constructed or renovated as listed on the building permit. For parking project, the square footage is the amount of impervious surface used to calculate the stormwater regulations.

Sustainable Vegetation: Plantings and landscaping that include native species to the maximum extent possible and selected to survive with minimal resource inputs (fertilizers, watering, etc.) and management (mowing, weeding, etc.).”

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

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(#141 OF 2020) - ORDINANCE PROVIDING AUXILIARY AIDS AND SERVICES

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

An Ordinance providing for auxiliary aids and services for effective communication or reasonable modifications for accessibility in public meetings.

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

Section 1. Chapter 2 is hereby amended by adding the following at the end of section 2-2028(e):

“Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator as soon as possible and no less than 2 business days before the meeting, program, or event.”

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

(#98) – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – SHORE AVENUE

The following traffic 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

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:

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.

CITY OF SALEM
FEBRUARY 24, 2022
REGULAR MEETING

(#99) – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – BOSTON ST.

The following traffic 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:

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 ST.

The following traffic 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:

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.

CITY OF SALEM
FEBRUARY 24, 2022
REGULAR MEETING

(#101) – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – REPEAL LEAVITT STREET

The following traffic 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 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.

On the motion of Councillor McCarthy the meeting adjourned at 8:23 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK