

CITY OF SALEM
JANUARY 13, 2022
REGULAR MEETING

Regular Meeting of the City Council was held remotely via zoom on Thursday, January 13, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on January 11, 2022, at 9:07 A.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Morsillo presided.

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

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

PUBLIC TESTIMONY

1. Pat Gozemba, 17 Sutton Ave., Salem – Resolution Green Future Act
2. Alvi Ibanez, 20 ½ Barnes Rd., Salem – Highland Ave Contamination
3. Steve Kapantais, 23A Wisteria St., Salem – WIOD Zoning Ordinance & Highland Ave. Contamination
4. Robert Bonney, 9 Barton Sq. #202, Salem - Resolution Green Future Act
5. Jim Mulloy, 9 Barton Sq. #202, Salem - Resolution Green Future Act

#4 – APPOINTMENT OF STEPHEN CORTES AS THE DIRECTOR OF ASSESSING

Mayor's appointment of Stephen Cortes, 200 Leisure Lane #89, Stoneham, to the position of Director of Assessing for the City of Salem for a one-year term to expire January 31, 2023 was held under the rules.

#5 – #6 - APPOINTMENTS TO CEMETERY & TRUST FUND COMMISSION

Mayor's appointment of the following with terms to expire were held under the rules.

Councillor	Suspension of the Rules	Councillor	Objection
Name	Address	Board	Term to Expire
Kate Hanson	130 Boston St. #2, Salem	Cemetery Comm.	1/13/2025
Jacob St. Louis	34 Buffum St. #4, Salem	Cemetery Comm.	1/13/2025
Joe McEvoy	5 Beacon St., #2	Trust Fund Comm.	3/1/2026

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APPOINTMENTS AND REAPPOINTMENTS

#7 – REAPPOINTMENTS TO VARIOUS BOARDS

The Mayor's re-appointments 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
Laurence Spang	125 Columbus Ave.	Historical Comm.	1/10/2025
Grace Harrington	45 Valley St.	Redevelopment Authority	1/26/2027
Rebecca Curran	14 Clifton Ave.	Affordable Housing	1/25/2024
Kate Zuraw	9 South Pine St. #2R	Comm. on Disabilities	1/14/2025
Norene Gachignard	16 Buchanan Rd.	Public Art Comm.	1/11/2024
Emily Larsen	65A Wharf St. #B2	Public Art Comm.	1/11/2024
Eric Papetti	11 Symonds St. #1	Bicycling Advisory Comm.	1/14/2025
Kylie Sullivan	Salem Main Streets	Bicycling Advisory Comm.	1/14/2025

#8 – REAPPOINTMENTS OF THE FOLLOWING DEPARTMENT HEADS

The Mayor's reappointments of the following Department Heads were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

NAME	TITLE	TERM	EXPIRES
Lisa Cammarata	Director of Human Resources	2 years	January 31, 2024
John Doyle	Sealer of Weights & Measures	3 years	January 31, 2025
John Giardi	City Electrician	2 years	January 31, 2024
Thomas Daniel	Director of Planning & Community Development	2 years	January 31, 2024
David Knowlton	City Engineer	2 years	January 31, 2024
Kathleen McMahon	City Treasurer	3 years	January 31, 2025
Thomas St. Pierre	Director of Inspectional Services	2 years	January 31, 2024
Amanda Chiancola	Assistant Planning Director	2 years	January 31, 2024
David Kucharsky	Director of Traffic & Parking	2 years	January 31, 2024

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#9 – APPROPRIATION OF \$7,400,048.25 TO SPECIAL REVENUE FUNDS

The following order submitted by the Mayor was referred to the Committee on Administration and Finance.

ORDERED: That the sum of Seven Million, Four Hundred Forty-Eight Dollars and Twenty-Five Cents (\$7,400,048.25) is hereby appropriated from General Fund Balance Reserved for Free Cash (1-3245) to the following special revenue funds. The amount of free cash to be transferred is per the City's Financial Policies and in accordance with the recommendation of Her Honor the Mayor.

Description	Amount
Stabilization Fund (8301) 20%	3,288,910.60
Capital Improvement Fund (2000) 20%	3,288,910.60
Other Post Employ Benefits (OPEB) (8313) 5%	822,227.65
Total	7,400,048.25

#10 – APPROPRIATION OF \$2,063,818.62 TO THE STABILIZATION FUND

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 Million, Sixty-Three Thousand, Eight Hundred Eighteen Dollars and Sixty-Two Cents (\$2,063,818.62) is hereby appropriated from General Fund Balance Reserved for Free Cash (1-3245) to the Stabilization Fund (8301) to replenish appropriations made prior to the certification of fiscal year 2021 free cash in accordance with the recommendation of Her Honor the Mayor.

Description	Amount
Stabilization Fund (8301)	\$2,063,818.62
Total	\$2,063,818.62

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#11 – APPROPRIATION OF \$650,000.00 FOR FERRY REPAIRS

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 Six Hundred Fifty Thousand (\$650,000.00) is hereby appropriated and transferred from the "Capital Outlay Fund 2000" to ST CIP Harbormaster-Ferry Repairs (20002211-5846DF) for necessary capital maintenance to the city-owned ferry, the *Nathaniel Bowditch*, in accordance with the recommendation of Her Honor the Mayor.

Councillor Dominguez made a motion to refer this matter to Administration and Finance co-posted with Committee of the Whole in order to ask some questions. Councillor McClain seconded the motion.

Councillor Cohen stated it would take some time to get the parts. This is time sensitive. The Bowditch produces more revenue than the cost of this maintenance.

Councillor McClain stated the vessel is owned by the City of Salem even though run by a private company. We should move forward on this since the supply chain is backed up.

Councillor McCarthy also stated this is time sensitive. We have an agreement with the ferry and its operation in place for a while now. To defer maintenance would be harmful. When the engine gets to certain hours it triggers certain maintenance.

Councillor Dominguez stated a private company operates the ferry and then taxpayers hear the city is allocating money for repairs. Do we receive rent money on the boat and the landing.

Councillor McCarthy stated again there is an agreement which he does not have in front of him but the day to day operation fall with company, but the City is the owner of the vessel and it is our obligation to make sure it is running. This maintenance needs to be done. It would cost us to have to get another boat if this one fails. The City also owns the landing or the pier. The bar on the pier is operated at the expense of the boat owner. Councillor McCarthy said he would be happy to get any questions Councillor Dominguez has answered.

Councillor Varela stated the lead time is 3-4 weeks for parts and fabrication. The loss on revenue in season out weighs the cost of repairs.

Councillor Merkl stated we own the vessel it is our responsibility to repair the vessel.

Councillor Dominguez stated since this is time sensitive he will withdraw his motion and is comfortable knowing he will get his questions answered.

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#12 – BOND ORDER TO REPROGRAM \$200,000 FOR SALEM PUBLIC SCHOOLS BATHROOM RENOVATIONS

The following Bond Order submitted by the Mayor was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

BOND ORDER: That the order of the City Council passed on July 9, 2020 and approved by the Mayor on July 13, 2020 authorizing an appropriation and borrowing in the aggregate amount of \$9,638,451 to fund the Fiscal Year 2021 General Fund Capital Improvement Program and allocating such authorized amount among various capital projects in specified amounts (“the FY21 CIP Loan Order”), is hereby amended to replace the project designated in the FY21 CIP Loan Order as “School – Salem High Bathroom renovations - \$200,000” with the following project: “School – Salem Public Schools bathroom renovations - \$200,000”; and that the FY21 CIP Loan Order is otherwise ratified and confirmed in all respects.

#13 – APPROPRIATION OF \$45,532.78 FROM RETIREMENT STABILIZATION FUND FOR A SALEM FIRE DEPARTMENT EMPLOYEE

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-Five Thousand Five Hundred Thirty-Two Dollars and Seventy-Eight Cents (\$45,532.78) be approved within the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
John Roth	Salem Fire Department	\$45,532.78
		\$45,532.78

#14 – APPROPRIATION OF \$11,600.00 TO THE ASSESSING DEPARTMENT CONTRACTED SERVICES

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

ORDERED: That the sum of Eleven Thousand Six Hundred Dollars (\$11,600.00) is hereby transferred from the Assessing Department’s “Full-Time Salaries” account (11411-5111) to the Assessing Department’s “Contract Services” account as provided below to cover temporary assistance for FY2022 due to department personnel turnover in accordance with the recommendation of Her Honor the Mayor.

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#15 – APPROPRIATION OF \$11,000.00 TO DPS BURIAL ACCOUNT

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 Eleven Thousand Dollars (\$11,000.00) is hereby transferred and appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account (14112-5383) in accordance with the recommendation of Her Honor the Mayor.

From		To		Amount
2430-4800	R/Res Sale of Lots	14112-5383	DPS Burial	\$ 7,000.00
2431-4800	R/Res Sale of Vaults	14112-5383	DPS Burial	4,000.00
Total				\$ 11,000.00

#16 – ORDINANCE AMENDING SAFETY ENHANCEMENT ZONE

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

An Ordinance to expand the safety enhancement zone.

Section 1. Section 1-11 of the Code of Ordinances is amended by replacing (b)(1) definitions in its entirety with the following:

“Safety enhancement zone is defined as the B-5 Central Business District of the City of Salem’s Zoning Ordinance and all areas of the city up to and including one mile from the border of the B-5 Central Business District.”

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

Councillor Dominguez asked why not the entire city?

Councillor McCarthy stated he is in favor of expanding the zone downtown during Halloween to increase the fines, but not for the rest of the City.

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#17 – ORDINANCE AMENDING ZONING REGARDING BUFFER ZONES RELATIVE TO MARIJUANA ESTABLISHMENTS

The following zoning ordinance submitted by the Mayor was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

An Ordinance to amend the zoning ordinance regarding buffer zones relative to marijuana establishments.

Section 1. Section 6.10.6 of the Code of Zoning Ordinances is amended by replacing (5) in its entirety with the following:

“5. Pursuant to M.G.L.A. c. 94G, § 5(b)(3), a marijuana establishment shall not be located within five hundred (500) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.”

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

Councillor McClain made a motion to refer this to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. Councillor Dominguez seconded the motion.

Councillor McClain wanted to hear from the City Solicitor since he had questions about including Houses of Worship.

Councillor Hapworth is ok with referring it to committee to get answers from Solicitor.

Councillor Varela stated he is ok with sending it the Planning Board to hold a joint public meeting. It should be treated the same as alcohol.

Councillor Dominguez said it was good to refer to committee especial with many new Councillors.

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#18 – ORDINANCE AMENDING ZONING RELATIVE TO GREEN INFRASTRUCTURE - (GIO)

The following zoning ordinance submitted by the Mayor was referred to the Planning Board to hold a joint public hearing.

An Ordinance to amend an ordinance relative to zoning.

Section 1. Amend Section 3.1 Table of Principal and Accessory Use Regulations by inserting the following uses within C. Commercial Uses and E. Accessory Uses:

<i>C. Commercial Uses</i>	RC	R1	R2	R3	B1	B2	B4	B5	BPD	NRCC	I
Medium-Scale Ground Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Large-Scale Ground Mounted Solar Energy System	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
<i>E. Accessory Uses</i>											
Roof-Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground Mounted Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Medium-Scale Ground Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Section 2. Amend Section 4.1.2 Notes to Table of Dimensional Requirements by inserting the phrase “roof-mounted solar energy systems” immediately following the word “ventilators” as it appears in paragraph 7 and further amend this Section by inserting the following new paragraphs:

“8. Small- and medium-scale ground mounted solar energy systems accessory to principal use may be located no closer than ten (10) feet from the front, side, or rear lot line.

9. Lot Coverage-Ground mounted solar energy systems shall not count towards building coverage as defined in Section 10.0 definitions.”

Section 3. Amend Section 5 General Regulations by adding the following new sections:

“5.4. BICYCLE PARKING

5.4.1 Purposes. Bicycling infrastructure in Salem is a basic necessity to residents, visitors, and employers and can provide a key “last mile” connection to destinations

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throughout the city. The purpose of this section is to provide specific guidelines to project proponents to determine the type, location, and amount of bicycle parking required for each development project. The intended result is to require development projects to include bicycle parking that enhances the project's value and helps to make Salem a more desirable place to live, work, and visit.

5.4.2. Requirements.

The required minimum quantity of bicycle parking spaces is as outlined below. Additional bicycle spaces are encouraged but are not required beyond the minimum stated.

Single-family and two-family residential: none

Residential with three or more units: 1 long-term bicycle space per unit, 1 short-term space per 4 units

Commercial/Industrial/Exempt or Institutional: 1 long-term space per 4 employees. Number of short-term spaces to be determined by the Planning Board, but shall not be less than 2.

5.4.3 Additional Notes. Fractions of spaces shall be rounded up to a whole number. Minimum bicycle storage consists of one double-sided rack. Total employees for this purpose is the maximum number of employees present on premises at one time.

Section 5.5 ELECTRIC VEHICLE CHARGING STATIONS

5.5.1 Purposes. In line with the Massachusetts Decarbonization Roadmap to reduce carbon emissions by at least 85% by 2050 and the City of Salem's Resilient Together Mobility Goals, the City will encourage use of electric vehicles by further enabling electric vehicle charging. As of 2017, the transportation sector accounted for 42% of greenhouse gas emissions in the Commonwealth and 43% of greenhouse gas emissions in the City of Salem. Electric Vehicles offer the most promising option for replacing internal combustion engine vehicles.

5.5.2 Requirements. New developments of 5,000-square-feet or larger shall have 25% of parking spaces be installed with Electric Vehicle Supply Equipment; and the remaining 75% of parking spaces shall be Electric Vehicle-Ready for future installation."

Section 4. Amend Section 6 Special Regulations by adding the following new section:

"Section 6.12-Solar Energy Facilities

6.12.1 Purpose. The purpose of this section is to accommodate solar energy facilities in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the facilities.

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6.12.2 Applicability. This section applies to all uses identified as requiring a site plan review per Section 9.5.2 or a special permit for ground mounted solar energy facilities per Section 3.1, Table of Uses.

6.12.3 Siting Preferences. Where a solar facility is sited, as well as placement on the site once selected, is an important consideration. The City strongly discourages locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide.

6.12.4 Dimensional Regulations

1. Height- For primary uses see Section 4, Table 4.1.1. For accessory uses see Section 4.1.2.7

2. Setbacks- For primary uses see Section 4, Table 4.1.1. For small- and medium-scale ground mounted solar energy systems accessory to principal use may be located no closer than ten (10) feet from the front, side, or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.

3. Lot Coverage-Ground mounted solar energy systems shall not count towards building coverage as defined in Section 10.0 definitions.

6.12.5 Special Permit.

1. The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for solar energy systems. The SPGA shall adopt rules relative to the application for special permits for ground mounted solar plan approval and file a copy with the City Clerk. After notice and public hearing and after due consideration of the reports and recommendations of other city boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable conditions as the SPGA finds reasonably appropriate to improve the site design to serve the purposes of this section.
2. The Planning Board shall include as part of its special permit review and proceedings all the provisions and requirements of the Site Plan Review standards applicable to large-scale ground-mounted solar energy systems. See Section 9.4 for additional Special Permit Requirements.

6.12.6 Large and Medium Scale Ground Mounted Solar Energy System Site Plan Review

1. Site Plan Documentation Required. In addition to the requirements of Section 9.5, the following items shall be included:
 - (a) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the

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distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

(b) Documentation of the major system components to be used, including the panels, mounting system, and inverter(s);

(c) Additional requirements for large scale ground mounted solar energy systems

(i) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;

(ii) Documentation of actual or prospective access and control of the project site (see also Solar Design Guideline Document);

(iii) An operation and maintenance plan (see Solar Design Guideline Document);

(iv) Proof of liability insurance; and

6.12.7 Large and Medium Scale Ground Mounted Solar Energy System Maintenance, Removal, and Abandonment

1. Monitoring and Maintenance.

(a) Solar Energy System Installation Conditions - The ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Building Commissioner. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.

(b) Modifications - All material modifications to a ground-mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

2. Abandonment or Decommissioning

(a) Removal Requirements-Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with Subsection (b), below of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

(i) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

(ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

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(iii) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(b) Abandonment-Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

6.12.8 Site Plan Review-Roof-mounted and Small-scale Ground-Mounted Solar Energy Systems

1. Applicability-Where these solar energy systems may be accessory to a use allowed through Site Plan Review, the Site Plan Review shall include review of their adequacy, location, arrangement, size, design, and general site compatibility.

6.12.9 Pre-Existing Non-Conforming Uses and Structures

Improvements that do not change the use or the basic exterior characteristics of the building or structure are allowed. Such improvements include but are not limited to the installation or replacement of solar energy systems.”

Section 5. Amend Section 8.4.15 *Site Plan Review* of Section 8.4 *North River Canal Corridor Neighborhood Mixed Use District* by inserting the following additional site plan requirement as the fourth requirement and renumbering the requirements to a total of five:

“4. Adequate net-zero-energy plan;”

Section 6. Amend Section 9.4.2 *Criteria* of Section 9.4 *Special Permits* within Section 9 *Administration and Procedures* by deleting the following:

“5.Impacts on the natural environment including view; and”

and replacing it with the following:

“5.Impacts on the natural environment including greenhouse gas emissions and view; and”

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Section 7. Amend Section 9.5.2 *Applicability* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by adding the following at the end of paragraph number 2:

“; or

3. Large scale ground mounted solar energy system in the R3, B2, B4, B5, BPD, NRCC, or I district; or
4. Medium scale ground mounted solar energy system in the RC, R1, R2, or R3 district.”

Section 8. Amend Section 9.5.3 *Application* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by deleting the phrases “fifteen (15) copies of” and “include fifteen (15) copies of” as they appear in the first paragraph and further amend this Section by adding the following to the end of this Section:

- “11. Plans depicting the property lines and physical features, including roads, for the project site;
12. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
13. Locations of active farmland, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP.
14. Locations of floodplains or inundation areas for moderate or high hazard dams; and
15. Locations of local or National Historic Districts.
16. Location, arrangement, size, and design of roof mounted and small-scale ground mounted solar energy systems.”

Section 9. Amend Section 9.5.4 *Narrative* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by inserting the Phrase “, including parking with electric vehicle charging stations and parking for bicycles;” at the end of paragraph number 2 and further amending this Section by inserting the following after paragraph number 8 and renumbering the requirements to a total of 10:

- “9. Sustainability and resiliency, including energy planning and alignment with local climate mitigation goals;”

Section 10. Amend Section 9.5.5 *Distribution* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by replacing the words “his” with “their” as they appear in the first paragraph and further amending the first paragraph of this Section by inserting the phrase “Head of the Sustainability Department or their designee,” immediately preceding the phrases “Board of Health”.

Section 11. Amend Section 9.5.6 *Review Criteria* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by adding the following to the end of this Section:

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- “14. Adequacy of bicycle parking facilities and number of bicycle parking spaces proposed for each development;
- 15. Adequacy of electric vehicle charging station;
- 16. Adequacy and general site compatibility of roof mounted and small-scale ground mounted solar energy systems; and
- 17. Adequacy of a net-zero-energy plan to outline site energy uptake, creation, and consumption.”

Section 12. Amend Section 10 *Definitions* by adding the following new definitions:

“Electric Vehicle (EV): Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets and that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, producing zero tailpipe emissions or pollution when stationary or operating.

Electric Vehicle Supply Equipment (EVSE): Equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

Electric-Vehicle-Ready: Electric-Vehicle-Ready shall mean providing raceway to every parking space, adequate space in the electrical panel and space for additional transformer capacity to accommodate the future installation of the transformer, if necessary.

Long-term Bicycle Parking: Long-term Bicycle Parking must be located in an enclosed, limited-access area designed to protect bicycles from precipitation and from theft, such as bicycle lockers, covered bicycle sheds, or bicycle rooms within a building.

Net-zero energy site: a site that is optimally efficient, and over the course of a year, generates energy onsite, using clean renewable resources, in a quantity equal to or greater than the total amount of energy consumed onsite.

Net-zero-energy plan: A document outlining a development’s energy sources, locations (on or off-site), and consumption. The Plan outlines how the development can become a net-zero energy site, as defined above; or, why achieving net-zero energy site is not possible through renewable resources on-site, given site or other constraints.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Short-term Bicycle Parking: Short-term bicycle parking must be located in a publicly accessible space within 50 feet of pedestrian entrances. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours; however, it may serve other bicycle users as needed.

Solar Access: The access of a solar energy system to direct sunlight.

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Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that

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occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Solar Thermal System: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling."

Section 13. This Ordinance shall take effect as provided by City Charter.

#19 –CREATING A SUSTAINABLE FOOD WARE AND PACKAGING ORDINANCE

The following order introduced by Councillor Varella was to refer the ordinance to the Committee on Public Health, Safety & the Environment co-posted with the Committee of the Whole

Original Order:

ORDERED that the Committee on Ordinances, Licenses, and Legal Affairs co-posted with Committee of the Whole meet to review and discuss the ordinance outlined below

Amended Order:

ORDERED that the Committee on Public Health, Safety & the Environment co-posted with the Committee of the Whole meet to review and discuss the ordinance outline below.

AN ORDINANCE ESTABLISHING REGULATIONS FOR SUSTAINABLE FOOD WARE AND PACKAGING

Section 1. The Revised Ordinances of the City of Salem are hereby amended by inserting the following new section.

Chapter 36 – (Amend) SOLID WASTE MANAGEMENT Sec 36-2 Fee for delivery of

solid waste to transfer station. to **Sustainable Food Ware and Packaging Regulations**

A. **DEFINITIONS.** The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

1. **BIODEGRADABLE** Entirely made of organic materials such as wood, paper, bagasse or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in the Marine Environment or any other standard that may be developed specifically for an aquatic environment and are clearly labeled with the applicable standard.

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2. **COMPOSTABLE** Refers to bioplastic materials certified to meet the American Society for Testing and Materials International Standards D6400 or D6868, as those standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vinqotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.
3. **DISPOSABLE FOOD SERVICE WARE** All food and beverage containers, bowls, plates, trays, cartons, cups, lids, stirrers, forks, spoons, knives, film wrap, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments.
4. **BOH** refers to the Health Agent or the Board of Health designee.
5. **FOOD ESTABLISHMENT** An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. This includes, without limitation, restaurants and food trucks.
6. **PACKING MATERIAL** Polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport, or storage. This includes, without limitation, packing "peanuts"; and shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material.
7. **POLYSTYRENE** There are two basic forms, Foam and Rigid Polystyrene. Foam includes without limitation blown, expanded (EPS), and extruded foams such as "Styrofoam," a Dow Chemical Co. trademarked form of insulation. Foam Polystyrene is generally used to make opaque cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. Rigid oriented polystyrene is generally used to make clear clamshell containers, cups, plates, lids, and utensils.
8. **PREPARED FOOD** Food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, bottled, frozen, squeezed or otherwise prepared on the food establishment's premises within the City, regardless of whether it is consumed on or off the premises.
9. **RECYCLABLE** Material that can be sorted, cleansed, and reconstituted using the City's curbside municipal collection programs for the purpose of using the altered

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form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

10. **RETAIL ESTABLISHMENT** Any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry-cleaning services.
11. **REUSABLE** Products that will be used more than once in its same form by a food establishment. Reusable also includes cleanable durable containers, packages, or trays used on-premises or returnable containers such as soft drink bottles and milk containers that are designed to be returned to the distributor and supplier for reuse as the same food or beverage container.

B. PROHIBITED USE AND DISTRIBUTION OF FOOD WARE AND PACKAGING

1. Food establishments are prohibited from providing prepared food to customers using polystyrene, polyvinyl chloride or polyethylene terephthalate food service ware.
2. Food establishments using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on premises.
3. Retail establishments are prohibited from selling or distributing polystyrene food service ware to customers.
4. Retail establishments are prohibited from selling or distributing polystyrene foam packing material to customers.

C. EXEMPTIONS

1. Foods prepared or packaged outside the City are exempt from the provisions of this chapter.
2. Food establishments and retail establishments will be exempted from the provisions of this Article for specific items or types of disposable food service ware if the BOH or designee finds that a suitable biodegradable, compostable, reusable, or recyclable alternative does not exist for a specific application and/or that imposing the requirements of this chapter on that item or type of disposable food service ware would cause undue hardship to the establishment.
3. Any establishment may seek an exemption from the requirements of this chapter by filing a request in writing with the BOH or designee. The Health Agent or designee

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may waive any specific requirement of this chapter for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this chapter, an "undue hardship" is a situation unique to the food establishment where there are no reasonable alternatives to the use of disposable food service ware and compliance with this provision would cause significant economic hardship to that food establishment. An establishment granted an exemption must re-apply prior to the end of the one-year exemption period and demonstrate continued undue hardship if the establishment wishes to have the exemption extended. The Health Agent's decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

4. Straws are expressly allowed under this section and shall be exempt from the regulations contained herein. (ADA)

D. PENALTIES AND ENFORCEMENT

1. Each Food or Retail establishment as defined above, operating in the City of Salem shall comply with this law.
2. If it is determined that a violation has occurred, the BOH shall issue a warning notice to the Food or Retail establishment for the initial violation.
3. If an additional violation of this law has occurred within one year after a warning notice has been issued for an initial violation, the BOH shall issue a notice of violation and shall impose a penalty against the Food or Retail establishment.
4. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - i. \$50 for the first offense ii. \$100 for the second offense and all subsequent offenses.
 - iii. Payment of such fines may be enforced through civil action in Chelsea District Court or Suffolk Superior Court.
5. No more than one (1) penalty shall be imposed upon a Food or Retail establishment within a seven (7) calendar day period.
6. A Food or Retail establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

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E. SEVERABILITY

If any provision or section of this ordinance shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this law, which shall remain in full force and effect.

F. EFFECTIVE DATE

The provisions of this ordinance shall take effect on January 1st, 2023.

#20 – ORDINANCE AMENDING ZONING RELATIVE TO URBAN AGRICULTURE

The following zoning ordinance introduced by Councillor Riccardi was referred to the Planning Board to hold a public hearing. Councillor Varela recused himself from this matter including participation and any votes taken.

An Ordinance to amend an ordinance relative to zoning and urban agriculture.

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

Section I. Section 10 of the Zoning Ordinance is hereby amended by deleting the definitions for *Agricultural use, nonexempt; Coop; Customary agricultural, horticultural and floricultural operations; Farm stand, nonexempt;* and *Urban agriculture* in their entirety and inserting the following new definitions:

“Agriculture, Urban (Urban Agriculture): An umbrella term that describes a range of accessory food and plant growing practices, either for personal use or for sale as an accessory use, that may include composting, the keeping of domestic fowl and honeybees, but does not include other livestock.

Arbor: An accessory Structure consisting of an open frame, freestanding or attached to another structure, with horizontal and/or vertical latticework often used as a support for climbing food or ornamental crops.

Coldframe: A Temporary Structure that is an accessory unheated outdoor Structure built close to the ground, no higher than thirty-six inches (36”) typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from cold weather.

Composting: A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used as fertilizer.

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Coop: An enclosed shelter that houses domestic fowl.

Domestic fowl: A breed of bird specialized for meat production and/or egg laying and specifically excluding roosters.

Commercial Farm, Exempt (noun): Protected by G.L. c. 40A, § 3- meaning the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities shall be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For the purposes of this definition, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof; provided, however, that the terms agriculture, aquaculture, floriculture and horticulture shall not include the growing, cultivation, distribution or dispensation of marijuana as defined in section 2 of chapter 369 of the acts of 2012, marijuana as defined in section 1 of chapter 94C or marijuana or marijuana as defined in section 1 of chapter 94G.

Roof Farm: Urban agriculture, on a roof of a principal or accessory structure with the intent to make personal use of or to sell whole, unprocessed produce, honey and/or eggs as an accessory use or, in the case of a commercial use, to be used in products sold on-site. All sales are subject to compliance with local, state and federal regulations.

Yard Farm: Urban agriculture on a residential Lot with intent to make personal use of or to sell whole, unprocessed produce, honey and/or eggs as an accessory use. All sales are subject to compliance with local, state and federal regulations including Board of Health soil testing requirements.

Farm Stand (Accessory): A Temporary Structure such as a table, stall or tent, operated by a sole vendor for the purpose of selling clean, whole, eggs, or honey, unprocessed produce and plants, all of which must be grown or produced on site.

Farm Structures: Includes, but are not limited to, sheds, compost bins, shade pavilions,

Section II. Section 3.1 Table of Principal and Accessory Use Regulations of the Zoning Ordinance is hereby amended by deleting the following uses: within B. EXEMPT AND INSTITUTIONAL USES: *Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located and Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area;* within , C. COMMERCIAL USES: *Agricultural use, nonexempt and Farm stand, nonexempt;* and within E ACCESSORY USES: *Urban agriculture and Customary agriculture, horticulture and floriculture operation ...* and inserting the following new uses within the Table:

[illegible]

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Commercial Farm, Exempt ¹ :	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Urban Agriculture (Subject to Section 3.2.7):	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garden, home/yard	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Section III. Section 3.2 - Accessory Uses of the Zoning Ordinance is hereby amended by deleting Section 3.2.7 *Urban Agriculture* and Section 3.2.1 *Customary Agricultural, Horticultural and Floricultural Operations* in their entirety and replacing it with the following:

“3.2.7 Urban Agriculture

Urban Agriculture is allowed as an Accessory Use in all zoning districts, provided that no Urban Agriculture activity shall be conducted, nor Farm Structure erected, except in compliance herewith and with any other applicable laws, rules regulations including without limitation the building code and any requirements of the Salem Board of Health. .

1. Sale of Products

The on-site sale of agricultural products, including whole, unprocessed produce, honey or eggs, is allowed subject to the following provisions:

- a. Retail sale display areas shall not exceed fifty square feet.
- b. One Farm Stand is allowed per lot.
- c. No sales display, sign or Structure, including a Farm Stand, shall be located on a public sidewalk or street or block vehicle and/or pedestrian flow.
- d. Signage shall be limited to one (1) sign and not exceed six (6) square feet; signs shall not be illuminated or require electricity. No off premises signs are allowed.

¹ A Commercial Farm, Exempt operated on a City-owned Lot or by the City on a Lot that is not owned by the City is exempt from the requirement that such use be conducted on parcels of 5 acres or more or parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, so long as the products produced thereon are to be used for the benefit of the community and any revenue from any sales of those products are used for the sole purpose of sustaining the community farm.

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- e. All products sold on the Lot must be produced on-site. For purposes of this Ordinance, the term “produced on-site means” grown on the Lot or, in the case of domestic fowl or honey bees produced on the Lot by the animals kept thereon .
- f. Sales of products shall be permitted between the hours of 7:00 am and 6:00 pm., May 1 to October 31st. Sales shall not be permitted more than three days per week and no more than 25 total days per year.

2. Domestic Fowl

- a. Domestic fowl must be owned by a resident of the dwelling on the lot who shall be responsible for the care and control of the fowl.
- b. No roosters shall be kept under an Urban Agricultural use or any other use on lots in Salem.
- c. Dimensional Regulations
 - i. Maximum Height.
 - 1. Coop. Enclosed Coop space shall not exceed eight (8) feet in height.
 - 2. Run. Runs shall not exceed eight (8) feet in height.
 - ii. Size
 - 1. Coop structures shall meet all building code requirements. Structures exceeding one hundred twenty (120) sq feet or eight (8) feet in height will require building permits and structures with electrical or plumbing shall require appropriate permits. Changes in the building code shall pre-empt this section.
 - 2. Coop. Coop space must allow a minimum of four (4) square feet per fowl and one (1) nest box per three (3) fowl.
 - 3. Run. Runs must allow a minimum of four (4) square feet per fowl.
- d. Setback Requirements
 - i. No fixed coop or run shall be located nearer than five (5) feet to any principal building, including the principal building on an abutting lot, and no coop or run shall be located nearer than five (5) feet to any side or rear lot line. Side lots in this instance refer to a projected line starting from the front lot line, terminating at the rear lot line parallel five (5) feet from the side lot line.
 - ii. Coops and/or runs are not permitted within 20 feet of a front lot line.
 - iii. Moveable coops (i.e. coops on wheels) and runs are not subject to setback requirements.
 - iv. Any lawfully existing domestic fowl-keeping use or structure in existence prior to the adoption of this Section shall be allowed to continue, as per the zoning code enforcement standards for other pre-existing nonconforming uses and structures. Any future alterations to applicable pre-existing uses or structures shall comply with this section or seek necessary approvals.

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- v. Coop structures shall not interfere with any existing public easements.
- e. Any domestic fowl-keeping use or structure in existence prior to the adoption of this Ordinance shall be allowed to continue, as per the zoning code enforcement standards of other pre-existing nonconforming uses and structures. Any future alterations to applicable pre-existing uses or structures shall seek necessary approvals.

3. Honeybees

- a. Honeybees must be owned by a resident of the dwelling on the lot who shall be responsible for the care and control of the Honeybees.
- b. A maximum of two (2) hives may be kept on a Lot with additional hives pending approval from the Salem Board of Health. Additional Board of Health regulations may further limit the number and/or manner of keeping of honeybees on lot.
- c. Dimensional Regulations
 - i. No Hive shall exceed five (5) feet in height and twenty (20) cubic feet in size on any Lot or roof.
- d. Setback Requirements
 - i. Where there is a solid wall, fence or similar barrier between the subject property and abutting property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and abutting property, Hives shall be set back five (5) feet from the property line.
 - ii. No Hive shall be located closer than ten (10) feet from the lot line dividing the Lot from a sidewalk or street.
- e. Hive Placement and Flyways.
 - i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
 - ii. The Hive opening must face away from doors and/or windows; or
 - iii. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honeybees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.
- f. Specific Rooftop Beekeeping Requirements.
 - i. Dimensional Regulations.
 - 1. No Hive shall exceed five (5) feet in height and twenty (20) cubic feet in size on any Lot or roof.
 - ii. Setback Requirements
 - 1. Hives shall be set back six (6) feet from the edge of the roof.
 - iii. Hive Placement and Flyways.
 - 1. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

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- a. The Hive opening must face away from doors and/or windows; or
- b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honeybees upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

4. Yard Farms

- a. Yard farms may be kept on residential properties only.
- b. Ownership, care and control of the farm shall be the responsibility of a resident of the dwelling on the lot.
- c. Land devoted to the Yard Farm shall be well-maintained and free from debris, noxious odor and excessively tall weeds and grass.
- d. Yard farms may include Raised Beds, Arbors, Greenhouses, Hoop Houses and Cold Frames as accessory structures subject to applicable setbacks and dimensional regulations.
- e. All accessory structures shall also be well-maintained in a safe condition.

5. Roof Farms

- a. Ownership, care and control of the roof farm shall be the responsibility of the owner or tenant of Lot.

6. Farm Structures

- a. Farm structures such as arbors, greenhouses, hoop houses and cold frames, shall be allowed as accessory structures subject to the following provisions:
 - i. Green houses are allowed within any rear or side yard up to but not closer than five (5) feet from the Lot line.
 - ii. Arbors, hoop houses and cold frames are allowed within any rear or side yard up to but not closer than one (1) foot from the Lot line.
 - iii. Farm Structures shall not exceed a maximum height of 15 feet and cannot be taller than the principal structure on the Lot; the covers shall be removed and stored when plants are not being cultivated or structure is not being used for an urban agricultural use
 - iv. Farm structures, when combined with other buildings on the property, shall not exceed the maximum lot coverage by all buildings listed in the Table of Dimensional Requirements.
 - v. Farm Structures shall not interfere with any existing public easements.

7. Composting

- a. Composting must be contained within an enclosed bin that does not have direct contact with flammable materials.
- b. Setback Requirements

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- i. Compost bins, structures and windrows shall be set back five (5) feet from all Lot lines.
- ii. Compost bins, structures and windrows shall not be located in any portion of a yard area that abuts a Street.
- c. Accessory composting shall be used primarily to support onsite operations and shall comprise no more than five (5%) percent of the Lot area.”

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

#21 – RESOLUTION – GREEN FUTURE ACT

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

**Resolution of the Salem City Council in support of the Green Futures Act,
An Act Achieving a Green Future with Infrastructure and Workforce
Investments**

WHEREAS, too much of Massachusetts’ energy comes from fossil fuels that pollute and endanger our air and water and contribute to the climate crisis; and

WHEREAS, Massachusetts communities are already feeling the impact of the climate crisis, Salem being extremely vulnerable; and

WHEREAS, in 2016 Salem was the first community in Massachusetts to pass a 100% clean energy resolution, in 2018, the City Council unanimously passed a resolution supporting carbon pricing and in 2019, the Council unanimously passed a green new deal resolution and a resolutions endorsing Representative Jen Benson’s “Act to Reduce Greenhouse Gases and Promote Green Infrastructure”; and

WHEREAS, Salem is a green & environmental justice community and programs initiated by SERC including Solarize Salem, municipal aggregation, purchase of all lights/converting to LED and the school solar projects have resulted in about \$800K in annual savings; and

WHEREAS, SERC & SAFE (Salem Alliance for the Environment) have done wind turbine feasibilities dating back many years that helped pave the way for Salem being selected to provide 1200MW of off shore wind, Salem has participated in two Solarize Solar programs and The City will be implementing recommendations from Resilient Together (Salem & Beverly); and

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WHEREAS, in 2020, Salem City Council approved monies to fund a Sustainability & Resiliency department which has already demonstrated important benefits; and

WHEREAS, Salem's City Government has realized the effort and innovation of non-profits such as SAFE (gas leaks), Salem Sound Coastwatch (resiliency), and

WHEREAS, Massachusetts doesn't have the funding needed to meet its climate goals set by the Next Generation Roadmap Bill and Governor Baker's 2030 Clean Energy & Climate Plan. Without the Green Future Act's plan to sustainably & equitably raise green money, our state risks being forced to adopt regressive taxes and will miss the opportunity to create local jobs: and

WHEREAS, this act will establish the Green Infrastructure Fund, to include projects such as electrifying transportation, increasing renewable energy and creating consumer heating efficiency incentives; will direct significant aid to all communities to enhance resiliency (60% must benefit environmental justice neighborhoods); will provide direct cash payments (Green Household Dividends) to lower income households, protecting the states most vulnerable residents from increases in utility costs and will, by 2030, create 80,000 green jobs covered by Project Labor Agreements and prevailing wage laws; and

WHEREAS, this act will initiate and predictably increase carbon pollution fees for the dual purposes of reducing greenhouse gas emissions (GHG's) by moving us away from a fossil fuel dependent economy and also by raising revenue for investment in clean energy and green infrastructure;

WHEREAS, this act will fund solutions like the electrification of municipal vehicle fleets (e.g. school buses), community microgrids, nature-based climate solutions, local energy efficiency and will mandate local control over green infrastructure spending decisions, with communities given discretion over how and where to spend funds;

WHEREAS, this act will create tens of thousands of new local jobs, contributing to a just transition, will reduce local air pollution by holding big polluters accountable, and is one of the best climate policies when it comes to creating predictability for small businesses;

THEREFORE BE IT RESOLVED, we strongly and urgently petition the Massachusetts Legislature and the Governor to promptly pass the Green Future Act (HD.1972).

AND BE IT FURTHER RESOLVED that the Clerk for the Salem City Council send confirmed copies of this Resolution to: Governor Charles Baker, Speaker of the House Ron Marino, Senate President Karen Spilka, Representative Paul

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Tucker, Senator Joan Lovely, Senator Marc Pacheco, Senator Michael Barrett, Representative Jeffrey Roy, Representative Paul Mark, Salem Mayor Kim Driscoll, Massachusetts Municipal Association.

#22 – OVERLOOK ACRES, LLC TO PRESENT TEST RESULTS FOR PROPERTY ON HIGHLAND AVENUE

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

Original Order:

ORDERED That the City Council send a request to the City Solicitor, Elizabeth Rennard, to motion the Superior Court of Essex County to require Overlook Acres, LLC to present a copy of the boring sample test results conducted at or in the vicinity of 383 Highland Ave; 379 Highland Ave; 14 Barnes Road; 16 Barnes Road; and 9, 12, 14, 15, 16 and 18 Cedar Road, all within Salem MA (“the Premises”) Overlook Acres, LLC on January 26th, 2021 filed a lawsuit in the Superior Court of Essex County that claimed the following facts...

1. Fact #27 – The boring samples evidenced significant automobile shredding, exceeding thirty-five (35) feet below surface
2. Fact #28 – The boring samples also evidenced elevated and hazardous levels of polychlorinated biphenyls (PCB’s); volatile organic compounds (VOC’s); total petroleum hydrocarbons (TPH’s); and total metal and polycyclic aromatic hydrocarbons (PAH’s)
3. Fact #29 – The elevated level of hazardous contaminants found throughout “the Premises” represent a significant and imminent risk of harm to the public and environment.

The statement of fact that there is “significant and imminent risk to the public and environment” is very concerning and we must make every effort to have the boring sample test results sent to the City of Salem so that our Board of Health and Conservation Committee can review the results and determine what steps must be taken to mitigate the risk of harm to the public and environment.

Amended Order:

ORDERED That the City Council ask the City Solicitor, Elizabeth Rennard, to contact counsel for owners of 383 Highland Ave; 379 Highland Ave; 14 Barnes Road; 16 Barnes Road; and 9, 12, 14, 15, 16 and 18 Cedar Road, and work with DEP to ensure compliance with the law and ensure contaminants are properly addressed. Overlook Acres, LLC on January 26th, 2021 filed a lawsuit in the Superior Court of Essex County that claimed the following facts about boring samples taken from the properties:

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1. Fact #27 – The boring samples evidenced significant automobile shredding, exceeding thirty-five (35) feet below surface
2. Fact #28 – The boring samples also evidenced elevated and hazardous levels of polychlorinated biphenyls (PCB's); volatile organic compounds (VOC's); total petroleum hydrocarbons (TPH's); and total metal and polycyclic aromatic hydrocarbons (PAH's)
3. Fact #29 – The elevated level of hazardous contaminants found throughout “the Premises” represent a significant and imminent risk of harm to the public and environment.

The statement of fact that there is “significant and imminent risk to the public and environment” is very concerning and we must make every effort to have the boring sample test results sent to the City of Salem so that our Board of Health and Conservation Committee can review the results and determine what steps must be taken to mitigate the risk of harm to the public and environment.”

Councillor Prosniewski asked if Overlook is refusing to provide the testing results?

Councillor McClain stated this is a private dispute and is worried about the City getting drawn into this. Is there a simpler way and why now? There was an article in the Salem News in March of 2021.

Councillor McCarthy stated there's no doubt about concern and how it may or may not effect the residents in the area. DEP requires the owner to give them the reports. The owner did not do the testing. Overlook Acres used their LSP and is not required to report to DEP because they are not the owners. The Attorney that was representing Overlook Acres has left the Law Firm. The issue is between 2 private entities. This is a legal issue between Purchaser and Seller. The City Solicitor reviewed the case and docket #. No documents regarding the test and results in the court documents. She's trying to work on this, but the buyer not required to report to DEP. Courts doesn't have the documents but she's trying to go about and talking to the parties involved to get information.

Councillor Merkl shares the same questions as Councillor Prosniewski and McClain. We should pursue to get more information on this through our City Solicitor and not the courts. The courts doesn't seem like a plausible path forward.

Councillor Dominguez said we have to find a way – we need to find and get some answers for the residents.

Councillor McCarthy assumes the chair.

Councillor Morsillo stated she has worked every kind of magic to get this information. Since Overlook did not go through with the sale of property, they didn't come back to

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ConCom. We tried to find leverage and called DEP. Buyer under no obligation to report to DEP only the owner. We have tried very hard to get this information. We are not ignoring our residents. The City Solicitor has been trying to work with the Attorney to get this reported to DEP. She completely understands people are concerned.

Councillor Morsillo made a motion to amend the order to ask the City Solicitor, Elizabeth Rennard, to contact counsel for owners of 383 Highland Ave; 379 Highland Ave; 14 Barnes Road; 16 Barnes Road; and 9, 12, 14, 15, 16 and 18 Cedar Road, and work with DEP to ensure compliance with the law and ensure contaminants are properly addressed. And keep the 3 facts. Councillor Varela seconded the motion.

Councillor Dominguez accepted the amendment.

Councillor Prosniewski reiterated I think we all understand the tests are from the buyer and hopefully with the Solicitor working with the lawyer we will get the information we need.

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

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

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet with the city HR director to discuss comparative salaries of the City Clerk for the upcoming budget season

#24 – MEET TO DISCUSS THE OBSOLETE PERSONNEL BOARD

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

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss Personnel Board, Article III, Division 6.

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#25 – MEET TO DISCUSS AMENDING SECTION 31A OF THE CITY COUNCIL RULES RELATED TO COUNCIL LIAISONS

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

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss amending Section 31A of the City Council Rules related to City Council liaisons, to include Salem Community organizations.

#26 – CITY COUNCILLORS ELECTED TO THE AFFORDABLE HOUSING TRUST FUND BOARD

The following order introduced by Councillor Riccardi was adopted by a unanimous roll call vote of 11 yeas, 0 nays, and 0 absent to elect Councillor Cohen and Councillor Watson-Felt to be appointed.

ORDERED: That the City Council elect two Councillors 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.” And that their terms expire on December 31, 2022.

#27 – CITY COUNCIL APPOINTEE TO THE CABLE TELEVISION AND TECHNOLOGY COMMISSION

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

ORDERED: That the City Council President appoint one member of the City Council to serve on the Cable Television and Technology Commission per Ordinance Ch. 2, Sec. 992: “The seven members of the commission shall be appointed as follows: One member of the City Council to be appointed by the president of the city council, ...”

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#28 – CREATING A LAND AGREEMENT TO READ AT EACH MEETING

The following order introduced by Councillor Riccardi was adopted. (late file)

Ordered: That the Government Services Committee, along with Committee of the Whole, meet to discuss creating a Land Acknowledgement statement for the Council to read at the opening of Council meetings. Also, to invite to the meeting the Human Rights Commission (Formerly No Place For Hate Committee)

#29 – (#643 of 2021) – GRANTING CERTAIN LICENSES

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. The report was accepted and the recommendation was adopted.

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

TAG DAY: Salem Little League, 5/7/22, 6/11/22, & 6/25/22

#30 – PLANNING BOARD RECOMMENDATION FOR THE WATERFRONT INDUSTRIAL OVERLAY DISTRICT

The following Planning Board Zoning recommendation was received and filed

**Report of the Planning Board to City Council
 Re: WIOD Ordinance Amendment**

December 3, 2021

Dear Ms. Simons:

At its meeting on December 2, 2021, the Planning Board discussed a proposed amendment to the Zoning Ordinance to exclude Planned Unit Development (PUD) as a Permitted Use in the Waterfront Industrial Overlay District, which was referred from the November 16, 2021, joint public hearing with the City Council.

The Planning Board voted eight (8) in favor (Bill Griset, Tom Furey, Noah Koretz, Kirt Rieder, Helen Sides, Sarah Tarbet, Todd Waller, Zachary Caunter), one (1) abstention (Carole Hamilton), and zero (0) opposed to recommend that the City Council **not** adopt the proposed amendment to the Zoning Ordinance.

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

Sincerely,
 William Griset, Chair

(#278) – ZONING ORDINANCE AMENDMENT RELATIVE TO THE WATERFRONT INDUSTRIAL OVERLAY DISTRICT

Councillor Riccardi moved that the Zoning Ordinance to amend zoning relative to the Waterfront Industrial Overlay District was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole and that the City Planner or designee, City Solicitor or designee and former Councillor Josh Turiel be invited.

In the year two thousand and Twenty-One

An Ordinance to amend an Ordinance relative Zoning

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

Section 1. Chapter 8.6 – Waterfront Industrial Overlay District (WIOD) of the City of Salem Zoning Ordinance is hereby amended by adding a new table entry to 8.6.3 – Permitted Uses with the following:

PRINCIPAL USES	WIOD
C. HOUSING USES	
Planned Unit Development.....	N

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

Councillor Hapworth is glad it is going to committee since this could affect affordable housing.

Councillor Merkl asked if this restriction stays in place for 90 days?

Councillor Watson-Felt was grateful that this was referred to committee to get into details as a new Councillor.

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#31 – REQUEST FROM CHIEF MILLER FOR A COUNCIL LIAISON FOR THE CIU UNIT

The following request from Police Chief Lucas Miller was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent to appoint the Council President or her designee as the CIU Liaison.

Re: Request For City Council Liaison to the Salem Police Community Impact Unit

Dear City Clerk Simons,

Reference is made the recently published *City Council Liaison Assignments for 2022*. I respectfully request that the Salem City Council give consideration to appointing a member to serve as liaison to the Salem Police Department's Community Impact Unit (CIU). Rationale for this request is set forth herein.

The CIU's mission is to directly and immediately identify and address community concerns and issues, with a special emphasis on meeting the needs of segments of Salem's population who are traditionally difficult to serve or are considered vulnerable. Using a variety of strategies and resources, CIU works towards achieving solutions or interventions to prevent crime, victimization, crisis, and substance use.

To that end, more direct contact between the City Council and the CIU would help set the correct priorities for the unit, thus allowing for faster recognition of both problems and opportunities and facilitating the Department's response thereto.

The purpose of this request is to foster greater collaboration between the Council and the police department and should in no way supplant the regular communication between councilors and the chief. The Department remains grateful for the regular support we receive from the City Council and our partnership in serving the people of Salem.

I am available to discuss this request at your, or the Council's, convenience.

Sincerely,

Lucas J. Miller
Chief of Police

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#32 – REQUEST FROM YOUTH BUILD TO MAKE A PRESENTATION TO THE CITY COUNCIL

The Petition from Michael Quigley, Director for Youth Build North Shore located at 96 Lafayette St. in Salem, to meet with the City Council to make a presentation to the Council was referred to the Committee on Community and Economic Development co-posted with the Committee of the Whole

#33 – LETTER FROM SALEM UNITED REQUESTING A CITY COUNCIL LIAISON

The Following Letter from Salem United was referred to the Committee on Government Services co-posted with the Committee of the Whole.

City of Salem MA
 Attn: Ilene Simons, City Clerk
 93 Washington Street
 Salem, MA 01970

Dear Ilene Simons,
 Salem United, Inc. president, Doreen Wade, is following up with a letter requesting a liaison from the City Council, which was approved a few years ago but never executed. Please include Salem United, Inc. on your agenda for next week's City Council meeting so we can begin honoring that commitment made by the City of Salem.

We do have a process for appointing a liaison to Salem United's Board and we are looking forward to putting that process in place, and working on community building between the Black Community and the City of Salem.

Respectfully,
 Ms. Doreen Wade, President

#34 – PUBLIC GUIDES

The Following License Applications were granted.

PUBLIC GUIDES:

Terry Saunders
 Jonnet Holladay
 Leo T. Ward
 Peter M. White
 Nancy Sweeter
 Nicole Escobar

131 Boston Street, Salem
 4 Longfellow Place, Boston
 31 Crescent Avenue, Beverly
 233 Kelton Street, Allston
 60 Burley Street, Danvers
 2 Winnmere Avenue, Burlington

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Jeffrey Lilley	265 Lafayette Street, Salem
Carol Weitzman	4206 Woodbridge Road, Peabody
Stacey Kilb	39 Northend Avenue, Salem
Elisabeth DiCicco	40 Revere Street, Boston
Courtney McInvale Reardon	31-11 Grist Mill Road, Connecticut
Anne M. Harrington	6 Steele Street, Stoneham
Scott Aden	14 Shore Drive, Winthrop
Laura J. Dandaneau	13 Lemon Street, Salem
Christina Cataldo	233 Lafayette Street, Salem
Bobby Kerrigan	13 Bruce Lane, Wenham
Paige Nicole Welch	90 Faith Drive, New Hampshire
Kalif Melanson	32 Mt. Washington Avenue, Malden
Rory O'Brien	20 West Avenue, Salem
Abigail M. Russell	37 Forest Street, Wakefield
Rebecca B. Parry	2 Wallace Road, Marblehead
Mark Scalia Jr.	29RR Upham Street, Salem
Karen Scalia	29RR Upham Street, Salem
Celine Nash	9 Grouse Street, West Roxbury
Joan Marie Pagliuca	31 Winthrop Street, Dedham
Nicholas Tranfaglia	133 Tower Avenue, Marshfield
Alicia Diozzi	40 English Street, Salem
Jonathan Bierne Streff	10 Bradford Street, Salem
Shelby Kravette	154 Tracy Avenue, Lynn
Brigitta Amsler	286 Ocean Avenue, Marblehead
Rebecca Johnson	127 Derby Street, Salem
April Newman	367 West Street, Reading
Beth O'Grady	27 Williams Street, Salem
Bridgette Perkins	100 Wharf Street, Salem
Grace Cuplin	4 Lowell St., Salem
Michael Vitka	384 Essex St., Salem
John Feeley Jr.	26 South Shore Rd., Holbrook

#35 - #37 – LICENSE APPLICATIONS

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

PAWNBROKER:	Salem Loan & Jewelry, 133 Washington St., Salem
SECOND HAND CLOTHING:	Re-Find LLC, 72 Washington St., Salem
SECOND HAND VALUABLES:	Tobies Jewelry, 140 Washington St., Salem Olde Naumkeag Antiques, 1 Hawthorne Blvd., Salem Record Exchange, LLC, 256 Washington St., Salem

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#38 – CONTRACT OPERATOR / DRAINLAYER LICENSES

The Following Contract Operator/Drainlayer Licenses were granted.

Agganis Construction, Inc., 394 Linden Ave., Saugus
 Atlantic Paving Corp., 119R Foster St., Peabody
 Deloury Construction Co. Inc., 100 Burtt Rd., Andover
 Eustis Cable Enterprises, 513 Donald St., Bedford, NH
 Mirra Company Inc., 6 Norino Way, Georgetown
 Geosearch, Inc., 11 Chocksett Rd., Sterling
 N. Granese & Sons, Inc., 59 Jefferson Ave.
 Peterson Construction, 210 Broadway, Lynn
 Phoenix Communications, 25 Bowditch Dr., Shrewsbury
 Pitt Pipeline Company, Inc., 25 Sullivan Rd., Billerica
 R.B. Strong Excavating & Sewage, 122 Western Ave., Gloucester
 Spencer Contracting Corp., 67 Foster St., Peabody
 United Removal & Demolition, Inc., 51 Munroe St., Lynn
 Village Construction Company, Inc., 57 Wharf St., Suite 2G, Salem

#39 - #43 – CLAIMS

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

Emily Topacio, 24 Saltonstall Parkway, Salem
 Daryen Molina, 33 Woodcock Avenue, Haverhill
 E. Peter Schaeublin, 37 Sable Road, Salem
 Vladimir Junior Inoa, 414 Essex Street, Salem
 Sam & Allison Manco, 65 Tremont St., Salem

#44 - #45 – BONDS

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

DRAINLAYERS:	N. Granese & Sons, Inc., 59 Jefferson Ave., Salem Pitt Pipeline Company, Inc., 25 Sullivan Rd., Billerica Spencer Contracting Corp., 67 Foster St., Peabody Unlimited Removal & Demolition, Inc., 51 Munroe St., Lynn
PAWNBROKER:	Salem Loan & Jewelry, 133 Washington St., Salem

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(#339) – SECOND PASSAGE OF AN ORDINANCE ESTABLISHING A RACE EQUITY COMMISSION

Second Passage of an ordinance establishing a Race Equity Commission was adopted for second passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance establishing the Race Equity Commission

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

Section I. Chapter 2, Article IV of the Code of Ordinances is hereby amended by adding the following new Division following Division 17:

“Division 18. – RACE EQUITY COMMISSION

Sec. 2-1032. There is hereby established a race equity commission for the purpose of:

(a) implementing elements of the City’s Race Equity Action Plan and updating said plan periodically as necessary;

(b) advising departments and City officials on strategies and approaches to ensure municipal programs, policies, budgets, and ordinances are developed in a manner that avoid and reduce systemic racism and bias;

(c) developing and recommending initiatives, programs, and policies intended to reduce systemic racism and bias in Salem;

(d) designing and conducting hiring and recruitment programs and advise on employee training and retention programs to increase diversity and cultural competency of City staff;

(e) supporting and guiding community organizations, employers, associations, nonprofits, agencies, businesses, and others in methods by which they can help reduce systemic racism and improve racial equity in Salem; and

(f) seeking grants and other sources of support and resources to carry out the Commission’s work.

Sec. 2-1033. The commission shall consist of seven members: the City’s Human Resources Director or their designee, the City Solicitor or their designee, the School Superintendent or their designee and four other members appointed by the Mayor and

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subject to City Council confirmation. The members shall each serve a term of three years. The commission shall also have the following liaisons: the Chief of Police or their designee; and a member of the City Council chosen according to the rules of the City Council.

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

On the motion of Councillor McCarthy the meeting adjourned at 9:30 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK