

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 9, 2022 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 7, 2022 at 3:11 P.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present. Councillor McClain was remote.

Council President Morsillo presided.

Councillor McCarthy 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.

#416 – APPOINTMENT OF ARIANA LEMA-DRISCOLL TO THE BEAUTIFICATION COMMITTEE

The Mayor's appointment of Ariana Lema-Driscoll of 30 Celestial Way to the Beautification Committee with a term to expire June 9, 2025 was held under the rules.

#417 – REAPPOINTMENT OF J. MICHAEL SULLIVAN TO THE DESIGN REVIEW BOARD

The Mayor's re-appointment of J. Michael Sullivan of 10 Lee St. to the Design Review Board with a term to expire June 11, 2025 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

#418 – APPROPRIATION OF \$246,427.18 TO TRANSIT ENHANCEMENT FUND

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

ORDERED: That the sum of Two Hundred Forty-Six Thousand Four Hundred Twenty-Seven Dollars and Eighteen Cents (\$246,427.18) is hereby appropriated and transferred from the "General Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to the Transit Enhancement Fund as provided in the Cannabis Host Agreements as received to date in Fiscal Year 2022 in accordance with the recommendation of Her Honor the Mayor.

Description	Amount
Transit Enhancement Fund (1%)	\$246,427.18
	\$246,427.18

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#419 – APPROPRIATION OF \$5,125.00 FOR SICK LEAVE BUYBACKS

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

ORDERED: That the sum of Five Thousand, One-Hundred Twenty-Five Dollars (\$5,125.00) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the sick leave buybacks to be paid out for active employees pursuant to collective bargaining agreements with various unions in accordance with the recommendation of Her Honor the Mayor.

#420 – MAYOR REQUESTING A COMMITTEE OF THE WHOLE MEETING ON THE PROPOSED OFFSHORE WIND FACILITY

The following letter from Mayor Driscoll requesting a Committee of the Whole Meeting relative to the Proposed Offshore Wind facility was referred to the Committee of the Whole

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am writing to request the City Council schedule a Committee of the Whole meeting in order to receive a presentation from the team developing the proposed offshore wind marshalling facility on Salem Harbor.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem

CC: Seth Lattrell, Harbor Planner/Port Deputy
Bill McHugh, Salem Harbormasters

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#421 – CITY COUNCIL REAPPOINTMENT OF DEB GREEL TO THE COMMUNITY PRESERVATION COMMITTEE

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 City Council reappoint Deb Greel to the Community Preservation Committee with a term to expire on May 23, 2024 be confirmed by a roll call vote.

#422 – CITY COUNCIL REAPPOINTMENT OF CURTIS DRAGON TO THE TREE COMMISSION

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 City Council reappoint Curtis Dragon to the Tree Commission with a term to expire on June 27, 2025 be confirmed by a roll call vote.

#423 – MEET TO DISCUSS LEGALIZING CERTAIN PLAN MEDICINES

The following order introduced by Councillor Prosniewski was adopted.

ORDERED: That the Public Health, Safety and Environment Committee co-posted with the Committee of the Whole meet with James Davis to discuss legalizing certain plan medicines.

#424 – (#389) – RESOLUTION TO FILE GRANTS WITH EEA FOR FOREST RIVER

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole. It was voted to accept the report.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole to whom was referred the matter of Resolution to file and accept Grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Land and Water Conservation Fund Grant Program for Improvements to the Forest River Park for the Forest River Outdoor Recreation & Nature Center has considered said matter and would recommend no recommendation.

Councillor Riccardi stated no recommendation came out of committee. The did not have the full information.

Councillor McCarthy commented on the language of the Resolution. The Park and Recreation Commission set the rates. There is a timing issues. If we accept make sure do not override the rates set by Park & Rec. Commission. Feel comfortable passing this tonight. Can get into details,

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but feel usage and rates fall t the Park & Rec. and will not override their authority. Had a conversation with the Solicitor and feels comfortable this will not happen.

Councillor Riccardi made a motion to adopt by roll call vote.

Councillor Cohen seconded the motion.

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

#425 – (#384) – ORDINANCE AMENDING RATES OF USE FOR WATER

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a roll call vote of 10 yeas, 1 nay and 0 absent. Councillors Cohen, Dominguez, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Varela was recorded in the negative. Councillor Varela believes residents should be educated and incentivized to use water barrels.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance amending Rates of Use for Water has considered said matter and would recommend adoption for first passage.

#426 – (#385) - ORDINANCE AMENDING RATES OF USE FOR SEWER

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a roll call vote of 10 yeas, 1 nay and 0 absent. Councillors Cohen, Dominguez, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Varela was recorded in the negative.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance amending Rates of Use for Sewer has considered said matter and would recommend adoption for first passage.

#427 – (#386) - ORDINANCE AMENDING SOLID WASTE RATES

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance amending Solid Waste Rates has considered said matter and would recommend adoption for first passage.

#428 – (#375) – FY2023 BOND ORDER IN THE AMOUNT OF \$5,745,000.00 – GENERAL FUND CAPITAL IMPROVEMENT PROGRAM

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the following Bond Order in the amount of \$5,745,000.00 for Fiscal Year 2023 General Fund Capital Improvement Program in accordance with MGL Ch. 44, has considered said matter and would recommend adoption for first passage by roll call vote.

#429 – (#376) - FY2023 BOND ORDER IN THE AMOUNT OF \$53,600,000.00 – WATER / SEWER CAPITAL IMPROVEMENT PROGRAM

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the following Bond Order in the amount of \$3,600,000.00 for Fiscal Year 2023 Water/Sewer Capital Improvement Program in accordance with MGL Chapter 44, Section 7 & 8 has considered said matter and would recommend adoption for first passage by roll call vote.

#430 – (#378) – APPROPRIATION OF \$405,000.00 FROM WATER/SEWER RETAINED EARNINGS TO CAPITAL IMPROVEMENT FUNDS

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the appropriation in the amount of \$405,000.00 from Retained Earnings from the Water/Sewer Funds to Capital Improvement Funds has considered said matter and would recommend adoption by roll call vote.

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#431 – (#383) – FY 2023 LIST OF REVOLVING FUND ACCOUNTS

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the FY2023 List of Revolving Funds pursuant to MGL Ch. 44 Sec. 53E1/2 has considered said matter and would recommend adoption.

#432 – (#377) – APPROPRIATION OF \$3,078,020.00 FOR SHORT-TERM CAPITAL IMPROVEMENT PLAN

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of an appropriation of \$3,078,020.00 for FY2023 ST Capital Improvement Plan has considered said matter and would recommend adoption.

#433 – (#374) – FY2023 PROPOSED FIVE YEAR CIP 2023 - 2027

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of Fiscal Year 2023 Proposed Five Year CIP 2023 – 2027, has considered said matter and would recommend adoption.

#434 – (#374) – FISCAL YEAR 2023 BUDGET

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with Committee of the Whole to whom was referred the matter of Fiscal Year 2023

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#434.1 – MAYOR

Mayor's departmental budget for Fiscal Year 2023

Personnel	\$447,477.00
Non Personnel Expenses	<u>\$196,200.00</u>
Total	\$643,677.00

#434.2 – CITY COUNCIL

City Council departmental budget for Fiscal Year 2023

Personnel	\$170,700.00
Non Personnel Expenses	<u>\$61,350.00</u>
Total	\$232,050.00

#434.3 – CITY CLERK

City Clerk departmental budget for Fiscal Year 2023

Personnel	\$333,054.00
Non Personnel Expenses	<u>\$11,450.00</u>
Total	\$344,504.00

#434.4 – ELECTIONS AND REGISTRATIONS

Elections & Registration departmental budget for Fiscal Year 2023

Personnel	\$208,879.00
Non Personnel Expenses	<u>\$ 43,800.00</u>
Total	\$252,679.00

#434.5 – ASSESSORS

Assessing departmental budget for Fiscal Year 2023

Personnel	\$351,052.00
Non Personnel Expenses	<u>\$57,415.00</u>
Total	\$408,467.00

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#434.6 - COLLECTOR

Collector departmental budget for Fiscal Year 2023

Personnel	\$253,791.00
Non Personnel Expenses	<u>\$8,300.00</u>
Total	\$262,091.00

#434.7 – FINANCE

Finance Department budget for Fiscal Year 2023

Personnel	\$368,762.00
Non Personnel Expenses	<u>\$59,215.00</u>

#434.8 – PURCHASING

Purchasing Departmental budget for Fiscal Year 2023

Personnel	\$176,346.00
Non Personnel Expenses	<u>\$ 25,264.00</u>
Total	\$201,610.00

Fixed Costs	\$39,181.00
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Total	\$240,791.00
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#434.9 – TREASURER

Treasurer Departmental budget for Fiscal Year 2023

Treasurer	
Personnel	\$277,271.00
Non Personnel Expenses	<u>\$173,673.00</u>
Total	\$450,944.00

Debt Service Expenses	\$7,744,556.49
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Short Term Debt.	\$557,102.51
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Essex NS Agricultural &	\$2,599,910.00
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Technical School

State Assessment Expenses	\$9,749,456.00
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Contributory Retirement	
Non- Personnel Services	\$14,429,326.00

Non-Contributory Retirement	\$10,625.00
Non-Personnel Services	

Medicare	
Non-Personnel Services	\$1,304,315.00

Municipal Insurance	
Non-Personnel Expenses	\$373,500.00

Total	\$37,219,735.00
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#434.10 - PARKING

Parking Department budget for Fiscal Year 2023

Personnel	\$1,099,480.00
Non Personnel Expenses	<u>\$ 463,135.00</u>
Total	\$1,562,615.00

#434.11 – IT/GIS

Informational Technology Services (ITS) departmental budget for Fiscal Year 2023

Personnel	\$860,507.00
Non Personnel Expenses	<u>\$16,000.00</u>
Total	\$876,507.00

Fixed Costs	\$869,400.00
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Total	\$1,745,907.00
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#434.12 – SOLICITOR/LICENSING

Solicitor – Licensing Departmental budget for Fiscal Year 2023

Personnel	\$467,040.00
Non Personnel Expenses	<u>\$79,600.00</u>
Total	\$546,640.00

#434.13 – HUMAN RESOURCES

Human Resources Departmental budget for Fiscal Year 2023

Personnel	\$538,894.00
Non Personnel Expenses	<u>\$31,800.00</u>
Total	\$570,694.00
Workmen's Comp-Non-Personnel	\$539,730.00
Unemployment Comp-Non-Personnel	\$250,000.00
Group Insurance-Non-Personnel	\$16,482,273.00
Total	\$17,842,697.00

#434.14 – FIRE DEPARTMENT

Fire Departmental budget for Fiscal Year 2023

Original	Personnel	\$9,327,343.00
	Non Personnel Expenses	<u>\$ 545,931.00</u>
	Total	\$9,873,274.00
as amended	Personnel	\$9,327,343.00
	Non Personnel Expenses	<u>\$519,243.00</u>
	Total	\$9,846,586.00

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#434.15 – POLICE DEPARTMENT

Police Departmental budget for Fiscal Year 2023 (Councillor Prosniewski recused himself)

Personnel	\$10,878,626.00
Non Personnel Expenses	<u>\$933,720.00</u>
Total	\$11,812,346.00

#434.16 – HARBORMASTER

Harbormaster Departmental budget for Fiscal Year 2023

Personnel	\$368,382.00
Non Personnel Expenses	<u>\$46,725.00</u>
Total	\$415,107.00

#434.17 – PUBLIC PROPERTY

Public Property/ Building/Plumbing/Gas Inspections departmental budget for Fiscal Year 2023

Inspectional Services	
Building, Plumbing, Gas	
Inspector	
Personnel	\$755,628.00
Non Personnel Expenses	<u>\$48,784.00</u>
Total	\$804,412.00
Zoning Board of Appeals	
Non-Personnel Expenses	\$1,200.00
Public Property	
Fixed Costs	\$706,362.00
Total	\$1,511,974.00

#434.18 – HEALTH DEPARTMENT

Health Departmental budget for Fiscal Year 2023

Personnel	\$595,125.00
Non Personnel Expenses	<u>\$91,639.00</u>
Total	\$686,764.00

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#434.19 – ELECTRICAL DEPARTMENT

Electrical Departmental budget for Fiscal Year 2023

Personnel	\$415,670.00
Non Personnel Expenses	<u>\$439,397.00</u>
Total	\$855,067.00

#434.20 - PLANNING DEPARTMENT

Planning Departmental budget for Fiscal Year 2023

Personnel	\$640,286.00
Non Personnel Expenses	<u>\$ 82,570.00</u>
Total	\$722,856.00

Conservation Commission

Personnel	\$29,575.00
Non Personnel Expenses	<u>\$ 1,413.00</u>
Total	\$30,988.00

Planning Board

Personnel	\$32,996.00
Non Personnel Expenses	<u>\$3,730.00</u>
Total	\$36,726.00

Market & Tourist Commission

Non Personnel Expenses	\$312,050.00
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Historical Commission

Personnel	\$32,724.00
Non Personnel Expenses	<u>\$ 1,020.00</u>
Total	\$33,744.00

TOTAL	\$1,136,364.00
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#434.21 – RESILIENCY AND SUSTAINABILITY

Resiliency and Sustainability Departmental budget for Fiscal Year 2023

Personnel	\$210,957.00
Non Personnel Expenses	<u>\$ 16,700.00</u>
Total	\$227,657.00

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#434.22 – PUBLIC SERVICES

Public Services Departmental budget for Fiscal Year 2023

Public Services	
Personnel	\$1,958,474.00
Non Personnel Expenses	<u>\$1,719,800.00</u>
Total	\$3,678,274.00
 Snow & Ice	
Personnel	\$50,000.00
Non Personnel Expenses	<u>\$408,935.00</u>
Total	\$458,935.00
 TOTAL	 \$4,137,209.00

#434.23 – ENGINEERING

Engineering Departmental budget for Fiscal Year 2023

Engineering	
Personnel	\$158,461.00
Non Personnel Expenses	<u>\$26,000.00</u>
Total	\$184,461.00

#434.24 – PARK AND RECREATION

Recreation & Community Services Departmental budget for Fiscal Year 2023 (Councillor McCarthy recused himself)

Recreation	
Personnel	\$419,057.00
Non Personnel Expenses	<u>\$401,150.00</u>
Total	\$820,207.00
 Golf Course	
Personnel	\$378,521.00
Non Personnel Expenses	<u>\$239,563.00</u>
Total	\$618,084.00

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Witch House	
Personnel	\$181,322.00
Non Personnel Expenses	<u>\$95,680.00</u>
Total	\$277,002.00
 Pioneer Village	
Non Personnel Expenses	\$26,900.00
 Winter Island	
Personnel	\$212,433.00
Non Personnel Expenses	<u>\$ 83,850.00</u>
Total	\$296,283.00
 Charter Street	
Personnel	\$137,504.00
Non Personnel Expenses	<u>\$ 44,900.00</u>
Total	\$182,404.00
 Total	 \$2,220,880.00

#434.25 – COUNCIL ON AGING

Council on Aging Departmental budget for Fiscal Year 2023 (Councillor McCarthy recused himself)

Personnel	\$515,562.00
Non Personnel Expenses	<u>\$105,500.00</u>
Total	<u>\$621,062.00</u>

#434.26 – LIBRARY

Library Departmental budget for Fiscal Year 2023

Personnel	\$1,110,342.00
Non Personnel Expenses	<u>\$372,571.00</u>
Total	<u>\$1,482,913.00</u>

#434.27 – VETERANS

Veterans Services Departmental budget for Fiscal Year 2023

Personnel	\$135,842.00
Non Personnel Expenses	<u>\$410,800.00</u>
Total	<u>\$546,642.00</u>

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#434.28 – SCHOOL DEPARTMENT

School Departmental budget for Fiscal Year 2023

Administrative & Expenses	
Total	\$68,747,963.00

#434.29 – BUDGET TRANSFERS

Budget Transfers out of General Fund for Fiscal Year 2023

Total	\$650,000.00
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#434.30 – TOTAL GENERAL FUND

TOTAL GENERAL FUND for FISCAL YEAR 2023

(Original)	Total	\$166,839,513.00
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AMENDED	TOTAL	\$166,812,825.00
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#434.31 – SEWER ENTERPRISE FUNDS

SEWER ENTERPRISE FUND for Fiscal Year 2023

Public Services Sewer	
Personnel	\$513,053.16
Expenses	<u>\$182,295.00</u>
Total	\$695,348.16

Engineer - Sewer	
Personnel	\$202,075.67
Non Personnel Expenses	<u>\$755,450.00</u>
Total	\$957,525.67

Treasurer	
Debt Services	\$1,853,792.63
Short Term Debt Services	\$43,149.83

Sewer Assessment SESD	\$4,793,506.71
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Insurance Deductibles	\$5,000.00
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Total Sewer Enterprise:

Personnel	\$715,128.83
Non Personnel Expenses	<u>\$7,633,194.17</u>
	\$8,348,323.00

TOTAL SEWER ENTERPRISE FUND: \$8,348,323.00

Moved Approval by Roll Call Vote 11 YEAS 0 NAYS 0 ABSENT

Councillor McCarthy motion for immediate reconsideration in the hopes it does not prevail was denied.

#434.32 – WATER ENTERPRISE FUNDS

WATER ENTERPRISE FUND for Fiscal Year 2023

Public Services Water	
Personnel	\$568,053.11
Non Personnel Expenses	<u>\$183,525.00</u>
Total	\$751,578.11

Engineering - Water	
Personnel	\$202,585.53
Non Personnel Expenses	<u>\$597,050.00</u>
Total	\$799,635.53

Treasurer - Water	
Water Long Term Debt	\$2,249,592.80
Water Short Term Debt	\$26,650.56
Salem Beverly Water Board	
Assessment	\$2,906,306.00
Insurance Deductible	\$2,500.00

Total Water Enterprise:

Personnel	\$ 770,638.64
Non Personnel Expenses	<u>\$5,965,624.36</u>
	\$6,736,263.00

TOTAL WATER ENTERPRISE FUND: \$6,736,263.00

Councillor McCarthy motion for immediate reconsideration in the hopes it does not prevail was denied.

Engineering -Trash Enterprise	
Personnel	\$81,063.00
Non personnel Expenses	<u>\$3,940,535.00</u>
Total	<u>\$4,021,598.00</u>

Councillor McCarthy motion for immediate reconsideration in the hopes it does not prevail was denied.

Councillor McCarty motion for immediate reconsideration in the hopes it does not prevail was denied.

Personnel	\$1,566,830.47
Non-Personnel	<u>\$18,230,603.53</u>
	\$19,797,434.00

TOTAL	\$19,797,434.00
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#434.36 – TOTAL OPERATING BUDGET FISCAL YEAR 2023

TOTAL OPERATING BUDGET FOR FISCAL YEAR 2023:

(original) **\$186,636,947.00**

AS AMENDED **\$186,610,259.00**

Moved for Adoption by Roll Call Vote 11 YEAS 0 NAYS 0 ABSENT

Councillor McCarthy motion for immediate reconsideration in the hopes it does not prevail was denied.

#435 – REMOVING RESTAURANT ROW FROM LIST OF ACCEPTED STREETS

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

Ordered: The Salem City Council has determined, upon the advice of the City Solicitor, that Restaurant Row is not a properly accepted city street. A City Council Order adopted June 27, 1996 accepting Restaurant Row as a public street was not adopted in accordance with City Ordinance and Massachusetts General Laws. The City Clerk is hereby directed to correct the Salem Street Directory to identify Restaurant Row as a street not accepted by the City.

#436 – HOME RULE PETITION FOR LEE FORT TERRACE RELATIVE TO BIDDING REQUIREMENTS

The Home Rule Petition submitted by Cathy Hoog, Executive Director of the Salem Housing Authority, relative to Bidding Requirements for a Certain Affordable Housing Project in the City of Salem for Lee Fort Terrace was adopted by a roll call vote of 10 yeas, 1 nay and 0 absent. Councillors Cohen, Hapworth, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were all recorded in the affirmative. Councillor Dominguez was recorded in the negative.

Councillor McCarthy stated this is only on the bidding, not the project.

Councillor Cohen stated that there was misinformation being distributed about this. About this being in the Wetlands. Without this can't have affordable housing.

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#437 – BLOCK PARTY – CHEVAL AVENUE

A Request from the Residents on Cheval Ave. to hold a block party on July 4, 2022, from 4:00 P.M. to 8:00 P.M with a rain date of July 3, 2022 was granted.

#438 – BLOCK PARTY – BUFFUM STREET

A request from the Residents on Buffum St. to hold a block party on July 9, 2022, from 4:00 P.M. to 11:00 P.M with a rain date of July 16, 2022 was granted.

#439 – BLOCK PARTY – ORCHARD STREET

A request from the Residents on Orchard St. to hold a block party on September 10, 2022, from 3:00 P.M. to 10:00 P.M with no rain date was granted.

#440 – REQUEST FROM DOREEN WADE, SALEM UNITED, REQUESTING RESTAURANT ROW BE RENAMED TO BLACK KING POMPEY DRIVE

A request from Doreen Wade, Salem United Inc., requesting that Restaurant Row, within the Willows Park, be renamed to Black King Pompey Drive was referred to the Park and Recreation Commission.

Councillor McCarthy stated that per the Mass General Law the Park and Recreation Commission has the jurisdiction of roads within a park.

#441 – PUBLIC GUIDES

The Following License Applications were granted.

PUBLIC GUIDES: Rita Parisi 43 Merrimac St., Amesbury
Tova Ueland 37 Lake View Ave., Lynn

#442 – SECOND HAND VALUABLE

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

SECOND HAND VALUABLES: ecoATM 450 Highland Ave. (inside Walmart), Salem

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#443 – DRAINLAYER / CONTRACT OPERATOR LICENSE APPLICATIONS

The Following Drainlayer / Contract Operator License Applications were granted.

DRAINLAYERS: Bartlett and Steadman 67R Village St., Marblehead
 L.D. Russo, Inc 198 Ayer Rd., Harvard

#444 - #446 – CLAIMS

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

Peck PLLC Atty at Law for Donald Pelletier 10 Post Office Sq, Boston
 Linda Huynh 141 Highland Ave., Salem
 Kenneth Chiarello 81 Washington St., Salem, MA

#447 – BONDS

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

DRAINLAYER: Bartlett and Steadman 67R Village St., Marblehead

(#394) – SECOND PASSAGE – ORDINANCE AMENDING TRAFFIC RELATIVE TO HANDICAP ZONES – RIVERVIEW STREET

The Second Passage of a Traffic Ordinance Amending Traffic relative to Handicap Zones was then taken up. The ordinance was adopted for second and final passage.

In the Year Two Thousand and Twenty-Two

An Ordinance to amend an Ordinance relative to Traffic

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

Section I. Chapter 42 Section 50B – Handicap Zones, Limited Time shall be amended by adding:

Riverview Street – One Handicap Parking space to be added on Riverview Street. The space will begin approximately 63 feet from Loring Avenue, running for twenty (20) feet

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

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(#404A) – SECOND PASSAGE – ORDINANCE RELATIVE TO SUSTAINABLE FOOD CONTAINERS AND PACKAGING

The Second Passage of an Ordinance amending Ch. 14 – Business Licenses and Fees Article VIII Sustainable Food Containers and Packaging was then taken up. It was adopted for second and final passage.

In the year Two Thousand and Twenty-Two

An Ordinance to amend an Ordinance relative to Sustainable Food Ware and Packaging
Be it ordained by the City Council of the City of Salem as follows:

Section I. Chapter 14 Business Licenses and Fees is hereby amended by adding the following new Article:

“Article VIII. Sustainable Food Containers and Packaging

Sec. 14-510. Purpose; findings; scope.

Whereas, the City has a duty to protect the health of its citizens and the natural environment;

Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable;

Whereas, styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program’s list of carcinogens (U.S. Depart. of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals to the food chain;

Whereas, expanded polystyrene containers are not part of the City’s regular recycling program;

Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses; and

Whereas, the elimination of trash on the ocean floor and floating in the water is our collective responsibility as stewards of Salem’s coastline and ocean waters;

Now therefore, the City Council finds that the prohibition on the use of foam polystyrene food and packaging containers by food service establishments and the sale of these products by retail businesses in the City of Salem is a public purpose that protects the public health, welfare and environment, advances solid waste reduction, protects waterways and aids the City in its fight against climate change.

Sec. 14-511. Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

COMPOSTABLE — 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.

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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 Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

DISPOSABLE FOOD CONTAINER — All food and beverage containers, bowls, plates, trays, cartons, cups, designed for one-time or nondurable uses on or in which any food vendor directly places or packages prepared foods on the food provider's premises or which are used to consume foods. This includes, but is not limited to, food service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments, including hospitals, food trucks, grocery stores, institutional food service, temporary food vendors.

FOAM POLYSTYRENE — A nonbiodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene "Styrofoam" is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes recognized by a No. 6 resin code on the bottom.

FOOD ESTABLISHMENT — A business or governmental establishment that stores, prepares, packages, serves, vends, or otherwise provides food for consumption, including but not limited to any establishment requiring a permit to operate in accordance with the state food code.

PREPARED FOOD — Any food or beverage packaged or prepared for consumption on the food provider's premises, using any cooking or food preparation technique or provided for further food preparation.

RECYCLE — Refers to material that can be sorted, cleansed, and reconstituted using Salem's curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

RETAIL ESTABLISHMENT — A business establishment engaged in the retail sale of goods directly to consumers.

REUSABLE — Refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor.

Sec. 14-512. Prohibited use and distribution of food ware and packaging.

A. Food establishments are prohibited from dispensing food or beverages to any person in disposable food containers made from foam polystyrene (Styrofoam).

B. 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 the premises. Food establishments using any disposable

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food service ware are strongly encouraged to use biodegradable, compostable, reusable or recyclable food service ware.

C. Retail establishments are prohibited from selling or distributing disposable food and beverage containers made from foam polystyrene (Styrofoam) to customers, e.g. coolers, cups, and plates.

Sec. 14-513. Enforcement; violations and penalties.

A. Fine. Any food or retail establishment which violates any provision of this article or any regulation established by the Board of Health shall be liable for a fine as follows: first offense, warning; second offense, \$100; and subsequent offenses, \$100. Each day a violation continues shall constitute a separate offense.

B. Whoever violates any provision of this article or any regulation established by the Board of Health, which may include an exemption of the provisions of this Ordinance for no more than one year if the Board finds the business has demonstrated that strict application of the specific requirement would cause undue hardship, may be penalized by a noncriminal disposition as provided in MGL c. 40.

C. This article shall be enforced by the Health Agent or their designee.

Sec. 14-514. Severability.

Each separate provision of this article shall be deemed independent of all other provisions herein, and if any provision of this article be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this article shall remain valid and enforceable.

Sec. 14-515. Effective date.

This article shall take effect one year after first passage.”

Section II. This ordinance shall take effect one year after first passage.

On the motion of Councillor McCarthy the meeting adjourned at 8:54 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK