

CITY OF SALEM
MAY 11, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, May 11, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on May 9, 2023, at 11:13 A.M. This meeting is being recorded and is live on S.A.T.V.

Councillor Watson-Felt was recorded as absent.

Council President Stott presided.

Councillor McClain 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. Steve Kapantais – 23 Wisteria Street, Salem – Public Testimony
2. Dr. Miyabe Shields, 469 Loring Ave., Salem – Resolution to Decriminalize Fungi
3. Matt Stella, 22 Oliver St., Salem – Resolution to Decriminalize Fungi
4. Christine Madore, 20 Federal St., Salem – Saltonstall petition
5. Erin Turowski, 63 Palmer St., Saltonstall petition

#248 – APPOINTMENT OF BRENDAN CASEY TO THE TRAFFIC AND PARKING COMMISSION

The Mayor's Appointment of Brendan Casey of 29 Briggs St. to serve on the Traffic and Parking Commission with a Term to Expire on May 11, 2024, was held under the rules.

#249 - APPOINTMENT OF WILLIAM JACOB TO SERVE ON THE CONSERVATION COMMISSION

The Mayor's Appointment of William Jacob of 51 Memorial Dr. to serve on the Conservation Commission, with a Term to Expire March 24, 2025, was held under the rules.

#250 - PAY FY 2020 INVOICE WITH FY 2023 BUDGET – POLICE DEPARTMENT

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 9 yeas, 0 nays and 1 absent

ORDERED: Per MGL Chapter 44 Section 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City

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Council we request the sum of One Thousand Five Hundred Forty-Two Dollars and Six Cents (\$1,542.06) of outstanding Fiscal Year 2020 invoices is hereby allowed to be paid from the Fiscal Year 2023 Police Department budget as listed below in accordance with the recommendation of His Honor the Mayor.

Department	Vendor	Amount
Police Department (12102-5421 Office Supplies)	Konica Minolta	\$ 1,542.06
Total		\$ 1,542.06

#251 – DONATION OF \$25,000.00 TO SUPPORT COMMUNITY IMPACT UNIT AND RESCUE DOG

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation from Lifebridge in the amount of Twenty-Five Thousand Dollars (\$25,000.00) to support costs associated with the Community Impact Unit (CIU) and Community Rescue Dog (CRD) at the Salem Police Department. These funds will be deposited into the K9 Donation Account - Fund (2412) account number 24121-4830 in accordance with the recommendation of His Honor the Mayor.

#252 – DONATION OF \$1,955.00 FOR TREE PLANTINGS IN THE SALEM COMMON

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation from David H. Twomey in the amount of One Thousand Nine Hundred Fifty-Five Dollars (\$1,955.00) for tree plantings in the Salem Common. These funds will be deposited into the Tree Donation Fund (26C0) account number 26C01-4830 in accordance with the recommendation of His Honor the Mayor.

#253 - SECURE FIREARM STORAGE NOTIFICATION RESOLUTION

The following resolution submitted by the Mayor was adopted by a roll call vote of 9 yeas, 0 nays and 1 absent.

RESOLUTION: Secure Firearm Storage Notification Resolution

The City of Salem Administration and City Council wish to echo the Salem Public School Committee's efforts, especially including that our highest priority is school safety. While we

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focus on all areas of safety, this particular resolution has a focus on gun violence prevention through the leadership of the district, information sharing, empowerment, and education of our school community.

Whereas, The safety and well-being of our students, teachers, and staff is a top priority of Salem City Council;

Whereas, In the United States, gun violence is the leading cause of death in children and teens;

Whereas, Evidence strongly suggests that secure firearm storage is an essential component to any effective strategy to keep schools and students safe;

Whereas, An estimated 4.6 million American children live in households with at least one loaded, unlocked firearm;

Whereas, Every year, roughly 350 children under the age of 18 unintentionally shoot themselves or someone else, about one unintentional shooting per day; and 70 percent of these incidents take place inside a home;

Whereas, 1200 children and teens die by gun suicide each year and over 80 percent of children under age 18 who died by firearm suicide used a gun belonging to a family member;

Whereas, Research shows that secure firearm storage practices are associated with up to a 78 percent reduction in the risk of self-inflicted firearm injuries and up to an 85 percent reduction in the risk of unintentional firearm injuries among children and teens;

Whereas, In incidents of gun violence on school grounds, up to 80 percent of shooters under the age of 18 obtained their guns from their own home or that of relatives or friends;

Whereas the US Secret Service National Threat Assessment Center recommend the importance of appropriate storage of weapons because many school attackers used firearms acquired from their homes;

Whereas, Keeping students, teachers, and staff safe from the threat of gun violence should be the responsibility of all adult stakeholders at each of our school sites;

Whereas, Across the country, lawmakers, community members and local leaders are working together to implement public awareness campaigns, such as the Be SMART Program, which is endorsed by the National PTA and encourages secure gun storage practices and highlights the public safety risks of unsecured guns;

Whereas, Secure storage of firearms is a legal requirement in Massachusetts pursuant to G.L. Chapter 140, sections 131L and 131C, and failure to comply with secure storage laws can lead to criminal prosecution, jail time, fines, and/or revocation of FID card or license, depending on the offense;

Whereas, the American Academy of Pediatrics recommends storing firearms unloaded and locked, with ammunition locked separately to reduce risks of injury to children;

Whereas, in order to continue with preventive measures to increase student and school safety we must act now; therefore, be it Resolved, That the Salem City Council Committee and the Mayor will continue to work with local law enforcement agencies, health agencies and non-profit

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organizations to collaborate and increase efforts to inform District parents and guardians of their obligations regarding secure storage of firearms in their homes and vehicles.

#254 – CITY SEAL AND LETTER OF THANKS TO SANDRA POWER

The letter from the Acting Mayor requesting the Council send a City Seal and Letter of Thanks to Sandra Power was adopted and that the City Clerk send a letter of thanks and city seal.

Honorable City Councillors,

On behalf of the Beautification Committee and Acting Mayor Bob McCarthy, we would like to thank Sandra Power for her contributions over the past many years in working to make the City of Salem beautiful.

As a member of the community and a member of the Salem Beautification Committee, Sandi has worked tirelessly creating and maintaining the lovely gardens that community members and visitors have enjoyed and will continue to enjoy for many years. These spaces throughout the City have been closely monitored and maintained by Sandi and her dedicated volunteer group. We recognize Sandi played an important role initiatives such as the Window Box Competition and finding traffic island sponsors.

We thank Sandi for her passion, dedication, and talent that you shared for so many years. I recommend that the Salem City Council please send an official recognition through a letter of thanks with the City Seal and send to Ms. Power to extend our unified thanks and gratitude.

Thank you,
Acting Mayor Bob McCarthy

Councillor Varela stated she is a great role model.

Councillor Prosniewski tips his hat to her and recognizes how many hours of back breaking work and putting her life in danger to make our traffic islands look beautiful.

Councillor Cohen added she is the most persistent person he has met.

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#255 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – NORTH STREET

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

In the year two thousand and twenty-three

An Ordinance to amend an Ordinance relative to Traffic

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

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

North Street - in front of #227 North Street, running in a southerly direction 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.

#256 – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 17B – MUNICIPAL PARKING LOT FOR LOCAL YOUTH FUNDRAISING

The following ordinance introduced by Councillor Hapworth 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 17 – Penalties of Article I is hereby amended by deleting the following from Section 17B - Municipal Parking Lot Made Available for Local Youth Fundraising:

of \$20.00

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

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#257 – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 75 – HALLOWEEN RESIDENT PARKING

The following ordinance introduced by Councillor Prosniewski was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

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

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.

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**#258 - #264 – THE FOLLOWING TRAFFIC ORDERS AND RECOMMENDATIONS
RELATIVE TO HALLOWEEN PARKING**

The following orders introduced by Councillor Prosniewski was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole Councillor Prosniewski (the following 6 orders)

Ordered: That the parking rate for the parking lot locations identified below shall be \$20.00 per day*:

Crombie Lot (283 Essex Street) – October 1 to October 31, 2023. Saturday through Sunday, 8:00am to 6:00pm. Residents may park for free during these times but must register at the Parking Kiosk or with the Passport Parking App.

Old Salem Jail Lot (Adjacent to 13 Howard Street) – October 1 to October 31, 2023. Saturday through Sunday, 8:00am to 6:00pm. Residents may park for free during these times but must register at the Parking Kiosk or with the Passport Parking App.

Crescent Lot (252 Bridge Street) – October 1 to October 31, 2023. Saturday through Sunday, 8:00am to 6:00pm. Residents may park for free during these times but must register at the Parking Kiosk or with the Passport Parking App.

* Visit shall be defined as any length of stay between 0-12 hours

** When Halloween falls on a weekday, higher rates go into effect at 3PM

Ordered: That the parking rate for the parking lot locations identified below shall be \$40.00 per day:

Church Street East Lot (15 Federal Street) – October 1 to October 31, 2023. Saturday through Sunday, 8:00am to 6:00pm. Residents may park for free during these times but must register at the Parking Kiosk or with the Passport Parking App.

Church Street West Lot (15 & 29 Federal Street) – October 1 to October 31, 2023. Saturday through Sunday, 8:00am to 6:00pm. Residents may park for free during these times but must register at the Parking Kiosk or with the Passport Parking App.

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Ordered: That the parking rate for the parking garage locations identified below shall be \$20.00 for 0-2 hours and \$50 for 2 hours and up:

Museum Place Garage (1New Liberty Street) – October 1 to October 31, 2023
 Weekends including Indigenous People’s Day (Columbus Day) and Halloween**.

South Harbor Garage (245 Derby Street) – October 1 to October 31, 2023
 Weekends including Indigenous People’s Day (Columbus Day) and H

* Visit shall be defined as any length of stay between 0-12 hours

** When Halloween falls on a weekday, higher rates go into effect at 3PM

Ordered: That the parking rate for the locations identified below shall be \$1.00 per hour:

Canal Street – Temporary Parking Meter Zone Established – both sides, from the intersection with Lyme Street to a point approximately two hundred fifty (250) feet south of the intersection with Washington Street / Mill Street. October 1 to October 31, 2023. Saturday through Sunday, 12:00pm to 6:00pm. Residents may park for free during these times but must register with the Passport Parking App.

Margin Street – Temporary Parking Meter Zone Established – east side only, from the intersection with Endicott Street to a point just north of the Salem Police Department’s driveway (95 Margin St). October 1 to October 31, 2023. Saturday through Sunday, 12:00pm to 6:00pm. Residents may park for free during these times but must register with the Passport Parking App.

Ordered: That the parking rate for the location identified below shall be \$2.00 per hour:

North Street – Temporary Parking Meter Zone Established – 22 perpendicular spaces located adjacent to the North Street Bridge and 4 Franklin Street. October 1 to October 31, 2023. Saturday through Sunday, 12:00pm to 6:00pm. Residents may park for free during these times but must register with the Passport Parking App.

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Ordered: That the streets set forth below, with limited resident permit parking, shall be designated as temporary resident permit parking only streets from October 1 to November 1, 2023, during the hours of 5:00 P.M. to 7:00 A.M., Monday through Friday, and 12:00 P.M. to 7:00 A.M. Saturday through Sunday.

Temporary Resident Permit Parking Only Streets

1. Chestnut Street from Cambridge Street to Summer Street
2. Derby Street from Becket Avenue to Webb Street
3. Essex Street from Monroe Street to Summer Street
4. Hawthorne Boulevard from Essex Street to Charter Street

The Traffic and Parking Commission submitted the following Advisory Recommendation Action Report relative to waiting on extending the October resident Parking period in order to monitor parking activity in September 2023 (more data can be found in back-up)

Notice to the City Council of Traffic and Parking Commission Action

At a meeting of the Salem Traffic and Parking Commission held on April 26, 2023 and attended by:

- ☒ Tanya Shallop, Chair
- ☒ Jaime Garmendia
- ☐ Jeff Swartz
- ☒ Lt. David Tucker

The Commission took the following action:

- ☒ Advisory Recommendation
- ☐ Ordinance Change Recommendation
 - ☐ Handicap Parking
 - ☐ Resident Parking
 - ☐ Other Change

Background and notes: During a meeting of the Traffic & Parking Commission on April 26, 2023, city staff presented data related to parking activity in 2022 with a focus around parking utilization during the middle to end of September. This was based on a request from the Commissioners at a prior meeting to help determine whether an extension of October resident permit parking was warranted. Based on the data presented, staff recommended that an extension be postponed and further monitoring take place in the fall of 2023. At this meeting, the commissioners reviewed the data and agreed with the staff's recommendation.

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Motion and Vote: *On a motion duly made by Commissioner Garmendia and seconded by Commissioner Tucker, the Traffic and Parking Commission voted to recommend waiting on extending the October resident parking period in order to monitor parking activity in September 2023. **The vote is three (3) in favor, and none (0) opposed, the motion passes.***

Vote:

The motion was made by Commissioner Garmendia and seconded by Commissioner Tucker.

In Favor:

☒ Tanya Stepasiuk, Chair
Chair

☒ Jaime Garmendia

☐ Jeff Swartz

☒ Lt. David Tucker

Opposed:

☐ Tanya Stepasiuk, Chair

☐ Jaime Garmendia

☐ Jeff Swartz

☐ Lt. David Tucker

Abstained:

☐ Tanya Stepasiuk,

☐ Jaime Garmendia

☐ Jeff Swartz

☐ Lt. David Tucker

#265 – (#232) – REVIEWING COMPENSATION FOR THE SCHOOL COMMITTEE

Councillor McClain 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 it was referred the matter of reviewing the Compensation of the School Committee, Ch 2, Article 4, Division 11 (School Committee), Sec. 2-142 (Compensation), has considered said matter and would recommend that the matter of the school committee compensation be transmitted to the City Council Committee on Ordinances, Licenses and Legal Affairs to craft ordinance update language that accomplishes the following: 1. The form of school committee compensation will be converted from a stipend to salary. 2. The percentage of school committee compensation relative to the mayor's salary will be increased to 8%. 3. An effective date for the preceding changes will be established explicitly in the ordinance.

#266 – (#242) – 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 discussing Granting of Certain Licenses – Tag Days – SHS Marching Band December 2, 2023, has considered said matter and would recommend that the license be granted.

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#267 – (#229) – PRESENTATION FROM FINANCE DIRECTOR RELATIVE TO WATER AND SEWER RATES

Councillor Morsillo 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.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom it was referred the matter of a presentation from CFO Anna Freedman with information relative to Water and Sewer Rates, has considered said matter and would recommend that the presentation be received and filed.

Councillor Morsillo stated there was a lot of data and information in this presentation for current and future water and sewer rates.

They discussed how billing should be more transparent so owners can understand real costs of usage and to add a flat annual charge for those that have fire suppression systems.

Councillor Cohen added how to conserve such as a water ban like other communities have when there is a draught.

Councillor Varela still need to bring up resident rainwater. We need to incentivize this great water system.

Councillor Morsillo still waiting for State to pass the HRP sent in January. It is now a political football. Salem is not being fairly compensated. No other community stepped up to house the SESD.

#268 – (#21) – DRAFT ORDINANCE TO CREATE A COMPOSTING ORDINANCE

Councillor Varela offered the following report on the Committee on Public Health, Safety and Environment. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment to whom it was referred the matter of discussing Draft Ordinance to create a Composting Ordinance, has considered said matter and would recommend that the matter remain in committee.

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#269 – (#423 of 2022, #113 & #269A) – RESOLUTION ON LEGALIZING CERTAIN PLANT BASED MEDICINES

Councillor Varela offered the following report on 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.

Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom it was referred the matter of meeting with Mr. James Davis from Bay Staters for Natural Medicine to discuss legalizing certain plant medicines, has considered said matter and would recommend the following resolution be adopted by roll call vote.

#269A – RESOLUTION TO DECRIMINALIZE PSILOCYBIN-CONTAINING FUNGI

The following resolution was adopted by a roll call vote of 9 yeas 0 nays and 1 absent.

WHEREAS: Along with many cities and states across the country, Salem has begun in recent years to recognize that criminalizing users of substances such as cannabis is neither a just or effective legal approach; and

WHEREAS: Drug policy in the United States and the so-called “War on Drugs” has historically led to unnecessary penalization, arrest, and incarceration of vulnerable people, particularly people of color and of limited financial means, instead of prioritizing harm-reduction policies that treat drug abuse as an issue of public health; and

WHEREAS: Psilocybin-containing fungi have been used for centuries by people in different cultures to address conditions including substance abuse, addiction, post-traumatic stress disorder (PTSD), elements of Persistent Traumatic Stress Environment (PTSE) conditions, chronic depression, end-of-life anxiety, grief, cluster headaches, migraines, and tendencies toward recidivism, as well as to improve mental and socio-emotional health; and

WHEREAS: The pandemic has led to a wave of heroin and opioid overdose deaths and depression in Massachusetts communities, two ailments that psilocybin-containing fungi have been shown to have particular strength in treating according to peer-reviewed medical research; and

WHEREAS: The Salem City Council has adopted goals that include: Ensure City’s budget allocates resources responsibly and responsively. Ensure Public Safety efforts reflect current and emerging challenges and opportunities in a way that incorporates Salem’s core values; and

WHEREAS: Cities in the United States have long possessed an inferred constitutional right to regulate commerce and public safety within their jurisdictions, a principle

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acknowledged by the Cole Memorandum produced by the U.S. Department of Justice that permitted states and localities to deprioritize law enforcement of cannabis charges; now therefore be it

ORDERED: That the Mayor be and is hereby requested to direct city staff to work with the City's state and federal partners in support of decriminalizing all psilocybin-containing fungi and be it further

RESOLVED: That the City Council calls upon the Essex County District Attorney to deprioritize the prosecution of persons involved in, but not limited to psychedelic-assisted therapeutic services, possession, sharing or cultivation of psilocybin-containing fungi and the use or possession without the intent to distribute; and be it further

RESOLVED: That the City Council hereby maintains that it should be the policy of the City of Salem that the arrest of adult persons for using or possessing psilocybin-containing fungi shall be amongst the lowest law enforcement priority for the City of Salem; and be it further

RESOLVED: That the City Council hereby maintains that no City of Salem department, agency, board, commission, officer or employee of the city should use city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of psilocybin-containing fungi by adults; and be it further

RESOLVED: That the City Council hereby maintains it should be the policy of the City of Salem that the investigation and arrest of adult persons for cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing psilocybin-containing fungi shall be amongst the lowest law enforcement priority for the City of Salem; and be it further

RESOLVED: That the City Council does not have the power and this resolution does not authorize or enable any of the following activities: commercial sales or manufacturing of psilocybin-containing fungi, possessing or distributing these materials on school grounds, driving under the influence of these materials; or public disturbance.

Councillor McClain was interested by the commentary from the Chief of Police.

Councillor Prosniewski stated over the 40 years of his police career addiction ends sadly not only for the people we lost but the people they leave behind. Listening to the professionals, they get it. Salem has always been the leader, let's lead and support this.

Councillor Varela stated we are one of the few cities that have a resolution. There should be discussion of decriminalizing other drugs but wanted to concentrate on one drug first.

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#270 – (#203) – PRIMARY AND SECONDARY METHODS OF CITY COUNCIL AND SUBCOMMITTEE MEETINGS

Councillor Dominguez assumed the Chair.

Councillor Stott offered the following report from the Committee of the Whole. It was voted to accept the report and adopt the recommendation as amended.

The Committee of the Whole to whom it was referred the matter of adopting and order on the primary and secondary methods of City Council and subcommittee meetings has considered said matter and would recommend the following resolution be adopted by roll call vote.

Original Order submitted on April 13, 2023:

Ordered: Notwithstanding Chapter 2 of the Massachusetts Acts of 2023 allowing public bodies to continue holding public meetings remotely until March 31, 2025, the City Council and its Standing Committees shall meet in person. In person shall be the primary method of public access to such meetings. A secondary method of public access may be provided, if technologically feasible, through Salem Access Television and/or remotely through technological means such as Zoom.

A quorum of members must be present in person unless a meeting is posted noting that the meeting will be held as a hybrid meeting, meaning both in person and remotely and enabling a quorum to include members present in Council Chambers and remotely. A hybrid meeting may only be held if members of the public can observe and listen to the meeting, or if it is a public hearing, they are able to provide public comment remotely.

All meeting notices shall indicate clearly whether or not the primary method of public access is in person, in person with a secondary public access via remote participation, or hybrid where the in-person and remote access must both be available. If applicable, the meeting notice shall indicate how members of the public may access the meeting remotely including the relevant links, URLs, access codes, PINs, meeting ID numbers, or telephone numbers.

This Order supersedes the Remote Participation Policy adopted by the City Council on March 24, 2022.

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Amended Order:

ORDERED:

Purpose: It is the intent of the City Council that its meetings be available to the public in person, remotely, and through Salem Access Television

Notwithstanding Chapter 2 of the Massachusetts Acts of 2023 allowing public bodies to continue holding public meetings remotely until March 31, 2025, the City Council and its Standing Committees shall meet in person. In person shall be the primary method of public access to such meetings. A secondary method of public access may be provided, if technologically feasible, through Salem Access Television and/or remotely through technological means such as Zoom. A quorum of members must be present in person unless a meeting is posted noting that the meeting will be held as a hybrid meeting, meaning both in person and remotely and enabling a quorum to include members present in Council Chambers and remotely. A hybrid meeting may only be held if members of the public can observe and listen to the meeting, or if it is a public hearing, they are able to provide public comment remotely.

All meeting notices shall indicate clearly whether or not the primary method of public access is in person, in person with a secondary public access via remote participation, or hybrid where the in-person and remote access must both be available. If applicable, the meeting notice shall indicate how members of the public may access the meeting remotely including the relevant links, URLs, access codes, PINs, meeting ID numbers, or telephone numbers.

This Order supersedes the Remote Participation Policy adopted by the City Council on March 24, 2022.

#271 – EXEMPTION FROM MGL CH. 268A SEC. 20(B) – LINDA ABBENE

The following order submitted from the City Solicitor was adopted by a roll call vote of 9 yeas, 0 nays and one absent.

ORDERED: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Linda Abbene has met the requirements for exemption as set forth in this Section and may be retained as an Art Teacher by the Park, Recreation and Community Services Department and Council on Aging, not to exceed 500 hours in this calendar year.

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#272 – EXEMPTION FROM MGL CH. 268A SEC. 20(B) – KRISTEN STEVENS

The following order submitted from the City Solicitor was adopted by a roll call vote of 9 yeas, 0 nays and one absent.

ORDERED: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Kristen Stevens has met the requirements for exemption as set forth in this Section and may be retained as a Lacrosse Leader by the Park, Recreation and Community Services Department, not to exceed 500 hours in this calendar year.

#273 – MEET TO DISCUSS THE PRESENT FLOOD ORDINANCE

The following letter submitted by Tom Daniel, City Planner requesting a meeting with the Committee of the Whole relative to a Flood Ordinance was adopted.

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Request to Present Flood Ordinance to Committee of the Whole

Dear Honorable Members of the City Council:

At the City Council meeting on May 26, 2022, the City Council adopted an order authorizing Short-Term Capital funds to support the update the Flood Hazard Overlay District Zoning Ordinance to require new and renovated buildings to be resilient to not only today's flood risk, but to flooding projected to worsen in the coming decades as a result of climate change.

DPCD and Sustainability staff, with technical support from Beals + Thomas, Inc., have been developing the ordinance with a working group consisting of staff from the DPCD, Engineering, Building, and Sustainability Departments, representatives from the City Council, land use boards, local environmental groups, the development community, and the general public. The project team hosted a public forum on April 10 and presented the proposed ordinance to the Sustainability, Energy, and Resiliency Committee on May 26.

We anticipate formally submitting a draft ordinance for the Council's consideration later this year. However, we propose to present preliminarily to the Committee of the Whole to request input prior to formal submittal. Ideally, the Committee of the Whole meeting would be scheduled in May.

If you have any questions, please contact Tom Devine at tdevine@salem.com or 978-619-5685.

Sincerely,
Tom Daniel, AICP, Director
Cc: Acting Mayor McCarthy

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#274 – PETITION FROM NATIONAL GRID TO INSTALL A CONDUIT ON JEFFERSON AVENUE

A hearing was ordered for May 25, 2023, on the petition from National Grid to install a Conduit on Jefferson Ave.

#275 – PETITION FROM NATIONAL GRID TO INSTALL A JOINTLY OWNED POLE ON JEFFERSON AVENUE

A hearing was ordered for May 25, 2023, on the petition from National Grid to install a jointly owned Pole on Jefferson Ave.

#276 BLOCK PARTY – BEACH STREET AND BAY VIEW AVENUE

Request from residents of Beach St and Bay View Ave to hold a Block Party on June 3, 2023, from 2:00PM – 9:00PM was granted.

#277 – PETITION FOR AN INFLAMMABLE LICENSE AT 373 HIGHLAND AVENUE – TROPICAL PRODUCTS

A hearing was ordered for May 25, 2023, on a petition from Berman Properties, LLC (Tropical Products) to keep/store Inflammables, 4000 gallons of LP-gas in 4 Above ground Storage Tanks at 373 Highland Avenue.

#278 – PETITION FROM SALTONSTALL SAFE CYCLING COALITION FOR SAFE BIKE LANE ON LAFAYETTE STREET

The petition from the Saltonstall Safe Cycling Coalition to make the bike lane on Lafayette Street safer for all cyclists by moving the bike lane to the other side of the parked cars to create a car protected bike lane was received and filed.

Councillor Cohen requested and received suspension of the rules to allow the teacher and students to speak.

The teacher explained that the students were given a Civic Project requiring action in January of this year and they chose transportation by bikes. They looked at statistics for bicycle accidents and took a field trip to North Street. They wanted to know why more students didn't ride their bikes to school especially if they live near by. They found it all came down to safety so they are looking for the Council's support on their petition to move the bike lane on Lafayette street to the other side of parked cars for safety reasons.

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#279 - #282 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:	Brittney Avila 63 Federal St., Salem Ryan Sullivan 8 Hersey St., Salem Diane Sanchez 6 Sutton Ave., Salem Erik Smith 35A Pond St., Marblehead Tom Frara 25 Elaine Ave., Saugus Tess Hosman 119 highland St., South Hamilton Sharon Cazenave 15 Barnstable St., Swampscott Hilary Ippolito-Wan 42 Walter St., Salem Peter White 233 Kelton St., Boston
TAXI OPERATORS:	Genarina A. Corsino Veras 11 Prince St., Pl., Salem Victor Alfonso Ozoria Toribio 9 Prince St., Pl., Salem
LIMOUSINES:	Salem Taxi Co. 30 Federal St. (4 Limos) Super Witch Taxi 88B Lafayette St (2 Limos) Witch City Taxi 92 Jackson St. (3 Limos)
VEHICLE FOR HIRE: OPERATORS ONLY	Mario J. Bergner 10 Boxford Rd., Rowley Karen P. Horgan 6 MacArthur Terr., Peabody

#283 - #284 – CLAIMS

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

Kelsey Tenore 137 Brendans Way, Wells ME
 Gregory Worth Sr. 8 Village St. Marblehead

#228 - SECOND PASSAGE OF AN ORDINANCE ESTABLISHING A FLAG RAISING POLICY

The following ordinance establishing a flag raising policy was adopted for second passage.

In the year two thousand and twenty-three

An ordinance to establish a flag raising policy

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

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SECTION 1: City of Salem Code, Ordinances, Chapter 1, is hereby amended by inserting a new section as set forth below:

“Sec. 1-13. Flag Raising

(a) Purpose

The purpose of this Ordinance is to establish guidelines for the display by the City of Salem of (1) flags of governments recognized by the Federal Government, and (2) other flags on Riley Plaza.

(b) Policy

It is the policy of the City of Salem that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144 and Chapter 2, Section 6 of the Massachusetts General Laws and Chapter 2.

(c) Order of Precedence

Outdoor flags will be flown Riley Plaza in the following order of precedence: first, the United States flag and second, the Missing in Action Prisoners of War flag.

(d) Special occasions of Federal, State and local proclamation

1. Flags at Riley Plaza shall be displayed in accordance with the above standards. However, the Mayor may order flags to be lowered to half-staff including, but not limited to flags of the United States of America and the Commonwealth of Massachusetts in honor of the death of a City employee killed in the line of duty, or in observance of a specific event or circumstance.

2. Pursuant to proclamation of the Mayor, or resolution of the City Council, other flags may be flown by the City in place of the Missing in Action Prisoners of War flag.

(e) Other Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

1. Flags of Governments Recognized by the United States. Flags of governments recognized by the United States may be displayed upon the proclamation of the Mayor or by resolution of the City Council.
2. Flags Displayed in Conjunction With Official Events or Ceremonies as Announced by Mayoral Proclamation or City Council Resolution. By proclamation of the Mayor or resolution of the City Council, other flags

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may be displayed as official City events or ceremonies.

3. Flags of Professional Sports Teams. The Mayor may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of Salem.
4. Ownership of Other Flags. The City shall acquire ownership of all flags that it flies in place of the City of Salem flag.

(f) Time limit

Flags other than the United States and of the Missing in Action Prisoners of War flags shall be displayed for 24 hours, but no more than two weeks, unless otherwise agreed upon in writing by the Salem Mayor's Office no less than two weeks before the scheduled flag raising. The display shall not exceed two weeks.

(g) Application

Any entity or individual requesting a flag raising shall submit an application to the Mayor's Office no less than two weeks prior to the desired flag raising date.

SECTION 2: This Ordinance shall take effect upon passage.

On the motion of Councillor Dominguez the meeting adjourned at 9:00 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK