

CITY OF SALEM
NOVEMBER 17, 2022
REGULAR MEETING

A Regular Meeting of the City Council was held in-person and remotely via zoom on Thursday, November 17, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on November 15, 2022, at 12:28 P.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors present.

Council President Morsillo presided.

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

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

PUBLIC TESTIMONY

1. Steve Kapantais, 23A Wisteria St., Salem - TIF for Lee Fort Terrace
2. Stacia Kraft, 140 Federal St., Salem – TIF for Lee Fort Terrace and Ordinance amending Disposition of City-owned properties
3. Joseph Doyle, 7 Lee Fort Terrace, - TIF for Lee Fort Terrace

(#579) – LAYING OUT AND STREET ACCEPTANCE FOR AMANDA WAY AND PORTION OF OSBORNE HILL DRIVE

Continued from the last meeting, a hearing on the Laying Out and Street Acceptance for Amanda Way and a portion of Osborne Hill Drive as public ways or streets in the City of Salem.

Brian McGrail, Attorney for Strong Water Crossing appeared in favor. He stated that the hearing was continued to allow Dave Knowlton to finish the review of the utilities. Attorney McGrail stated it is done and there were no issues.

Councillor McClain confirmed that the Department of Public Services did complete the review.

No one appeared opposed.

Councillor McClain moved that the public hearing be closed. It was so voted.

Councillor McClain moved that the laying out and street acceptance be adopted by roll call vote. The matter was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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#639 – APPOINTMENTS TO THE SALEM FOOD POLICY COUNCIL

The Mayor's Appointments of the following to the Salem Food Policy Council with a terms to expire on November 17, 2025 were held under the rules

Johan Arango-Quiroga 7 Fairview Ave. Salem
Robyn Burns 15 Carlton St. Salem
Allison Caffrey 35 Congress St. Salem
Flora Cordoleani 52 Webb St. Salem
Celia Grant 8 Alvah Kittredge Park, Boston
Sara Moore 1 Purchase St., Salem
Claudia Paraschiv 20 Fowler St., Salem
Irvett Perrin 437 Andover St., Lawrence
Julie Pottier-Brown 2 Gedney Court, Salem
Joel Simonson 34 Forrester St., Salem

(A letter was submitted by the Mayor to correct the terms of expiration. The new terms will be reflected on the next meeting agenda.)

#640 – APPOINTMENT TO THE SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE

The Mayor's Appointment of Jack Nessen 26 Phelps St. to the Sustainability, Energy and Resiliency Committee with a term to expire on July 20, 2023 was held under the rules.

#641 – APPOINTMENT TO THE BEAUTIFICATION COMMITTEE

The Mayor's Appointment of Jason Lang of 43 Osgood St. to the Beautification Committee with a term to expire on November 17, 2025 was held under the rules.

#642 – APPOINTMENT TO THE SCHOLARSHIP AND EDUCATION COMMITTEE

The Mayor's Appointment of Heather Lang of 43 Osgood St. to the Scholarship and Education Committee with a term to expire on September 10, 2023 was held under the rules.

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#643 – APPOINTMENT TO THE HISTORIC COMMISSION

The Mayor's Appointments of Kelly Tyler-Lewis 23 Warren St., to the Historic Commission with a term to expire on November 17, 2024 was held under the rules.

#644 – APPOINTMENT TO THE RECYCLING COMMITTEE

The Mayor's Appointments of Demi Fox 7 Meadow St. to the Salem Recycling Committee was received and file. (Informational Purposes only).

#645 – APPOINTMENT TO THE SALEM HARBOR PORT AUTHORITY

Received after the Deadline of Tuesday Noon.

Councillor Prosniewski moved to suspend the rules to allow this matter to come before Council. There was no objection.

The Mayor's appointment of Captain Fred Ryan to the Salem Harbor Port Authority with a term to expire November 17, 2025 was held under the rules.

#646 – APPOINTMENT TO THE SALEM FOOD POLICY COUNCIL

Received after the Deadline of Tuesday Noon.

Councillor Varela moved to suspend the rules to allow this matter to come before Council. There was no objection.

The Mayor's appointment of Michaela Short, 81 Bancroft Rd. Melrose, to the Salem Food Policy Council with a term to expire November 17, 2025 was held under the rules

#647 – APPROPRIATION OF \$24,756.12 FOR RETIREMENT BUYBACK FOR SCHOOL EMPLOYEES

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

ORDERED: That the sum of Twenty-Four Thousand, Seven Hundred Fifty-Six Dollars and Twelve Cents (\$24,756.12) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2023 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

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Name	Department	Amount
Roberta Ahearn	Salem Public Schools	\$ 6,564.00
Rosalie Nealon-O'Connell	Salem Public Schools	\$ 18,192.12
		\$ 24,756.12

#648 - APPROPRIATION OF \$9,897.00 TO POLICE DEPARTMENT

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

ORDERED: That the sum of Nine Thousand Eight Hundred Ninety-Seven Dollars (\$9,897.00) is hereby appropriated from the General Stabilization Fund to the "Police Department Building Maintenance Account" (12102-5300) for the costs associated with repairs to the gun range due to water damage, in accordance with the recommendation of Her Honor the Mayor.

#649 – APPROPRIATION OF \$9,585.00 TO PARK AND RECREATION – GOLF COURSE

The following order submitted by the Mayor was adopted under suspension of the rules. Councillor Varela was recorded as opposed.

ORDERED: That the sum of Nine Thousand Five Hundred Eighty-Five Dollars (\$9,585.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec – Golf Course "Equipment" account 16512-5860 for costs associated with the purchase of nonpermeable green covers to protect the greens from winter ice damage in accordance with the recommendation of Her Honor the Mayor.

Description	Amount
Receipts Reserved – Golf Course (2436)	\$ 9,585.00
Total	\$ 9,585.00

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#650 – DONATION OF \$3,000.00 TO PARK AND RECREATION FUND

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation of Three Thousand Dollars (\$3,000.00) from Alexandra Camarillo. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a Classic Series Bench at Salem Common or within Historic District in accordance with the recommendation of Her Honor the Mayor.

#651 – DONATION OF \$2,700.00 TO THE SALEM COUNCIL ON AGING

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation from Friends of the Salem Council on Aging in the amount of Two Thousand Seven Hundred Dollars (\$2,700.00) for Thanksgiving meals for isolated or homebound seniors. These funds will be deposited into the COA Donations Fund - Fund (2401) account number 24011-4830 in accordance with the recommendation of Her Honor the Mayor.

#652 – DONATION OF \$1,200.00 TO THE PARK AND RECREATION FUND

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation of One Thousand Two Hundred Dollars (\$1,200.00) from Richard E. Nardella. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a wooden historic bench in accordance with the recommendation of Her Honor the Mayor.

#653 – ORDINANCE TO AMEND CH. 36 RELATIVE TO PICKUP OF LARGE ITEMS

The following ordinance submitted by the Mayor was referred to the Committee on Ordinances, Licenses and Legal Affairs.

An Ordinance to amend an Ordinance relative to Pickup of large items.

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

Section I. Chapter 36 – Solid Waste Management is hereby amended by:

- 1.) Adding the word “/Fee” within the heading of Sec. 36-4 so it shall read “Sec. 36-4. Pickup of large items/Fee.”

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- 2.) Striking the words “mattresses and” within Sec. 36-4 (a) so it shall read “Up to two bulk items such as furniture shall be collected by appointment by the city's solid waste collection contractor during the resident's recycling pick-up week.”
- 3.) Inserting the following new paragraph within section 36-4 “(b) Mattresses and box springs shall be collected by appointment by the City’s mattress recycling contractor twice per month. Each residential unit shall be limited to recycling two such items through the City contract per calendar year.”
- 4.) Replacing subsection (b) within Sec. 36-4 with “(c)”.
- 5.) Inserting the following new paragraph within section 36-4 “(d) The fee for the collection of each bulk item, mattress or box spring shall be twenty dollars (\$20), paid directly to the City’s collection contractors.”
- 6.) Adding the letter “(e)” at the beginning of the last paragraph immediately before the words “Construction and demolition”.

Section II. This ordinance shall take effect as provided by city charter.

#654 – FREE PARKING IN MUNICIPAL GARAGES, LOTS AND METERS ON CERTAIN DATES

The following order submitted by the Mayor was adopted.

ORDERED: The City Council hereby authorizes free parking in municipal garage, lots, and meters on November 25, November 26 and November 27, 2022 in support of Small Business Saturday, and December 23, 24, 25, and 26, 2022.

#655 – WAIVING OF LATE FEES UPON PAYMENT OF UNPAID PARKING TICKETS (PEAS FOR FEES)

The following order submitted by the Mayor was adopted.

ORDERED: Upon payment of an unpaid parking fine and the donation of two non-perishable items or canned goods to be donated to local food pantries, the City Collector shall waive, from December 1, 2022 – December 23, 2022, up to thirty dollars in late fees added to an unpaid parking fine, as provided in Section 17A of the City of Salem Traffic Code. The Collector shall not waive any surcharge imposed by the Massachusetts Registry of Motor Vehicles if the Collector has notified the Registry of Motor Vehicles of an unpaid fine and a non-renewal of license and/or registration has been recorded by the Registry of Motor Vehicles.

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#656 – TO ESTABLISH AN URBAN CENTER HOUSING TAX INCREMENT FINANCING PROGRAM (UCH-TIF)

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

ORDERED:

WHEREAS, the Commonwealth of Massachusetts (hereinafter “the Commonwealth”) established the Urban Center Housing Tax Increment Financing Program (hereinafter “UCH-TIF”) per M.G.L., Chapter 40 Section 60; and

WHEREAS, the UCH-TIF requires a municipality to participate in a Tax Increment Financing (hereinafter “TIF”) agreement with a program applicant in order for that applicant to be eligible to receive local property tax exemptions on increased incremental value;

Now, Therefore, Be It Ordered:

1. That the Salem Neck UCH-TIF Zone as illustrated on the map and parcel table shown in the enclosed Salem Neck UCH-TIF District Plan and Zone Designation is hereby established and approved;
2. That the Salem Neck UCH-TIF District Plan and the activities described therein are hereby approved;
3. That the Mayor is hereby authorized to submit the Salem Neck UCH-TIF District Plan and Zone Designation to the Commonwealth’s Department of Housing and Community Development; and
4. That the Mayor, subject to City Council approval, is hereby authorized to negotiate tax increment financing (TIF) agreements with eligible project applicants who endeavor to utilize the benefits of the Salem Neck UCH-TIF District Plan and Zone Designation and that such tax increment financing agreements shall be of not more than 100% of the resulting increment from the developments for a period not to exceed 20 years for all or a portion of the increment in accordance with M.G.L. c. 40 section 60.

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#657 – TAX INCREMENT FINANCE AGREEMENT FOR LEE FORT TERRACE

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

ORDERED:

WHEREAS, the City of Salem has been in negotiation with BC Leefort Terrace LLC regarding a development consisting of one hundred twenty-four (124) units of affordable housing to be located at 1 and 2 Leefort Terrace, Salem, MA, (herein after the “Properties”) known as the Assessor’s Parcel IDs as follows

Address	Parcel Number
1 Leefort Terrace	41-0249-0
2 Leefort Terrace	41-0242-0

And

WHEREAS, the project proposed by BC Leefort Terrace LLC meets the minimum requirements of the Urban Center Housing Tax Increment Financing Program (UCH-TIF) created by Chapter 40 Section 60 of Massachusetts General Laws and the local objectives of the City of Salem’s Salem Neck UCH-TIF District Plan; and

WHEREAS, the proposed project is located at the Properties within the boundaries of the City of Salem’s designated Salem Neck UCH-TIF Zone; and

WHEREAS, BC Leefort Terrace LLC is investing approximately \$79 million to create 124 total units of housing; and

WHEREAS, the City of Salem has agreed to offer BC Leefort Terrace LLC a Tax Increment Financing Agreement. Said agreement is hereby approved by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Salem City Council hereby

- Endorses the use of Tax Increment Financing as a tool to encourage affordable housing production at the Properties, and;
- Provides for a tax exemption at the Properties based on the growth portion in assessed valuation of the property for a period of fifteen (15) years, beginning the first full fiscal year after the final residential Certificate of Occupancy is issued for the new building at 1 and 2 Leefort Terrace, and in accordance with the schedule below:

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Term Year	Exemption
1	100%
2	90%
3	85%
4	80%
5	70%
6	65%
7	60%
8	55%
9	50%
10	45%
11	40%
12	40%
13	35%
14	30%
15	30%

Said exemption being in accordance with the requirements and regulations established, which govern the implementation of such Tax Increment Exemption Agreements.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized, on behalf of the City, to enter into a Tax Increment Financing Agreement, a copy of which is attached hereto, with BC Leefort Terrace LLC.

BE IT FURTHER RESOLVED that the City of Salem is hereby authorized to submit a request to the Department of Housing and Community Development for approval of the Tax Increment Financing Agreement.

#658 – MEET TO DISCUSS HAUNTED HAPPENINGS ISSUES

The following order introduced by Councillor Riccardi was adopted as amended.

Original Order:

ORDERED: That the Community and Economic Development Committee meet to hold a 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.

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The meeting shall be held at the Mayor Jean Levesque community life center at 401 Bridge St to allow for a round table discussion with community planning partners and city staff, including inviting representatives from Destination Salem, Salem Chamber of Commerce, Salem Main Streets and The Creative Collective. The Mayor, Chief of Police, DPS, Parks and Rec, Finance and Legal departments are encouraged to send a representative to attend with information on the City's performance for the Halloween Season.

As Amended:

ORDERED: That the Committee on Community and Economic Development co-posted with the Committee of the Whole meet to hold a 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.

The meeting shall be held at the Mayor Jean Levesque community life center at 401 Bridge St to allow for a round table discussion with community planning partners and city staff, including inviting representatives from Destination Salem, Salem Chamber of Commerce, Salem Main Streets, The Creative Collective and the MBTA. The Mayor, Chief of Police, DPS, Parks and Recreation, Finance, Legal, health Agent, and Fire Chief are encouraged to send a representative to attend with information on the City's performance for the Halloween Season.

#659 – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING – BARSTOW STREET

The following ordinance introduced by Councillor Riccardi was adopted for first 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 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by repealing the following:

Repeal - in Front of #27 Barstow Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

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#660 – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING – CONANT STREET

The following ordinance introduced by Councillor Watson-Felt was adopted for first 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 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

In Front of #15 Conant Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

#661 – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING – OCEAN AVENUE

The following ordinance introduced by Councillor Cohen was adopted for first 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 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

In Front of #3 Ocean Avenue for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

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#662 – ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 50B – HANDICAP PARKING – ESSEX STREET

The following ordinance introduced by Councillor McCarthy was adopted for first 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 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

In Front of #42 Essex Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

#663 – (#625) – RESOLUTION FOR IMPROVEMENTS TO PALMER COVE PARK

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. The recommendation was adopted 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 it was referred the matter of Resolutions for Improvements to Palmer Cove Park has considered said matter and would recommend adoption as amended by roll call vote.

The amendment was to replace the word appropriates with allocates in #2 of the resolution.

#664 – (#626) – RESOLUTION FOR IMPROVEMENTS TO SALEM WILLOWS

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

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The Committee on Administration and Finance co-posted with the Committee of the Whole to whom it was referred the matter of Resolutions for Improvements to Salem Willows has considered said matter and would recommend adoption as amended by roll call vote.

The amendment was to replace the word appropriates with allocates in #2 of the resolution.

#665 – (#617) – GRANTING LICENSES

Councillor Riccardi 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 of Certain Licenses Secondhand Valuables – Game Zone, has considered said matter and would recommend that the license be granted.

#666 – (#636) – TENANT PROTECTION ORDINANCE RELATIVE TO CONDO CONVERSION

Councillor McCarthy assumed the Chair.

Councillor Morsillo offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee of the Whole to whom it was referred the matter of Tenant Protection Ordinance Re: Condo Conversion, has considered said matter and would recommend that the matter remain in committee.

#667 – (#633) – REVIEWING OF CITY COUNCIL RULES AND ORDERS

Councillor Morsillo offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee of the Whole to whom it was referred the matter of Reviewing City Council Rules and Orders, has considered said matter and would recommend that the matter remain in committee.

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#668 – MGL CH. 268A, SEC. 20(B) – EXEMPTION FOR THOMAS DOYLE

The following Order submitted by the City Solicitor was adopted.

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

#669 – PETITION FROM LUCY SPRAGUE TO DISCUSS STREET SWEEPING SIGNS

A petition from Lucy Sprague 264 Essex St., to discuss Street Sweeping Signs was referred to the Committee on Government Services.

#670 – BLOCK PARTY – LEE STREET

A request from the residents of Lee St. to hold a Block Party on December 3, 2022 from 5:00 PM to 9:00 PM with a rain date of December 4, 2022 was granted.

#671 – LICENSE APPLICATIONS

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

SECONDHAND VALUABLES:	ecoATM (2) Kiosks Located:
	11 Traders Way (inside Shaws)
	450 Highland Ave (inside Walmart)

#672 - #679 - CLAIMS

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

Jennifer Smith 128 Farnum Pike Smithfield RI
Michael Mulry 65 Washington St., Salem
Robert Arabian 57 Lafayette St., Salem
Laura Lanes 242 Essex St., Salem
Yohanna Sandoval 49 Endicott St., Salem
Peter Capra 13 Essex St., Salem
Christos Pappas 4023 Eastern Ave., Baltimore MD
Ellen Sores 54 Redington St. Swampscott, MA

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(#554) – ORDINANCE AMENDING AN ORDINANCE RELATIVE TO DISPOSITION OF CITY-OWNED LAND

The Second Passage of an Ordinance to relative to Disposition of City-Owned Land was then taken up. The Ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-two

An Ordinance to prioritize affordable housing when disposing of city land.

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

Section I. A NEW ORDINANCE TO REPLACE THE EXISTING ORDINANCE, CHAPTER 2, ARTICLE IX, DIVISION 4- DISPOSITION OF CITY-OWNED LAND.

Sec. 2-1631. Scope of division.

The City of Salem owns and operates real property needed for the effective provision and management of municipal services. The city recognizes that from time-to-time property may no longer be needed for any municipal purpose. It is the policy of the City of Salem to provide the best possible stewardship and management of municipal assets in the best interests of the City of Salem.

In the interest of establishing a clear policy for the sale of publicly-owned land that will achieve land uses that best serve the City of Salem, the procedures in this division will be adhered to concerning the sale of publicly-owned land.

This division shall not apply to the transfer of real estate, or any interest therein, to the affordable housing trust fund Board for the purposes of construction of low-moderate-income housing pursuant to M.G.L. c. 40, s. 15A.

Sec 2-1632. Purpose

The purpose of this division is to:

- (1) Ensure that real property owned by the city serves a valid public purpose.
- (2) When the public purpose is found to be best served by a disposition for a private purpose, the city's objective shall be to ensure a public benefit will be provided to the city. The public benefit must be consistent with the city's priorities, including:
 - a. Prioritize public land that is suitable for housing and or the adaptive reuse into housing as affordable housing as defined herein; or
 - b. Park and or open space; or
 - c. Historic preservation; or
 - d. Other priorities reflected in or adopted by City policies or plans.

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- (3) Establish a policy to encourage public agencies, other than the city, that own surplus and underutilized public lands in Salem to prioritize land uses that accomplish the city's priorities identified in this division.

Sec. 2-1633. City policy regarding the disposition of public land

- (1) The city council shall be guided by the following policy regarding the disposition of surplus and Underutilized property, which policy shall be the official policy of the city.
- (2) The city shall ask all other public agencies and quasi-public agencies that own real property within Salem and that intend to dispose of the real property to give the director of public property 90 days of advance notice of the proposed disposition together with an opportunity to negotiate for the property to discuss the city's priorities.

Sec. 2-1634. Inventory.

The city planner and the director of public property shall inventory all parcels of inactive city-owned land, with such inventory including the following:

- (1) Address of the parcel.
- (2) Assessor map and lot number.
- (3) Lot area and frontage.
- (4) Presence of buildings.
- (5) Current zoning classification.
- (6) Assessed value.

Sec. 2-1635. Processes for disposing or leasing of city land.

- (1) The process for disposing of tax title parcels shall be consistent with Massachusetts General Law Chapter 60.
- (2) The process for disposing of city-owned developable parcels that will be sold by public auction shall occur in accordance with Massachusetts General Law Chapter 30B.
- (A) The process for disposing of city-owned parcels undevelopable due to zoning restrictions shall be as follows:
 - i. The city planner and director of public property shall consult with city department heads to determine if the city land is underutilized.
 - ii. The city council shall vote to declare the land surplus.
 - iii. The city planner and the director of public property shall prepare for review and approval of the mayor and city council a brief description of the factors that have made such parcel undevelopable.
 - iv. Upon review and approval of the recommendation by the mayor and city council, the director of public property shall advertise the undevelopable parcel(s) for sale in accordance with Chapter 30B.
 - v. Such advertisement shall contain the following information:
 - a. The lowest acceptable bid amount (equal to the current value on record with the City Assessor); and
 - b. The address of the parcel.

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- vi. Notice shall be sent to all abutters of such parcels stating the city's intent to dispose of the parcel and the factors which make such parcel undevelopable, as well as the date, time and place for submission of sealed bids.
 - vii. Upon opening of the proposals, the director of public property may recommend to the mayor be authorized to dispose of the parcel to the highest bidder, provided the price equals or exceeds the assessed value. If such bid price does not equal or exceed the assessed value, the parcel shall not be disposed of.
 - viii. In specific instances, the request for proposal may provide award criteria to dispose a land parcel to an abutter, despite the fact such abutter is not the highest bidder, if the city believes that the disposition of such land to an abutter will provide the use most compatible with the surrounding neighborhood.
 - ix. Upon approval of the sale by the mayor, the city solicitor shall set a date for transfer of the land parcel from the city to the purchaser.
- (B) Procedures for disposal or leasing of city-owned developable parcels shall be as follows:
- i. The city planner and director of public property shall consult with city department heads to determine if the city land is underutilized.
 - ii. The city council shall vote to declare the land surplus.
 - iii. The city planner and the director of public property shall prepare a report for review and approval at a public meeting of the mayor and city council of the developable parcel per the guidelines of Sect 2-1635.
 - iv. Upon approval of the report by the mayor, the city council shall vote on the public purpose to be achieved if the lowest acceptable bid will be less than the appraised value. The city planner shall be instructed to dispose of such parcels by requests for proposal.
 - v. A request for proposal shall be prepared that defines the following:
 - a. A definition of the development objectives, specifically the public purpose to be achieved if the lowest acceptable bid will be less than the appraised value as approved by the city council, and any reuse-restrictions.
 - b. The lowest acceptable bid amount.
 - c. The address of the parcel.
 - d. The lot area.
 - e. Zoning classification.
 - f. A definition of the scope of the preferred type and density of development.
 - g. The date, time and place for submission of proposals.
 - h. Other information deemed appropriate to the specific parcel.
 - vi. A purchaser shall be chosen based on the most advantageous proposal from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the solicitation, such as but not limited to the following criteria:
 - a. Affordability: Proposals with the highest percentage of affordable housing (memorialized through an affordable housing restriction) in terms of the quantity of affordable housing units and the depth of affordability with a preference for units restricted for extremely low and very low-income households.

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- b. Development capabilities: Proposals by qualified and capable development teams that are able to fully accomplish the redevelopment project. The quality of the development team's reputation and references, and regulatory track record and ability to complete projects as proposed.
 - c. Historic preservation: If the property has historic value proposals that retain the historic character of the structure and clearly demonstrate how the redevelopment will successfully achieve city of Salem Historical Commission approval.
 - d. Economic value: Proposals that provide value to the city through direct economic benefits such as increase to tax base and purchase price. The city will not make its determination on price alone. The award will be made to the proposal that rates highest on the comparative criteria and price considered.
 - e. Quality of plan: Proposals with quality plans for development of the parcel and the compatibility of such plans with the surrounding neighborhood.
- vii. The purchasing agent, in concert with the city planner and director of public property or their designees, hereinafter "designation committee," shall evaluate all proposals based upon the criteria listed in the request for proposals. Finalists will be ranked in order of qualifications. All finalists will be treated equally and reason for the ranking will be set down in writing. The designation committee shall report its finding to the city council. The designation committee may recommend to the city council that the mayor be authorized to dispose the parcel to such purchaser.
- viii. If the property will be disposed of for less than the fair market value, prior to entering into a binding agreement to dispose of the property a notice shall be posted in the Central Register explaining the reasons for the decision, the public purpose that will be achieved, and disclosing the difference between the property value and the price to be receive.
- ix. Upon approval of the sale by the mayor, the city solicitor shall set a date for transfer of the parcel from the city to the purchaser.

Sec. 2-1636. Guidelines for evaluation of the disposition of real property by request for proposals.

The director of public property and city planner shall be responsible for engaging in a process that will result in a fair analysis of how the greatest public benefit can be obtained from the city property in question. The director of public property and city planner shall prepare a report to the city council on the disposal of any surplus or underutilized property on a case-by-case basis using the following guidelines:

- (1) Consistency. The director of public property and city planner shall review the proposed disposal for consistency with any restrictions or limitations resulting from any of the following:
 - a. The title or deed conveying the property, including terms and conditions of the original acquisition or any other contract or instrument by which the city is bound or to which the property is subject to;
 - b. City, state, or federal ordinances, statutes, and regulations.

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(2) Economic Value.

- a. An appraisal of the property shall be included in the report.

(3) Evaluation.

- a. The use of the city property at the time of the disposition analysis and any actual or projected annual revenues or costs associated with such property.
- b. The existing zoning designation of the property and other City, State, and federal laws, codes, ordinances and regulations that apply to it at the time of the recommended disposition and that would apply to the various alternative uses analyzed.
- c. Parcel size.
- d. Existing improvements.
- e. Existence of easements for city utilities.
- f. Existing infrastructure.
- g. Existence of or proximity to wetlands.
- h. Known environmental factors.
- i. Potential for consolidation.
- j. Unique attributes that make the property difficult to dispose (size, location).
Limitations of the land parcel for construction.
- k. The development potential of the property.
- l. Compatibility of the potential uses with the physical characteristics of the property and surrounding uses.
- m. Provisions of the city master plan applicable to the parcel.
- n. Highest and best use of the property.

(4) Priorities for use of city-owned Properties. The director of public property and city planner's joint recommendation for the disposition of city property should reflect assessment of the potential use of the property consistent with City priorities. The assessment should include a recommendation of the development objectives, including the public purpose to be achieved if the council decides to accept a bid lower than the appraised value.

Sec. 2-1637. Administration.

The city planning department and the director of public property, in cooperation with each other, shall administer the disposition process.

Sec 2-1638. Notification for disposal of city land

The aforementioned requirements delineated in sections 2-1631 through 2-1636 shall be adhered to for the disposition of all city-owned land, excluding, at the discretion of the director of public property after consultation with the city solicitor, those acquired through a Mass. Gen. Law Chapter 60 tax title foreclosure. In no event, shall city-owned land be disposed of without notice being mailed to all abutting land owners stating the city's intent to dispose of a particular parcel or parcel(s). Said notice shall be mailed to abutters, their abutters and the city council at their home address a minimum of 30 days prior to the sale and shall include the date, time and place for submission of bids or proposals.

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Sec. 2-1639. Definitions.

Affordable housing restriction: A deed restriction, contract, mortgage agreement, or other legal instrument, acceptable in form and substance to the City of Salem, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability.

Affordable housing: Housing that is affordable in perpetuity to and occupied by a household with income at or below 60% of area median income, adjusted for household size, for the metropolitan area that includes the City of Salem, as determined annually by the United States Department of Housing and Urban Development (HUD).

Surplus property: Property deemed surplus by a vote of the City Council.

Underutilized public property: An entire property or portion thereof, with or without improvements, which does not have specific operational needs of the city, as determined through consultation with city department heads.

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

On the motion of Councillor McCarthy the meeting adjourned at 8:20 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK