

CITY OF SALEM
MARCH 9, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, March 9, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on March 7, 2023, at 9:12 A.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors present.

Council President Stott presided.

Councillor Cohen 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.

NO PUBLIC TESTIMONY

A following statement was read into the record by President Stott.

"This week, the Supreme Judicial Court issued a decision in the case of Barron v. Kolenda and declared that Southborough MA's public participation policy prohibiting rude and discourteous speech, and requiring polite discourse at its meetings, was unconstitutionally content based. The Court held that what can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, rules preventing speakers from disrupting others, and removing those speakers if they do. The Court concluded that such time, place, and manner restrictions do not violate either the right to assembly or the right to free speech.

This decision has implications for the city council which, by its rules (26C), hold public comment periods at regular council meetings. These rules, for example, limit the content of public speech to just those items on the agenda. Based on the Southborough case, however, this and other sections of this rule must be amended to be consistent with this Decision. As such, the comment period this evening will not be limited to topics on the agenda and the City Solicitor shall propose an amendment to Council Rule 26C for consideration at the Councils' next meeting."

(#98) - NATIONAL GRID TO INSTALL 1 POLE ON BRIDGE ST. (POLE #2972)

A hearing was held on the order from National Grid to install 1 pole on Bridge St. (pole #2972).

Sibhita Mahabier-Sheehy, Representative for National Grid, 44 River Street, Beverly appeared in favor. She stated this install is for communications to monitor the feeder at that location.

Councillor Prosniewski asked where is the pole on Bridge Street? Is it right before the Community Life Center?

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Sibhita Mahabier-Sheehy stated it was 51 feet southwest of the centerline of the intersection of Bridge St and Flint St. continuing approximately 28 feet in a southeast direction.

Councillor Watson-Felt made a statement that this is a newly paved area and to make sure it was still accessible after the pole installation.

No one appeared opposed.

Councillor Watson-Felt moved to close the public hearing. It was so voted.

Councillor Watson-Felt moved to grant the location. It was so voted.

(#100) - NATIONAL GRID TO INSTALL 1 POLE ON BRIDGE ST. (POLE #598)

A hearing was held on the order from National Grid to install 1 pole on Bridge St. (pole #598)

Sibhita Mahabier-Sheehy, Representative for National Grid, 44 River Street, Beverly appeared in favor. She stated this install is across from the existing pole and it will be used to monitor a feeder.

Councillor Watson-Felt made a couple of comments about the pole being across the street to monitor and it sticks out. This is to monitor a different feeder and the location is span the canal.

Councillor Morsillo would like to check with the Engineer to get comments due to the bike path.

No one appeared opposed.

Councillor Watson-Felt moved to keep the public hearing open and continue it on March 23, 2023, at 7:00 P.M. It was so voted.

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#123 – APPOINTMENT OF HANNAH GATHMAN TO THE PUBLIC ART COMMISSION

The Mayor's appointment of Hannah Gathman 8 Brown St., to serve on the City of Salem Public Art Commission with the term to expire on March 9, 2024 was held under the rules.

#124 – APPOINTMENT OF KRISTEN LINDBERG TO SERVE AS THE CITY'S TREASURER

The Mayor's Appointment of Kristen Lindberg to serve as the City of Salem's Treasurer with the term to expire on January 31, 2025 was held under the rules.

#125 – BOND ORDER TO REDESIGNATE \$76,000.00 FROM ELECTRICAL RILEY PLAZA LED LIGHTING TO ELECTRICAL SMART SIGNAL PROJECT FROM THE FY2021 CIP

The following Bond Order submitted by the Mayor was adopted for first passage by a roll call vote of 10 yeas, 0 nays and 0 absent and referred to the Committee on Administration and Finance.

BOND ORDER: That the order of the City Council passed on July 9, 2020 and approved by the Mayor on July 13, 2020, as amended by the order of the City Council passed on January 27, 2022 and approved by the Mayor on January 31, 2022, 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 further amended to replace the project designated in the FY21 CIP Loan Order as "Electrical – Riley Plaza LED Lighting - \$76,000" with the following project: "Electrical – Smart-Signal Project - \$76,000"; and that the FY21 CIP Loan Order is otherwise ratified and confirmed in all respects.

#126 – APPROPRIATION OF \$26,000.00 TO DPS BURIAL ACCOUNT

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

ORDERED: That the sum of Twenty-Six Thousand Dollars (\$26,000.00) 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.

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From		To		Amount
2430-4800	R/Res Sale of Lots	14112-5383	DPS Burial	\$ 9,000.00
2431-4800	R/Res Sale of Vaults	14112-5383	DPS Burial	17,000.00
Total				\$ 26,000.00

#127 – ORDINANCE AMENDING CH. 14 SUSTAINABLE FOOD CONTAINERS

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

In the year Two Thousand and Twenty-three

An Ordinance amending an ordinance relative to sustainable food containers and packaging

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

SECTION 1. Chapter 14, Article VIII. – Sustainable Food Containers and Packaging is hereby amended by deleting Sec. 14-515. - Effective date in its entirety and replacing it with the following:

“Sec. 14-515. - Effective date.
This article shall take effect on September 4, 2023.”

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

Councillor Varela explained this is to give more time to distribute educational material to businesses and the Health Department asked for more time for enforcement.

Councillor Watson-Felt thought engaging the Chamber of Commerce and Main Streets to help inform the business would be beneficial.

Councillor Cohen had a meeting with the Mayor and Health Agent. Need to give the stores and/or restaurants to get rid of their existing inventory. Since these containers take up a lot of storage space, there may only have 2 weeks worth of inventory.

Councillor Dominguez requested that all communications to the business owners and the public be in other languages.

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Councillor Stott stated that before the Halloween season to inform the vendors coming to Salem about the ordinance change.

#128 – MEET TO DISCUSS PUBLIC TESTIMONY RELATIVE TO THE COUNCIL RULES 26C

The following order introduced by Councillor Prosniewski was referred to the Committee of the Whole (late file no discussion)

ORDERED: That the Committee of the Whole meet to discuss City Council Rules and Orders, Section 26C relative to public testimony during regular meetings.

#129 – (#117) – GRANTING CERTAIN LICENSES

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

The Committee on Ordinances, Licenses and Legal Affairs to whom it was referred the matter of granting the following license, has considered said matter and would recommend that the application be granted.

TAG DAY: Salem Little League May 13th, June 3rd, and June 17th

#130 – (#724A of 2022) – ZONING ORDINANCE – MAP CHANGE – TO REZONE A PARCEL AT 67 DERBY ST FROM RESIDENTIAL 2 FAMILY TO INDUSTRIAL

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

The Committee on Ordinances, Licenses and Legal Affairs to whom it was referred the matter of an Ordinance to Amend an Ordinance and Map relative to Zoning for a parcel located at 67 Derby St. from an R-2 to Industrial has considered said matter and would recommend second passage by roll call vote.

The second and final passage of this Zoning Ordinance was adopted by a roll call vote of 10 yeas, 0 nays and 0 absent.

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#131 – (#658 of 2022) – HAUNTED HAPPENINGS DISCUSSION

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

The Committee on Community and Economic Development co-posted with the Committee of the Whole to whom it was referred the matter of Haunted Happenings 2022 debriefing conversation with the goal of hearing data on visitors, revenues, and expenses, as well as collecting feedback from organizers, programmers and operation personnel of the 2022 Halloween season has considered said matter and would recommend that the matter remain in committee.

Councillor Hapworth stated it was a great meeting. It was important to separate what is controllable (marketing, communication, coordination of events) versus what is uncontrollable. Some things can be done differently. Some things we do well. We need a more formalized plan or structure. Learned that it was difficult to quantify expenses and revenues.

#132 – (#461 of 2022) – NOISE POLLUTION RELATIVE TO CAR STEREO AND MOTORCYCLES

Councillor Varela offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom it was referred the matter of Noise Pollution, particularly car stereo and motorcycle noise, and any potential actions that may be able to be taken to help mitigate this issue in Salem has considered said matter and would recommend that the matter remain in committee.

Councillor Varela stated this has become a quality of life issue and what can we do to mix the noise without losing the downtown vibrance. Mass General Law Chapter 90 Section 16 limits what we can and cannot do. How do we get creative. Noise cameras are being utilized in the UK. The cameras can automatically detect when vehicles are breaking legal noise requirements.

Councillor Watson-Felt stated there are other areas in Salem that are affected by noise as well; it's not just the B-5 (downtown) area.

Councillor Morsillo stated we did a Home Rule Petition for School Enforcement and Speeding, so maybe a more generic HRP can be submitted to Representative Cruz.

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#133 – B&S FITNESS BLACK CAT 10/20 MILER ROAD RACE AND USE OF CITY STREETS

The request from B&S Fitness to hold a Road Race (Black Cat 10 & 20 Miler) and use of city streets on March 26, 2023 has been granted.

#134 - #136 - THE FOLLOWING LICENSE APPLICATIONS

The following license applications were granted.

PUBLIC GUIDES:	Linda Dieter 188 Pine St., Danvers Neil O'Malley 6 Jacobs Lndg, Danvers Joseph Robert Steele 23 Wallis St., Beverly Kenneth Glover 20 Essex St. Beverly April Newman 367 West St. Reading Kimberly Bizjak 203 Washington St., Salem Theresa Giard 32 Lynde St. Salem Jobian Herron 12 ½ Dearborn St., Salem William Page 9 Pickering Way, Salem Danielle McMullen 28 Teele Rd., Bolten Christopher Padgett 2 Linden St., Salem
TAXI OPERATORS:	Franchesco Caraballo Perez 13 Barnard Hawkes Ct., Marblehead Arison Sanchez 16 ½ Chase St., Salem Domingo Morgnta Abreu 5 Albion St., Salem Felix Nunez Arias 50 Childs St., Lynn Jose Suriel Alvarez 7 Roslyn St., Salem
TAXI CAB/LIMO'S	Salem Taxi 30 Federal St., Salem 3 Limo's

#137 – CLAIM

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

Subrogated:	Latitude 6785 Telegraph Rd, Bloomfield MI (Claire Murphy 48 Belleview Ave)
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#138 - DRAINLAYER/CONTRACT OPERATOR LICENSES

The Following Drainlayer/Contract Operator Licenses were granted.

Peterson Construction 210 Broadway, Lynn
 Caruso Corporation 320 Charger St., Revere
 Geosearch, Inc 11 Chocksett Rd., Sterling
 Agganis Construction, Inc. 200 Broadway, Lynnfield
 D&M Civil, Inc 30 Long Bridge Rd, Middleton
 Dibiasse Corporation PO Box 780 Lynnfield
 Early Contractors inc., 50 South Main St., Bradford
 Super Service Today 4 Jewel Dr., Wilmington
 McGrath Enterprises 28 Oakville St., Lynn
 Raffaele Construction Corp. 233 Burrill St., Swampscott
 Danella Line Services 37 Ayer Rd., Littleton
 Phoenix Communications 25 Bowditch Dr., Shrewsbury
 Spencer Contracting Corp. 67 Foster St., Peabody

(#109) – SECOND PASSAGE TRAFFIC ORDINANCE – HANDICAP PARKING – OCEAN AVE.

The second and final passage of the following traffic ordinance was adopted.

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:

Ocean Avenue - in front of #69 Ocean Ave. for a distance of twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

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(#110) – SECOND PASSAGE TRAFFIC ORDINANCE – PARKING PROHIBITED – LAFAYETTE STREET

The second and final passage of the following traffic ordinance was adopted.

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:

Lafayette Street – Parking Prohibited on Certain Streets – Easterly side, from intersection with Palmer Street, extending southward for 45 feet.

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

On the motion of Councillor Dominguez the meeting adjourned at 7:48 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK