

CITY OF SALEM

JULY 13, 2023

REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, July 13, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on July 11, 2023, at 12:21 P.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

Councillor Watson-Felt was recorded as absent.

Council President Stott presided.

Councillor Varela 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. Lori Stewart, Mayor's Office, 7 Barnes Rd., Salem – Resolution
2. Justin Whittier, 10 River St., Salem – Resolution and Wage Theft Ordinance
3. Justin Anshewitz, 451 Eastern Ave., Lynn – Wage Theft Ordinance
4. Yousif Abdallah from North Shore Labor Council – Wage Theft Ordinance
5. Rosimara Sneed, 29 Rainbow Terrace, Salem - Wage Theft Ordinance
6. Judith Reilly, 20 West Ave., #3, Salem - Resolution and Wage Theft Ordinance

(#356) - APPOINTMENTS TO THE BICYCLING AND SHARED PATH ADVISORY COMMITTEE

Held from the last meeting, the Mayor's Appointment of the following to the Bicycling and Shared Path Advisory Committee were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent.

Dr. Charles Heaps 10 Williams St. #C4, Term to Expire January 14, 2025

Mr. Joshua Nagle 35 Washington Sq. #2, Term to Expire February 11, 2025

(#357) – REAPPOINTMENT TO THE PLANNING BOARD

Held from the last meeting, the Mayors Re-Appointment of Helen Sides 35 Broad St, to the Planning Board with a term to expire June 28, 2028 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent.

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(#386) - APPROPRIATION OF \$1,693,972.50 TO COVER REMAINING FY2023 COSTS

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

ORDERED: That the sum of One Million Six Hundred Ninety-Three Thousand Nine Hundred Seventy-Two Dollars and Fifty Cents (\$1,693,972.50) is hereby transferred to the accounts as provided below to cover remaining final FY2023 costs necessary to close the fiscal year in accordance with the recommendation of His Honor the Mayor.

TO ACCOUNT:				FROM ACCOUNT:			
Org/Obj	Dept	Account	Amount	Org/Obj	Dept	Account	Amount
14231-5131	Snow & Ice Personnel	Salaries - Overtime	\$ (36,289.37)	19141-5174	Human Resources	Medical Insurance	\$ 1,146,172.50
14232-5292	Snow & Ice Expenses	Snow Removal	\$ (1,239,883.13)	12101-5111	Police	Personnel	\$ 100,000.00
				16501-5111	Recreation	Personnel	\$ 30,000.00
		ORG TOTALS	\$ (1,276,172.50)			TRANSFER IN TOTAL	\$ 1,276,172.50
11411-5111	Assessor's Office	Full-Time Salaries	\$ (5,500.00)	11521-5171A	Human Resources	CB/Salary Reserve	\$ 5,500.00
		ORG TOTAL	\$ (5,500.00)			TRANSFER IN TOTAL	\$ 5,500.00
11611-5111	Clerk's Office	Full-Time Salaries	\$ (5,500.00)	11521-5171A	Human Resources	CB/Salary Reserve	\$ 5,500.00
		ORG TOTAL	\$ (5,500.00)			TRANSFER IN TOTAL	\$ 5,500.00
11461-5111	Collector	Full-Time Salaries	\$ (1,500.00)	11462-5381	Collector	Printing and Binding	\$ 1,500.00
		ORG TOTAL	\$ (1,500.00)			TRANSFER IN TOTAL	\$ 1,500.00
11352-5320	Finance	Contracted Services	\$ (3,800.00)	11351-5113	Finance	Salaries Part-Time	\$ 3,800.00
		ORG TOTAL	\$ (3,800.00)			TRANSFER IN TOTAL	\$ 3,800.00
12201-5131	Fire	Overtime	\$ (150,000.00)	11521-5171A	Human Resources	CB/Salary Reserve	\$ 19,000.00
				11911-5178	Contributory Retirement	Pension Assessment	\$ 70,000.00
				19131-5173	Human Resources	Unemployment	\$ 61,000.00
		ORG TOTAL	\$ (150,000.00)			TRANSFER IN TOTAL	\$ 150,000.00
11211-5111	Mayor's Office	Salaries - Full Time	\$ (30,000.00)	11911-5178	Contributory Retirement	Pension Assessment	\$ 30,000.00
		ORG TOTAL	\$ (30,000.00)			TRANSFER IN TOTAL	\$ 30,000.00
11512-5303	Solicitor	Legal Services	\$ (9,500.00)	11511-5111	Solicitor	Full-Time Salaries	\$ 9,500.00
		ORG TOTAL	\$ (9,500.00)			TRANSFER IN TOTAL	\$ 9,500.00
19452-5740	Treasurer	Insurance Premiums	\$ (50,000.00)	12411-5111	Public Properties	Full-Time Salaries	\$ 50,000.00
		ORG TOTAL	\$ (50,000.00)			TRANSFER IN TOTAL	\$ 50,000.00
11452-5320	Treasurer	Contracted Services	\$ (10,000.00)	11451-5111	Treasurer	Full-Time Salaries	\$ 10,000.00
		ORG TOTAL	\$ (10,000.00)			TRANSFER IN TOTAL	\$ 10,000.00

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TO ACCOUNT:				FROM ACCOUNT:			
Org/Obj	Dept	Account	Amount	Org/Obj	Dept	Account	Amount
19121-5172	Human Resources	Workers' Comp	\$ (42,000.00)	11911-5178	Contributory	Pension Assessment	\$ 42,000.00
		Medicals			Retirement		
		ORG TOTAL	\$ (42,000.00)			TRANSFER IN TOTAL	\$ 42,000.00
19191-5177	Treasurer	Medicare	\$ (110,000.00)	11911-5178	Contributory	Pension Assessment	\$ 87,000.00
					Retirement		
				19131-5173	Human Resources	Unemployment	\$ 18,000.00
				12411-5111	Public Properties	Full-Time Salaries	\$ 5,000.00
		ORG TOTAL	\$ (110,000.00)			TRANSFER IN TOTAL	\$ 110,000.00
TOTAL \$ (1,693,972.50)				TOTAL \$ 1,693,972.50			

#387 – APPROPRIATION OF \$15,000.00 FOR SOFTWARE UPGRADE COSTS AND MAINTENANCE ASSOCIATED WITH THE HERITAGE TRAIL INITIATIVE

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

ORDERED: That the sum of Fifteen Thousand Dollars (\$15,000.00) is hereby appropriated within the “Capital Outlay” account (20002420-5846HM) for software upgrade costs and trail maintenance associated with the Heritage Trail initiative in accordance with the recommendation of His Honor the Mayor.

#388 – IN-KIND DONATION FOR THE TREATMENT OF CERTAIN TREES AGAINST THE ASH BORER INFESTATION

The following order submitted by the Mayor was adopted.

Councillor Varela recused himself from this matter.

ORDERED: To accept the in-kind donation from Salem Native Nursery in the amount of One Thousand Seven Hundred and Five Dollars (\$1,705.00) for the treatment of certain trees against the ash borer infestation on North Street in accordance with the recommendation of His Honor the Mayor.

Councillor Morsillo stated that Chris Burke was a neighbor of hers and he is tracking ash borer disease all over. There have been many trees in Forest River that have died from this disease. Once a tree gets hit with this, they die pretty pretty fast. We need to bring native plants, shrubs and trees back to Salem.

Councillor Cohen stated that 20 trees in Forest River had died from this. You need to inject the trees and come back again the next year. Once the disease hits the tree they die within 3-4 weeks.

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Councillor Stott mentioned the part of North Street referring to is the part closer to the Witch House. We are very appreciative to Chris.

#389 – RESOLUTION RELATIVE TO EVICTION

The following Resolution was adopted by a role call vote of 9 yeas, 0 nays and 2 absent. Councillor Dominguez recused himself from this matter and was recorded as absent along with Councillor Watson-Felt.

Resolution in Support of Access to Counsel in Eviction Cases and Eviction Sealing Appeals to Promote Housing Opportunity and Mobility

WHEREAS:

- Eviction case filings between January - June 2023 in Housing Court statewide are surpassing the number of eviction filings pre-pandemic;
- Over 96% of tenants in the Commonwealth facing a non-payment eviction in Housing Court are unrepresented, while 90% of landlords are represented;
- Northeast Legal Aid (NLA) represents and advises Salem residents about their eviction cases, but the need is far greater than the funding for NLA permits, and many tenants are turned away;
- Most tenants are unaware of their rights and legal protections both in and out of the courtroom;
- Access to critical legal resources, guidance, and support from a legal advocate prior to an eviction proceeding can protect people from being displaced by an eviction, prevent homelessness, and create a path to housing stability;
- The following ‘Access to Counsel’ bills, entitled “An Act promoting access to counsel and housing stability in Massachusetts,” have been refiled for the 2023 Legislative Session: S.864, which is before the Housing Committee, filed by Senator Sal N. DiDomenico and H.1731, which is before the Judiciary Committee, filed by Representatives David M. Rogers and Michael S. Day. Since 1988, over 1 million such eviction cases have been filed in Massachusetts and once filed become part of that tenant’s eviction record, documenting the tenant’s history of ever having sued or been sued by a landlord;
- Regardless of outcome or underlying basis for a court filing, possessing any record of an eviction filing can affect a tenant’s ability to secure housing, no matter how old the record is;
- In 2013, the Massachusetts Trial Court began placing eviction record information online, making a tenant’s court record free and easily accessible,
- Landlords and tenant screening companies, routinely recommend rejections of tenants for having been in court, regardless of the outcome of the case or proof of clerical error; and
- Many landlords routinely file a notice to quit simply as a matter of course at the conclusion of a tenancy, and are unaware of the collateral consequences of eviction records or of the growing record of evictions they themselves are accumulating;

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- Bills H. 1690 and S.956 ‘promoting housing opportunity and mobility through eviction sealing (HOMES),’ sponsored by Representative Michael Moran and Senator Lydia Edwards respectively, are before the Judiciary Committee;
- These bills would protect tenants from being unfairly branded with an eviction record for life by allowing tenants to petition the court to seal their eviction records.

NOW THEREFORE BE IT RESOLVED that the City of Salem hereby states its support of access to counsel in eviction proceedings and joins our state Senator Joan Lovely and Representative Manny Cruz who are co-sponsors, in supporting the acts establishing and ensuring those rights: S.864 and H.1731.

BE IT FURTHER RESOLVED that the City of Salem also hereby supports with co-sponsors Senator Lydia Edwards and Representative Michael Moran S.956 and H.1690, the acts to promote housing opportunity and mobility through eviction sealing.

BE IT FURTHER RESOLVED that the City of Salem urges the Massachusetts State Legislature to enact pending “Access to Counsel” and “eviction sealing” legislation to ensure greater housing stability for Salem residents, and that a copy of this Resolution be sent by the City Clerk to Salem’s State Representative and State Senator.

#390 – WAGE THEFT ORDINANCE

The following order introduced by Councillor Cohen was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole shall meet, prior to the first regular meeting of the City Council in September 2023, for the purpose of drafting, with the assistance of the Solicitor, DEI Director, Purchasing Agent and City Planner, a Wage Theft Ordinance to be filed with the Council for its first meeting in September. Wage theft, the improper withholding of payment from employees, impacts low income, immigrant, and limited English proficient workers who are most vulnerable. The Ordinance shall require City vendors to certify their compliance with federal and state wage laws, to report violations and provide a wage bond, and strengthen the City’s ability to hire vendors that treat their employees fairly. It shall also prohibit City departments from contracting with debarred vendors and require that potential and current recipients of tax relief agreements and licenses issued under Massachusetts G.L. chapter 138 and chapter 140 comply with applicable wage laws.

Councillor Cohen stated there was no way to know if the waitstaff or construction workers have been paid or not. This order was cosponsored by Councillor McClain.

Councillor Merkl stated that the harm of wage theft cannot be overstated.

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Councillor McClain stated he had to fight to get paid what he should get.

Councillor Varela thanked Councillor Cohen and McClain for bringing this in. He was subject to wage theft in Santa Barbara, CA and in MA. We need to hold the city accountable.

#391 – FOOD TRUCK ZONING OVERLAY DISTRICT

The following order introduced by Councillor Varela was adopted.

ORDERED: That the Committee on Community and Economic Development co-posted with the Committee of the Whole meet to discuss the creation of a zoning overlay relative to food trucks, and temporary food vendors in the City of Salem.

#392 – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 17A – FINES RELATIVE TO DEPOSIT OF COINS

The following ordinance introduced by Councillor Morsillo was adopted for first 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. Article I is hereby amended by repealing the following to Section 17A:

Section 62 - Deposit of coins required to use parking spaces; unused time. \$25

And replacing it with:

Section 62 - Deposit of coins required to use parking spaces; unused time. \$25 Fine/\$75 Fine during weekends in October

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

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#393 – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 50B – HANDICAP PARKING – LEMON STREET

The following ordinance introduced by Councillor Hapworth was adopted for first passage.

In the year Two Thousand and Twenty-three

An Ordinance to amend an Ordinance relative to Traffic, Ch. 42 Sec. 50B

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:

Lemon Street - in front of #11 Lemon Street running in a westerly direction for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

#394 – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 51 – PARKING PROHIBITED – CEDAR CREST AVENUE

The following ordinance introduced by Councillor Varela was adopted for first 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 inserting the following:

Cedar Crest Avenue – Parking Prohibited on Certain Streets - easterly side, beginning at the intersection of Loring Avenue and running in a northerly direction for a distance of fifty-two (52) feet. No parking.

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

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#395 – (#231) – RANK CHOICE VOTING

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

The Committee on Government Services co-posted with the Committee of the Whole and the Board of Registrars to whom it was referred the matter of a Home Rule Petition for a Charter Change relative to Rank Choice Voting has considered said matter and would recommend that the matter remain in committee.

Councillor Prosniewski explained that a presentation was given by Billy Jackson.

#396 – BLOCK PARTY – BROAD STREET

The request from residents of Broad St. (between Jackson St. & Dalton Pkwy) to hold a Block Party on September 9, 2023, from 2:00 PM – 8:00PM (Rain Date: September 10, 2023) was granted.

#397 - #400 – LICENSE APPLICATIONS

The Following License Applications were granted.

LIMOUSINE/TAXI CAB: Salem Taxi 30 Federla St., Salem (3 Limos)
 Americab Taxi Inc., 92 Jackson St., Salem (7 Taxi's)

PUBLIC GUIDES: Xera Quattromani 254 Lynnway, Lynn
 Justine Gambale 11 English St., Salem
 Oliver Hudson Morton 26 Harris Rd., Medford
 Ellen Pariser 135 North St., Salem
 Jason Roberts 17A Bonair Ave., Hampton NH

TAXI OPERATORS:
 Johnny Fabian Polanco 52 Ward St., Salem
 Tony Moreta 414 Essex St., Salem
 Christopher Dugan 73 Harbor St., Salem
 Miguel Jimenez 15 Leach St., Salem
 Jaileny Pimentel 34 Prince St., Salem
 Andrea Meola 6 Reed Rd., Peabody

VEHICLE FOR HIRE: Jennifer Kaden 7 Park St., Peabody
 OPERATORS ONLY

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#401 – TAXI OPERATOR LICENSE

The Following License Application was denied.

TAXI OPERATORS: William Brennan 50 Warren St., Peabody

#402 - #407 – CLAIMS

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

Leonardo Ferreira 9 Dyer Ct., Danvers
 Kelsey Stiefel 32 Ward St., Salem
 Bruce Krasker 65 Gregory St., Marblehead
 Sarah Tuvim 4 Harvard St., Gloucester
 Amy Gibbons 17 Cedarview St., Salem
 Ho Ngugen 259 Canal St., Salem

(#257) – ORDINANCE TO AMEND AN ORDINANCE RELATIVE TO TRAFFIC – OCTOBER RESIDENT PARKING

The Second Passage of an Ordinance amending an Ordinance relative to traffic – October Resident Parking was then taken up. It 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 75A – Parking prohibitions towing zone (October resident parking) of Article V-A is hereby amended by repealing the following Section A - Temporary October Resident Permit Parking:

Essex Street from Cambridge Street to Summer Street

And inserting the following:

Lynch Street from Congress Street to Perkins Street

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Section 2. Section 75A – Parking prohibitions towing zone (October resident parking) of Article V-A is hereby amended by deleting the following:

Section D - Free Weekend Parking for Salem Residents. The Church Street West Lot and the City of Salem Lot at the MBTA Station shall be made available for use by Salem residents free of charge on weekends in October. Nonresidents seeking to park at the Church Street West Lot on weekends in October shall be charged a rate of \$30.00.

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

**(#365) – AN ORDINANCE TO AMEND AN ORDINANCE RELATIVE TO TRAFFIC –
LAFAYETTE / CHURCH / WASHINGTON STREETS**

The Second Passage of an Ordinance amending an Ordinance relative to traffic for Lafayette, Church and Washington Streets were then taken up. It 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 is hereby amended by deleting the following in their entirety:

Lafayette Street – Parking Prohibited on Certain Streets – extending seventy (70) feet in a southerly direction from New Derby Street, westerly side. (4/24/79 DPW 3546)

Lafayette Street – Parking Prohibited on Certain Streets – extending sixty-five (65) feet in a northerly direction from New Derby Street, westerly side. (4/24/79 DPW 3546)

And inserting in place thereof the following:

Lafayette Street – Parking Prohibited on Certain Streets – extending fifty (50) feet in a southerly direction from New Derby Street, westerly side.

Lafayette Street – Parking Prohibited on Certain Streets – extending forty-five (45) feet in a northerly direction from New Derby Street, westerly side.

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Section 2. Section 56 of Article V is hereby amended by deleting the following in their entirety:

Lafayette Street – Zones Established – westerly side from New Derby Street and Harbor Street (not including Handicap Zones or restricted areas), "Metered Zones Established", two (2) hour limit. (10/11/12)

And inserting in place thereof the following:

Church Street – Parking Meters Zones Established – southerly side, from a point beginning one-hundred and sixteen (116) feet easterly from Washington Street and extending easterly for a distance of forty (40) feet. Fifteen (15) minute limit.

Lafayette Street – Parking Meters Zones Established – westerly side from New Derby Street to Dodge Street. Two (2) hour limit.

Lafayette Street – Parking Meters Zones Established – westerly side from a point sixty-four (64) feet south of Dodge Street to Harbor Street. Two (2) hour limit.

Washington Street – Parking Meters Zones Established - easterly side, beginning from a point one-hundred and ten (110) feet south of Church Street and extending in a southerly direction for a distance of forty (40) feet. Fifteen (15) minute limit.

Washington Street - Parking Meters Zones Established - westerly side, beginning at a point 20 feet north of Lynde Street and extending in a northerly direction for a distance of forty (40) feet. Fifteen (15) minute limit.

Washington Street – Parking Meters Zones Established – easterly side, from a point fifty-five (55) feet south of Front Street, extending in a southerly direction for eighteen (18) feet (two (2) pull-in parking spaces), fifteen (15) minute parking limit.

Section 3. Section 57A of Article V is hereby amended by inserting the following:

Lafayette Street – Parking Time Limited: Unmetered Zones – westerly side, beginning at a point 20 feet south of Dodge Street and extending in a southerly direction for forty (40) feet. Fifteen (15) minute limit.

Section 4. This ordinance shall take effect as provided by City Charter.

On the motion of Councillor McCarthy the meeting adjourned at 8:05 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK