

A Regular Meeting of the City Council was held in-person and remotely via zoom on Thursday, February 9, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 7, 2023, at 8:54 A.M. This meeting is being recorded and is live on S.A.T.V.

Councillors absent: Councillor Watson-Felt (excused)

Council President Stott presided.

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

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

PUBLIC TESTIMONY

1. Andrew LaPointe – 34 Raymond Ave., Salem – Donation from Friends of the Salem Council on Aging

#69 – (#57) – NATIONAL GRID TO INSTALL CONDUITS ON BAY VIEW CIRCLE

A hearing was held on the order from National Grid to install conduits on Bay View Circle.

Sibhita Mahabier-Sheehy, 44 River St. Beverly, Representative for National Grid appeared in favor. This is to provide upgraded service to #19.

Barbara St. Pierre, 20 Bay View Circle was ok with it since it was across the street at #19.

Brian Gideon, 20 Bay View Circle asked where is it actually going?

Sibhita Mahabier-Sheehy replied – Five feet towards #19 Bay View Circle starting at pole #3685 to the right hand corner of the property. Going underground from that pole to their house.

Councillor Stott asked how long was the conduit?

Sibhita Mahabier-Sheehy replied five feet.

No one appeared opposed.

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

Councillor Morsillo moved that the order be granted. It was so voted.

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#70 – APPOINTMENT OF JAMES BOSTICK TO THE PUBLIC ARTS COMMISSION

The Mayor's Appointment of James Bostick of 32 Barr St., Salem, MA, to serve on the City of Salem Public Art Commission with the term to expire on February 9, 2024, was held under the rules.

#71 - \$150,000.00 APPROPRIATION FOR THE REPAIRS AT MUSEUM PLACE GARAGE

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

ORDERED: That the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) is hereby appropriated within the "Capital Outlay" account (20002322-5846FU) to be expended by the Parking Department for costs associated with Phase 2 structural repairs at Museum Place Garage in accordance with the recommendation of His Honor the Mayor.

#72 - \$42,740.00 APPROPRIATION FOR EMERGENCY BOILER REPAIR AT CITY HALL

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

ORDERED: That the sum of Forty-Two Thousand Seven Hundred Forty Dollars (\$42,740.00) is hereby appropriated within the "Capital Outlay" account (20002322-5846FT) to be expended by the Building Department for costs associated with the emergency boiler replacement at City Hall and related work in accordance with the recommendation of His Honor the Mayor.

#73 – DONATION OF \$4,500.00 TO COUNCIL ON AGING FOR EASTER MEALS

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation from Friends of the Salem Council on Aging in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) for 250 Easter meals for isolated or homebound seniors. These funds will be deposited into the COA Donations Fund - Fund (2401) account number 24011-4830 in accordance with the recommendation of His Honor the Mayor.

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#74 – DONATION OF \$1,950.00 TO PARK AND RECREATION

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation of One Thousand Nine Hundred Fifty Dollars (\$1,950.00) from Marie Fouhey. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a Classic Series Bench in accordance with the recommendation of His Honor the Mayor.

#75 – EASEMENT AGREEMENT BY CITY FOR 57 MEMORIAL DRIVE

The following order submitted by the Mayor was adopted by a roll call vote of 7 yeas, 2 nays and 1 absent. Councillors Prosnowski, Morsillo, Merkl, McClain, Hapworth, Cohen and Stott were recorded in the affirmative. Councillors Varela and Dominguez were recorded in the negative. Councillor Watson-Felt was recorded as absent.

ORDERED: That the Acting Mayor is hereby authorized to execute, on behalf of the City of Salem, an Easement Agreement with Justin Mattera of 57 Memorial Drive, Salem, MA as set forth in the attached Agreement and as shown on the attached plan entitled "Easement Plan, 57 Memorial Drive, Salem" dated October 17, 2022 and prepared by North Shore Survey Corporation. The appraised value of this grant of easement is \$23,000 which shall be paid to the City upon execution and delivery of the Easement Agreement.

Councillor Morsillo stated this was requested by Justin Mattera. Feels comfortable voting either way.

In 1945, the City subdivided parcels for housing for Veterans. Land does not go to the high water mark. Several parcels have stairways and docks out on the water. He will make enhancements to the property and hope other's using city property will follow.

Councillor Cohen stated since we will be receiving funds from this easement, then he will support it.

Councillor McClain agrees with the commentary but should send to committee to give the Solicitor time to complete investigation since this has been uncovered and unclear.

Councillor Varela also feels it should go to Committee.

Councillor Morsillo stated this research is very detailed and it won't just take a couple of weeks and she is also down to 1 staff person. If other easements issues exist, it shouldn't affect his request. He is doing the right thing.

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Councillor Merkl agrees with Councillor Morsillo – work has been done on this particular parcel, it shouldn't be held up.

Councillor Prosniowski looked at Goggle Maps and sees all of his neighbors having nice docks and piers. Let him do it.

76 – MEET WITH CITY ENGINEER TO DISCUSS TRASH PICK UP FEES AND IMPACT ON RENTERS

The order introduced by Councillor Hapworth was adopted. Councillor Cohen, Prosniowski and Varela were recorded as opposed.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet with the City Engineer to discuss trash pickup fees and their impact on renters.

Councillor Hapworth stated that the current fee is \$20.50 for non-owner occupied buildings is unfair and unequitable since the cost is passed on to the renter. Even though the next-door house puts out the same barrel and the owner and a renter lives there, they pay nothing.

Councillor Cohen doesn't feel it is unfair and unequitable, most renter have leases. Also, not sure if City Engineer is the appropriate person to meet with.

#77 – MEET WITH PLANNING AND CIU TO DISCUSS SINGLE ROOM OCCUPANCY

The following order introduced by Councillor Hapworth was adopted as amended. The amendment is to refer this matter to the Committee on Community and Economic Development co-posted with the Committee of the Whole.

Councillor Hapworth stated Salem cannot build any more Lodging or Boarding Houses. But we have an affordable housing crisis. He gave the Women's Friends Society as a great example.

Councillor Cohen agreed we need to talk about this.

Councillor Merkl state if this can bring more affordable housing then worth discussing.

Original Order:

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet with members of the Planning Department and the Community Impact Unit to discuss Single Room Occupancy

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Amended Order:

ORDERED: That the Committee on Community and Economic Development co-posted with the Committee of the Whole meet with members of the Planning Department and the Community Impact Unit to discuss Single Room Occupancy.

#78 – REPORT FROM PLANNING ON ADU STATISTICS

The order introduced by Councillor Merkl was adopted as amended. Councillors Cohen and Varela were recorded as opposed. The amendment was to also include the amount of money given towards construction grants and proper tax exemptions.

Original Order:

ORDERED: That the Department of Planning and Community Development send a report to the City Council in six (6) months and twelve (12) months on how many ADU permits are in process, processed, or units created after the second passage of the current Zoning Amendments to the Accessory Dwelling Units and the Affordable Accessory Dwelling Units. The report should also include a summary of parking issues and any other problems or concerns.

Amended Order:

ORDERED: That the Department of Planning and Community Development send a report to the City Council in six (6) months and twelve (12) months on how many ADU permits are in process, processed, units created, and the amount of money given towards construction grants and proper tax exemptions, after the second passage of the current Zoning Amendments to the Accessory Dwelling Units and the Affordable Accessory Dwelling Units. The report should also include a summary of parking issues and any other problems or concerns.

#79 – DISCUSSION OF MAYOR'S COMPENSATION PER CH. 2, SEC. 142

The following order introduced by Councillor McClain was adopted.

ORDERED: That the Committee on Administration and Finance co-posted with the Committee of the Whole meet to review the Compensation of the Mayor, Ch. 2 Sec. 142 and that a recommendation be reported out 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.

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#80 – CITY COUNCIL MEMBERS APPOINTED TO THE AFFORDABLE HOUSING TRUST FUND BOARD

(Councillor Dominguez assumes the chair)

The following order introduced by Councillor Stott was adopted.

ORDERED: That the City Council re-elect Councillor Cohen and Councillor Watson-Felt to the Affordable Housing Trust Fund Board of trustees per Ordinance Ch. 2 Sec. 1002; "The City Council shall annually elect two members of the City Council to serve for a term of one year. The City Council President or designee shall serve for a term of one year. No trustee, excluding the Mayor, shall serve for a term exceeding two years" And that their terms expire on December 31, 2023

Councillor Stott stated that Councillor Watson-Felt and Cohen should continue their service from last year to serve on the board, since the board is continuing discussions on the same issues as last year.

Councillor Cohen thanked President Stott for reappointing him. He stated if the condo conversion protection is approved then the Trust Fund will be able to purchase their first piece of property.

#81 – (#43) - \$62,084.42 APPROPRIATION FOR MID-YEAR PERSONNEL ADJUSTMENTS

Councillor McClain 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 it was referred the matter of \$62,084.42 appropriation to various departments for mid-year personnel adjustments due to increase in minimum wage and other costs has consider said matter and would recommend adoption.

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#82 – (#60 - #63) – GRANTING CERTAIN LICENSES

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

The Committee on Ordinances, Licenses and Legal Affairs to whom it was referred the matter of granting certain licenses has consider said matter and would recommend the licenses listed below be granted.

PAWN BROKER: Salem Loan & Jewelry, Salem

SEAWORMS: Joe Mendonca, Peabody

SECONDHAND VALUABLES: Witch City Consignment, Salem

TAG DAY: SHS Band, Orchestra & Chorus, May 20, 2023

#83 – (#231 of 2022) – PRESENTATION BY DESTINATION SALEM

Councillor Merkl offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee of the Whole to whom it was referred the matter of Overview of Destination Salem's work as the City's Destination Marketing Organization has considered said matter and would recommend the Presentation be received and filed.

#84 - COMMUNICATION FROM PLANNING BOARD RELATIVE TO PROPOSED ZONING ORDINANCE AND MAP AMENDMENTS FOR 67 DERBY STREET

The communication from Planning Board relative to the proposed Amendments to Zoning Ordinance and the Map for 67 Derby Street was received and filed.

Report of the Planning Board to City Council
Re: Proposed Amendments to Zoning Ordinance and Map

February 3, 2023

At its meeting on February 2, 2023, the Planning Board discussed a proposed amendment to the Zoning Ordinance and Map to amend Section 1 to rezone a parcel at 67 Derby Street from Residential 2 Family (R2) to Industrial (I).

This item was referred from the January 30, 2023, joint public hearing with the City Council.

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The Planning Board voted nine (9) (Chair Bill Grisct, Kirt Rieder, Zach Caunter, Carole Hamilton, Sarah Tarbet, Helen Sides, Tom Furey, Jonathan Berk, and Josh Turiel) in favor, and zero (0) opposed to recommend that the City Council adopt the proposed amendment.

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

William Grisct, Chair of the Planning Board
 CC: Ilene Simons, City Clerk

(#724A of 2022) – ZONING ORDINANCE AND MAP AMENDMENT RELATIVE TO 67 DERBY STREET

The following Zoning Ordinance and Map Amendment to Rezone a Parcel at 67 Derby Street was adopted for first passage by a roll call vote of 9 yeas, 0 nays, and 1 absent. Councillors Varela, Prosniewski, Morsillo, Merkl, McClain, Hapworth, Dominguez, Cohen and Stott were recorded in the affirmative. Councillor Watson-Felt was recorded as absent.

In the year two thousand and twenty-two

An Ordinance to amend an Ordinance and Map relative to Zoning

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

Section 1. The City of Salem Zoning Map in accordance with the requirements of Massachusetts General Laws, Chapter 40A, Section 5, that the following parcel located in Residential Two Family (R2) and Industrial (I) districts be rezoned to the Industrial (I) district.

Address

Assessor's Map and Lot Number

67 Derby Street

Assessor's Map 41, Parcel Lot Number 0339

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

Councillor Morsillo recapped that this is a small section of land at 67 Derby Street that is residential and to be rezoned to Industrial to be identical to the rest of that property. The storage of blades will be used in this section. Trees and shrubs on the greenway were discussed. They want to make sure the buffer is maintained and enhances. There were some concerns from neighbors regarding the site plan. It should be attractive, and the residents should not be impacted.

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Councillor Cohen stated as liaison he wants the board to know the buffer zone is important. Wants to make sure that Crowley and the City make aesthetically pleasing. This is also a financial benefit to the City.

#85 – PETITION FROM NATIONAL GRID TO INSTALL A POLE ON BRIDGE STREET (POLE #2972)

A hearing was ordered on February 23, 2023, for the petition from National Grid to install 1 pole on Bridge St. (pole #2972).

#86 - PETITION FROM NATIONAL GRID TO INSTALL A JOINTLY OWNED POLE ON ENDICOTT STREET

A hearing was ordered on February 23, 2023, for the petition from National Grid to install 1 Jointly Owned pole on Endicott St.

#87 – PETITION FROM NATIONAL GRID TO INSTALL A POLE ON BRIDGE STREET (POLE # 598)

A hearing was ordered on February 23, 2023, for the petition from National Grid to install 1 pole on Bridge St. (pole #598).

#88 – HAWC WALK/RUN AND USE OF CITY STREETS

The request from HAWC to hold a walk/run and use of city streets on June 4, 2023, was granted.

#89 – MENTAL MAKEOVER ROAD RACE AND USE OF CITY STREETS

The request from Mental Makeover to hold a road race – The World Needs You Here Road Race and use of city streets on July 30, 2023, was granted.

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#90 - #92 – GRANTING CERTAIN LICENSES

The Following License Applications were granted.

PUBLIC GUIDES: Pamela Cyran 394 Essex St., Salem
Katherine Travers 394 Essex St., Salem
Sarah-Frankie Carter 394 Essex St., Salem
Katheryn Rutkowski 1 Spiros Way, Peabody
Michael Vitka 384 Essex St., Salem
Karen Scalia 29 RR Upham St., Salem
Chalotte Michaels 10 Summer St., Salem
Julia Finn 1 Ledgewood Way, Peabody
Lemaris Bell 116 Boston St., Salem
Rebecca Parry 2 Wallace Rd., Marblehead
Sarah Black 377 Essex St., Salem
Beverly Ballaro 25 Arlington St., Lynnfield
William Ayers 5 Correll Rd, Marblehead
William Clemens 49 Summer St., Danvers
David Tullis 14 Fowler St., Salem
Mark Harwitz 22 Cloutmans Ln., Marblehead
Saeed Maseeh 787 Columbia Rd., Boston
Aaron Amnott 34 Loring Ave, Salem
Merry Beth Gardner 204 Jefferson Ave., Salem

TAXI OPERATORS: Rafael Moja 407 Essex St., Salem
Cristhian Tejada Nunez 42 Harbor St., Salem
Jose Fabian Corneil 22 Pulaski St., Peabody
Juan Carlos Ronan 9233 Crane Brook Way, Peabody
Santo Ozoria 9 Prince St. Pl, Salem
Martin Santana 33 Harbor St., Salem
Jose Luis Munoz Monegro 16 Cherry St., Salem
Leandro Aristy Cedeno 37 Cook St., Lynn
Eliezer Polanco 46 Ward St., Salem
Eddy Pena Martinez 71 Harbor St., Salem
Valentina Rodriguez 135 Lafayette St., Salem

TAXI CAB/LIMO: Witch City Taxi 92 Jackson St., Salem (2 Taxi's)

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#93 - #96 – CLAIMS

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

Maria Rodriguez 16 Chase St., Salem
 James Mills 48 Endicott St., Salem
 Bradley Mickiewicz 20 High St., Salem
 Simona Sharoni 281 Essex St., Salem

#97 - DRAINLAYER/CONTRACT OPERATOR LICENSES

The Following Drainlayer/Contract Operator Licenses were granted.

T. Mackey and Sons Inc., 58 Broadway Salem
 Delulis Bros. Construction 31 Collins St. Ter., Lynn
 Caruso & McGovern Construction 1 Industrial Way, Georgetown

(#628 OF 2022) – ZONING ORDINANCE AMENDMENTS RELATIVE TO ACCESSORY BUILDINGS & STRUCTURES AND AFFORDABLE ACCESSORY DWELLING UNITS

The Second Passage of a Zoning Ordinance relative to Accessory Buildings and Structures and Affordable Accessory Dwelling Units was adopted by a roll call vote of 9 yeas, 0 nays and 1 absent. Councillors Varela, Prosniewski, Morsillo, Merkl, McClain, Hapworth, Dominguez, Cohen and Stott were recorded in the affirmative. Councillor Watson-Felt was recorded as absent.

In the year Two Thousand and Twenty-Two

An Ordinance to amend an ordinance relative to zoning

Section I. Amend Section 3.2.4 *Accessory Buildings and Structures* by

- a. Deleting the phrase “with the exception of setback, which shall comply with Section 3.2.4(6)” from paragraph 5.
- b. Deleting paragraph 6 in its entirety.

Section II. Amend Section 3.2.8(5) *Affordable Accessory Dwelling Units. Requirements* by

- a. Deleting paragraph 5(b) in its entirety.
- b. Inserting the word “exterior” following the word “all” in Section 5(l).
- c. Deleting Section 5(m) in its entirety.

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Section III. Amend Section 3.2.8 by deleting, in their entirety, the definitions of “Existing detached accessory building,” “Expanded detached accessory building,” and “New detached accessory building.”

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

(#47) – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING - NURSERY ST

The Second Passage of a Traffic Ordinance relative to Handicap Parking – Nursery Street was adopted for second and final passage.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

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

Nursery Street – in front of #11 for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#48) - TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – REPEAL – OCEAN AVE. WEST

The Second Passage of a Traffic Ordinance relative to Handicap Parking - Repeal Ocean Ave. West was adopted for second and final passage.

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by repealing the following:

Ocean Ave West – **REPEAL** - in front of #169 Ocean Ave West for a distance of twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

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(#50) – TRAFFIC ORDINANCE AMENDING SERVICE ZONES – CONGRESS ST.

The Second Passage of a Traffic Ordinance relative to Service Zones – Congress Street was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

Section 1. Section 13 of Article I be amended by inserting the following:

Congress Street – Service Zones – on the westerly side of Congress Street at a point beginning forty (40) feet north of the intersection with Leavitt Street, and extending northward for twenty (20) feet, Monday through Saturday, 8am to 4pm.

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

(#49) – TRAFFIC ORDINANCE AMENDING PARKING PROHIBITED ON CERTAIN STREET AND CERTAIN TIMES – OCEAN TERRACE

The Second Passage of a Traffic Ordinance relative to Parking Prohibited on Certain Streets and Certain Times – Ocean Terrace was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

Ocean Terrace – Parking Prohibited on Certain Streets – southerly side. (8/20/73 DPW 5-754)

And inserting:

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Ocean Terrace – Parking Prohibited on Certain Streets – northerly side.

Ocean Terrace – Parking Prohibited on Certain Streets – southerly side, beginning at a point a distance of 92 feet east of the intersection with Cliff Street and

Section 2. Section 51B of Article V be amended by repealing the following:

Ocean Terrace – Parking Prohibited at Certain Times on Certain Streets – southerly side, Sundays and holidays, 9:00 A. M. to 4:00 P. M. June 1 to September 30. (5/23/61 DPW 10652)

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

On the motion of Councillor Dominguez the meeting adjourned at 8:04 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK