

**CITY OF SALEM**  
**NOVEMBER 18, 2021**  
**REGULAR MEETING**

A Regular Meeting of the City Council was held remotely via zoom on Thursday, November 18, 2021, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on November 16, 2021, at 9:23 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Madore presided.

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

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

**(#547) – NATIONAL GRID & VERIZON TO INSTALL A JOINTLY-OWNED POLE ON LAFAYETTE STREET**

Held from the last meeting of October 28, 2021, the Order from National Grid & Verizon to install 1 Jointly Owned Pole at 310 Lafayette Street.

Sibhita Mahabier-Sheehy, a representative from National Grid, 44 River Street, Beverly returned to attend this continuation hearing.

Councillor Turiel stated he cannot find himself in favor of adding another pole on a stretch of street that already has many poles. He would like to see a plan for an existing pole or a new area.

Councillor Dibble agrees with Councillor Turiel. The resident already has one pole in front of his house. Councillor Dibble asked if there was a tree there as well. Sibhita Mahabier-Sheehy replied that there was, but National Grid was planning on trimming the tree as minimally as it could.

Ken Leisey, 310 Lafayette Street, strongly opposed to a pole being placed in front of his house. Use the pole at 302 Lafayette Street or find move it further up the street. You would have to remove a tree and block view of his house.

Councillor Turiel moved that the hearing be closed. The hearing was closed by a unanimous roll call vote.

Councillor Turiel moved that the pole be granted. The pole was not granted by a roll call vote of 0 yeas, 11 nays and 0 absent.

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**#583 – NATIONAL GRID TO RELOCATE 1 POLE ON NAUMKEAG STREET**

A hearing was held on the order from National Grid to relocate 1 pole on Naumkeag Street.

Sibhita Mahabier-Sheehy, a representative from National Grid, 44 River Street, Beverly, appeared in favor. This is for a building to go in as City of Salem agreed.

Councillor McCarthy asked by moving this pole according to the sketch is it on or near the same property line. Sibhita Mahabier Sheehy responded yes.

Councillor McCarthy moved that the hearing be closed. The hearing was closed by a unanimous roll call vote.

Councillor McCarthy moved that the pole be granted. The pole was granted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**#584 – NATIONAL GRID TO INSTALL CABLE REPLACEMENT ON BRIDGE ST., WAITE ST. AND PIERCE AVE.**

A hearing was held on an order from National Grid to install cable replacements on Bridge St., Waite St. & Pierce Ave.

Joseph Norman, 6 Waite Street stated this road has not been paved since the 1970's. All that live here are in support of paving this street. Please consider how this street will be paved so there is no standing water on the street. Think about when dug up how to construct it back together. Please go forward with respect. National Grid has not been a good neighbor.

Timothy O'Leary the Project Manager for National Grid and for this project. We promise to make him happy with this road. This project has been in the works for a number of years and it just has been approved by the Energy Faculty Board in October.

Flora Tonthat, 30 Northey Street, Salem. She stated she has been made aware of this project through SAFE, a group from Beverly. They spoke about the health impacts of residential homes and Electro Magnet Field cumulative radio level. She asked a question on this and how it effects the 9 homes in Salem. She said the Council should educate themselves on this and speak with the Beverly City Council.

Joe Norman, 6 Waite Street, reiterated how very much in favor of this and it is in front of his home.

Pat McCarthy, 10 Pierce Ave., Salem asked a question of National Grid. She has no driveway and relies on street to park. How will this affect the parking?

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Mr. O'Leary stated they are working with their contractor on this. We will work with you and find out when you are coming and going and sometimes temporary staging will be set up. We will also work with the Salem Police Department. We will stop by and discuss this with you once we get approval from the Council. Since we hope to begin the beginning of the year we will stop construction during snow removal if we are allowed to work in the winter months.

We did submit an ENF and the levels are below the health guideline. We will be having an open house on November 30<sup>th</sup>. This is needed for reliability in the Cape Ann area.

Councillor Turiel stated we went through similar process with another cable replacement project and we worked on many of these issues with National Grid and we can place conditions on the work. If we deny, the State can override us without any conditions. Ultimately the power has to flow, we have to keep the power on in Cape Ann. We are working with ancient system that needs to be modernized.

Councillor McCarthy asked Mr. O'Leary if a contractor has been selected. Mr. O'Leary responded that McCourt has been awarded the civil contract to do the manhole and duct work. They work well with McCourt. We hope to do good outreach and keep the neighbors informed.

Mr. O'Leary continued to say that about 60% are the same workers who did the similar job in Salem that Councillor Turiel referred to. It is the same stakeholders and procedures as the last project.

Councillor Dibble asked Mr. O'Leary why they are cutting across 8 Waite Street and is there a sidewalk and is the line and voltage?

Mr. O'Leary responded is a 115 KB line. It is starting at the switch yard on Waite Street. He is not positive about the sidewalk; he doesn't think there is one. Might already be in MOA with the City.

Councillor Dibble was concerned how far below the surface the line is. It looks like only 3'. We should match whatever Beverly comes back at. The further buried they better it is for health. The further down the better. We should put a condition on this that we match Beverly.

Mr. O'Leary clarified that the depth of the cable is well below 5'. It is between 5-6' below depending on what is in the street i.e. Water, Sewer, Gas so depths do range.

Councillor Dibble thought he heard 2-3' but if 5-6' then on concerns.

Councillor Madore stated that it was her first year on the Council when the concept of this plan was introduced. There was an open house at Carlton School and attendance was low. All questions were answered, and they were very responsive. I'm confident

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they will continue to be responsive. Asks that they coordinate with David Knowlton as well as keep open communications with the residents. The only concern she has is the perimeter of the fence where illegal dumping takes place and a lot of debris is caught up in the fence. Make sure with the construction that the debris is taken care of. That's my only concern is to do a better job of cleaning up the area; other than that you have my full support for this project to move forward. We need reliable power for the Cape Ann area.

Councillor Hapworth moved that the hearing be closed. The hearing was closed by a unanimous roll call vote.

Councillor Hapworth moved that the order be granted. The order was granted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**(#548) – APPOINTMENT OF JAMES WILLIS TO THE AFFORDABLE HOUSING TRUST FUND BOARD**

Held from the last meeting, the Mayor's appointment James Willis 18 Pingree St to the Affordable Housing Trust Fund Board with terms to expire October 28, 2022, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**#585 - #589 – RE-APPOINTMENTS TO VARIOUS BOARD AND COMMISSIONS**

The Mayor's re-appointments of the following with terms to expire were confirmed by a unanimous roll call vote.

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Ezekiel Holt	Commission on Disabilities	November 15, 2024
Deborah Greel	Licensing Board	December 3, 2027
Cynthia Nina-Soto	Redevelopment Authority	December 8, 2026
John Russell	Council on Aging	November 15, 2024
Alice Williams	Council on Aging	November 15, 2024
John Hayes	Sustainability, Energy & Resiliency	November 15, 2024
Phillip Koch	Sustainability, Energy & Resiliency	November 15, 2024
Richard Nye	Sustainability, Energy & Resiliency	November 15, 2024

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**#590 - APPROPRIATION OF \$159,087.46 FOR RETRO WAGES FOR SALEM POLICE PATROLMEN'S ASSOCIATION**

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Turiel, Sargent, Riccardi, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, Dibble and Madore were recorded in the affirmative. Councillor Prosniewski recused himself from this matter and was recorded as absent.

ORDERED: That the sum of One Hundred Fifty-Nine Thousand, Eighty-Seven Dollars and Forty-Nine Cents (\$159,087.49) is hereby appropriated from General Stabilization to the "Human Resources Retro Wages Account" (11521-5161) for the FY2021 and FY2022 retroactive wages for the pay increases for the fiscal year 2021 contract settlement reached with the Salem Police Patrolmen's Association in accordance with the recommendation of Her Honor the Mayor.

**#591 – APPROPRIATION OF \$81,312.04 FOR RETIREMENT BUYBACK**

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Dominguez, Dibble and Madore were recorded in the affirmative. Councillor Flynn recused himself from this matter and was recorded as absent.

ORDERED: That the sum of Eighty-One Thousand Three Hundred Twelve Dollars and Four Cents (\$81,312.04) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

<b>Name</b>	<b>Department</b>	<b>Amount</b>
Carolyn Townsend	Salem Public Schools	\$34,234.40
Heidi Smith	Salem Public Schools	\$36,219.20
Jeffrey Bachmann	Fire Department	\$10,858.44
		<b><u>\$81,312.04</u></b>

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**#592 – APPROPRIATION OF \$50,000.00 TO FINANCE CONTRACTED SERVICES**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Fifty Thousand Dollars (\$50,000.00) is hereby transferred from the Finance Department's "FT Salaries" account (11351-5111) to the Finance Department's "Contracted Services" account as provided below to cover payment associated with temporary contract accounting services for FY2022 due to department vacancies in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Contracted Services	11352-5308	
		\$ 50,000.00
		<b>\$ 50,000.00</b>

**#593 – PAYING FY2021 INVOICES WITH FY2022 EXPENSES – ELECTRICAL DEPT.**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 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 Council we request the sum of Four Hundred Twenty-Nine Dollars and Twenty-Five Cents (\$429.25) of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2022 Electrical Department budget as listed below in accordance with the recommendation of Her Honor the Mayor.

<b>Department</b>	<b>Vendor</b>	<b>Amount</b>
Electrical	Delande Lighting	\$ 44.70
	Dagle	\$279.96
	Rexel	\$104.59
	<b>Total</b>	<b>\$429.25</b>

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**#594 – DONATION OF \$1,000.00 FOR THE K9 PROGRAM**

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Turiel, Sargent, Riccardi, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, Dibble and Madore were recorded in the affirmative. Councillor Prosniewski recused himself from this matter and was recorded as absent. Councillor Turiel requested that a letter of thanks and city seal be sent to Salem Saves Animals.

ORDERED: To accept the donation from Salem Saves Animals in the amount of One Thousand Dollars (\$1,000.00) for the K9 program 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 Her Honor the Mayor.

**#595 - RESOLUTION: EXPRESSING SUPPORT FOR COMMONWEALTH WIND**

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

**Resolution: Expressing Support for Commonwealth Wind**

**WHEREAS:** The Commonwealth of Massachusetts 83C III Solicitation represents a transformative opportunity to invest in and create substantial renewable power for Massachusetts, reduce our carbon footprint, expand and grow our tax base, and create hundreds of green energy jobs; and,

**WHEREAS:** The Commonwealth Wind partnership between Crowley Maritime, Vineyard Wind, and the City of Salem stands as a strong complement to New Bedford's Marine Commerce Terminal, enabling Massachusetts to expand its overall port capacity and retain the Commonwealth's position as a national and even global leader in offshore wind development; and,

**WHEREAS:** Salem's deep-water port provides sufficient upland area, a federally maintained navigation channel, and no height or width limitations, making it one of only a few ports in the northeast United States with the physical characteristics necessary for floating turbines; and,

**WHEREAS:** Locally, the Commonwealth Wind project would leverage substantial private funding to carry out an estimated \$150 million in critical improvements to Salem's aging port infrastructure and bring an immediate and enduring positive economic and social benefit to the entire North Shore region through jobs and growth; and,

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**WHEREAS:** Salem itself has a storied and proud history of looking to the sea to ensure a prosperous and vibrant future for our community, and the Commonwealth Wind project builds on and continues that legacy.

**NOW THEREFORE BE IT RESOLVED:** That the Mayor of the City of Salem and the Salem City Council expresses its strongest possible support for the Commonwealth Wind project proposed in response to the Commonwealth of Massachusetts's current 83C III Solicitation.

**AND BE IT FURTHER RESOLVED:** That a copy of this Resolution be submitted to the 83C Solicitation Evaluation Committee and the Office of the Governor of the Commonwealth of Massachusetts.

**#596 – DONATION OF NON-PERISHABLE ITEMS FOR UNPAID PARKING FINE (PEAS FOR FEES)**

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

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, 2021 – December 23, 2021, 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.

**#597 – FREE PARKING IN ALL CITY OWNED LOTS, GARAGES, METERS ON CERTAIN DATES**

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

ORDERED: Parking at all City owned lots, garages, and on-street spaces shall be free of charge on the following days:

1. Friday, November 26
2. Saturday, November 27
3. Sunday, November 28
4. Thursday, December 23



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- 5. Friday, December 24
- 6. Saturday, December 25
- 7. Sunday, December 26

**#598 – DISCUSS ZONING ORDINANCE RELATIVE TO HOME BUSINESSES**

The following order introduced by Councillor Madore was adopted as amended by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Madore stated she brought this in because work now and in the future will be different. Many will work remote and small business will pivot from store fronts to home. Currently you have to go in front of the ZBA for a permit and you have to hire a lawyer, pay for permit, take the day off from work which is all costly for an individual or small business. Saw 3 during Covid and they were all approved. Need to legalize this by right in residential neighborhoods. Councillor Dibble motioned to add that the Building Inspector and City Solicitor be invited. It was so moved.

**Original Order:**

ORDERED that the Committee on Ordinances, Licenses, and Legal Affairs co-posted with Committee of the Whole meet to deliberate and edit where necessary the following zoning ordinance amendment relative to home occupations and return to the full Council with a recommendation.

**Amended Order:**

ORDERED that the Committee on Ordinances, Licenses, and Legal Affairs co-posted with Committee of the Whole meet to deliberate and edit where necessary the following zoning ordinance amendment relative to home occupations and return to the full Council with a recommendation. And that the Building Inspector and City Solicitor be invited.

An Ordinance to amend an ordinance relative to home occupations.

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

**Section 1.** The City of Salem Zoning Ordinance Section 3. Table of Principal and Accessory Use Regulations, Section E. Accessory Uses, Home Occupation is hereby amended as follows:

<b>E. ACCESSORY USES</b>	<b>RC</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>B4</b>	<b>B5</b>	<b>I</b>	<b>BPD</b>	<b>NRCC</b>
Home occupation	Y	Y	Y	Y	N	N	N	Y	N	N	Y

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**Section 2.** 3.2.2 Home Occupations is hereby amended by deleting in its entirety and be replaced as follows:

**3.2.2 Home Occupations.** Professional offices and other home occupations involving the use of a room or rooms in a dwelling to carry on activities in which goods, wares or merchandise are not commercially created or handled are allowed by right, provided that any such home occupation:

1. Shall be operated entirely within a dwelling unit, with no display visible from the street.
2. Shall be operated only by the residents of the dwelling unit.
3. Shall utilize not more than twenty-five (25) percent of the gross floor area of the dwelling unit.
4. Shall display not more than one (1) non-electric announcement sign of an area not greater than one and one-half (1.5) square feet and attached against the building and not protruding therefrom.

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

**#599 – DISCUSS AN ORDINANCE RELATIVE TO BIKE SAFETY**

The following order introduced by Councillor Madore was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED That the Committee on Ordinances, Licenses, and Legal Affairs co-posted with Committee of the Whole meet to deliberate and edit as necessary the following ordinance amendment relative to bicycle safety and return to the full Council with a recommendation, and that the Mayor or their designee, Traffic & Parking Director or their designee, Chairs of the Traffic and Parking Commission & Bicycle Advisory Committee or their designees, and the Director of Public Services or their designee be invited.

An Ordinance to amend an ordinance relative to bicycle safety

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

**Section 1.** The City of Salem's Code of Ordinances is hereby amended to insert:

Chapter 50. Bicycle Safety

**1. Purpose**

To eliminate fatalities and injuries on City streets in accordance with the City's transportation guiding principles through safety improvements and the construction of a connected network of permanent separated bicycle lanes across the City as recommended in Salem Bicycle Master Plan adopted in October 2018.

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2. Definitions

- a) "Salem Bicycle Master Plan" shall mean the plan adopted by the City of Salem in October 2018 to create a framework for developing a network of complete streets.
- b) "Adequate Directionality" shall mean (1) a two-way street with a separated bicycle lane or lanes that allow bicycle travel in both directions, or (2) a one-way street with a separated bicycle lane or lanes that allow bicycle travel either in the direction of the flow of vehicular traffic or in both directions.
- c) "Connectivity" shall mean the provision of a Permanent Separated Bicycle Lane network that reflects desired routes between all major origins and destinations in the City.
- d) "Improvements" shall mean the construction of new City-owned streets, or the reconstruction of an existing City-owned street, including but not limited to full depth reconstruction, expansion, and/or alteration of a roadway or intersection. Improvements shall not include routine maintenance, repairs, restriping of the road surface, or emergency repairs to the surface of a roadway (collectively "Maintenance"), provided that existing bicycle lanes will be restored to existing conditions or better.
- e) "Separated Network" shall mean the proposed set of bicycle facilities identified in the Salem Bicycle Master Plan (Map 3), or any plan superseding it, provided, however, that any such plan shall maintain Connectivity.
- f) "Permanent Separated Bicycle Lane" shall mean a bicycle lane separated from motor vehicle traffic by a permanent vertical barrier that shall remain in place year-round, including but not limited to granite or concrete barriers and raised curbs, provided, however, that the bicycle lane need not be separated from motor vehicle traffic by a permanent vertical barrier for short stretches to accommodate crosswalks, curb cuts, accessible parking and accessible loading, intersections, and Public Transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.
- g) "Public Transportation" shall mean bus and shuttle stops for the Massachusetts Bay Transportation Authority (MBTA).
- h) "Quick-Build Separated Bicycle Lane" shall mean a bicycle lane separated from motor vehicle traffic by flexible delineator posts, or a similar separator, that shall remain in place year-round, provided, however, that the bicycle lane need not be separated from motor vehicle traffic for short stretches to accommodate crosswalks, curb cuts, accessible parking and accessible loading, intersections, and Public Transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.
- i) "Temporary Traffic Control Device Separated Bicycle Lane" shall mean a bicycle lane with painted lines separated from motor vehicle traffic by traffic cones, traffic barrels, non-permanent flex posts, or a similar bicycle lane separator, that shall remain in place year-round except during significant snow events, but shall be reinstalled as quickly as is feasible following significant snow events, provided, however, that the Temporary Traffic Control Device Separated Bicycle Lane need not be separated from motor vehicle traffic for short stretches to accommodate crosswalks, curb cuts, accessible parking and accessible loading, intersections, and Public Transportation, and provided further, that

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existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.

3. Requirements

- a) Whenever Improvements are made to a City-owned street, the Mayor shall cause such Improvements to comply with recommendations as outlined from page 17 through 27 of the Salem Bicycle Master Plan, or any plan superseding it; provided, that if Improvements are made to a segment of the Separated Network, a Permanent Separated Bicycle Lane with Adequate Directionality shall be installed along that segment.
- b) Full compliance with the provisions of section 3(a) above is not required where the Mayor can demonstrate through a written alternatives analysis, to be made public, why it is impractical to comply with the provisions of section 3(a) above, and where there will be a loss of Connectivity if the provisions of 3(a) are not complied with, how Connectivity could be otherwise advanced, if possible.

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

**#600 – (#69) – HOME RULE PETITION TAX EXEMPTION FOR ADU RENTAL PROPERTIES**

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 by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, and Madore were all recorded in the affirmative. Councillors Sargent, Flynn, Dominguez and Dibble were all recorded in the negative.

The Committee on Ordinances, Licenses and Legal affairs co-posted with the Committee of the Whole to whom was referred the matter of Home Rule Petition Tax Exemptions for ADU rental properties, has considered said matter and would recommend adoption by Roll Call Vote

Councillor Morsillo stated this exemption would only be based on the value of the additional bedroom(s), not the value of the accessory dwelling unit with a kitchen and bath.

Councillor Dibble stated that all residents should be paying their fair share especially if they are getting income from this.

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**#601 – (#527) – HOME RULE PETITION FOR ELECTRIC BIKES**

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

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Home Rule Petition for Electric Bicycles has considered said matter and would recommend adoption with the following amendments: to change in Section 1, first sentence from “less than 750 watts” to “no more than 750 watts” and first sentence of second Paragraph from “the City of Salem may establish” to “the City of Salem shall establish”.

Councillor Morsillo explained that the standard watts of the e-bikes are 750 watts.

Councillor Dibble asked where they are allowed to bike. Councillor Morsillo responded that they are allowed on bike pats. These bikes go about 20mph. The e-bikes must follow the laws for regular bicycles.

**The following HRP as amended and submitted:**

**ORDERED:** That a petition to the General Court, accompanied by a bill for a special law relating to the City of Salem, to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition, as set forth below:

*Whereas, electric bicycle use is continuing to grow rapidly across the United States year after year;  
 Whereas, electric bicycles provide an additional source of transportation, particularly in communities that rely on first- and last-mile transportation alternatives;*

*Whereas, electric bicycles expand the accessibility of biking to new audiences - particularly senior citizens or individuals with certain disabilities;*

*Whereas, electric bicycles provide a source of exercise for the residents of Salem, and operate as a tourist attraction for visitors; and*

*Whereas, electric bicycles and micro-mobility are shown to reduce dependence on single occupancy vehicles, reduce overall vehicle miles traveled, and lower aggregate carbon emissions in the transportation sector*

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*Be it enacted by the Senate and House of Representatives in General Court assembled by, and by the authority of the same as follows:*

AN ACT RELATIVE TO THE OPERATION AND REGULATION OF ELECTRIC BICYCLES IN THE  
CITY OF SALEM

**SECTION 1.** As used in the following paragraph, the words, “electric bicycle” or “e-bike” shall mean a bicycle that is equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of 750 watts or less. An electricbicycle is not a motorized bicycle as defined under MGL, c. 90, §1.

Notwithstanding Chapter 90 of the General Laws or any other general law or special law, rule or regulation to the contrary, the city of Salem shall establish by traffic regulation, on public ways under the care and custody of the city of Salem, traffic safety regulations related to the use and operation of electric bicycles. Electric bicycles shall follow the same local ordinances and state law that pertain to the operation of a bicycle on the streets and sidewalks under the care and custody of the city of Salem. Any person sixteen (16) years of age or younger operating an electric bicycle on a public way, bicycle path, or on any other public right-of-way shall wear a helmet that fits the rider’s head and is secured by straps at all times while operating or riding upon an electric bicycle.

**SECTION 2.** This act shall take effect upon its passage.

**#602 – (#279 & #351) – COUNCIL RULES AND ORDERS RELATIVE TO 28C**

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

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Council Rules and Orders Sec. 28c has considered said matter and would recommend that the matter remain in committee.

Councillor Hapworth stated that since we are not quite ready to go hybrid our December 1, 2021, meeting should stay remote since it is regarding the tax rate and this would not be the appropriate meeting to hold in-person due to accessibility.

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**#603 – (#315) - NAMING OF STREETS IN THE STRONGWATER CROSSING SUBDIVISION**

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

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Naming of Streets in Strongwater Crossing Subdivision (Osborne Hill Dr., Amanda Way, Chanelle & Strongwater Dr.) has considered said matter and would recommend adoption.

**#604 – COOPERATION AGREEMENT FOR 252 BRIDGE STREET BE AMENDED (CRESCENT SHAPE LOT)**

The following Order was submitted by City Planner, Tom Daniel, to amend two items in the Cooperation Agreement between the City Council and the SRA dated February 27, 2019, regarding the disposition of the parcel at 252 Bridge Street (crescent shape lot) relative to certain dates and language clarification.

**Ordered:** The Cooperation Agreement between the City Council and the Salem Redevelopment Authority dated February 27, 2019, regarding the disposition of the parcel at 252 Bridge Street, commonly known as the Crescent Lot, hereinafter the “Agreement,” is hereby amended by replacing the phrase within Section 1.1 of the Agreement as set forth below:

The SRA shall use all its lawful authority to acquire and designate a developer for the Premises in a manner consistent with its authority, the provisions of Chapter 121B and this Agreement within eighteen (18) months from the date of this Agreement.

with the following:

The SRA shall use all its lawful authority to acquire and designate a developer for the Premises in a manner consistent with its authority, the provisions of Chapter 121B and this Agreement by November 30, 2020.

**Be it Further Ordered** that the Agreement is further amended by replacing the phrase within Section 1.2 of the Agreement as set forth below:

(ii) execute land disposition agreements with such parties to conduct and complete such redevelopment in a manner consistent with the goals and objectives expressed by the Council within an eighteen (18) month timeframe.

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with the following:

(ii) execute a purchase and sale agreement with such parties by December 31, 2021, to conduct and complete such redevelopment in a manner consistent with the goals and objectives expressed by the Council.

Councillor Dibble stated that this document that was signed by the Council came out of a Public Hearing. Now being asked to change Purchase and Sale dates. Are we on firm ground; can we change the date? We should table this or put this in committee and find out.

Councillor Sargent wanted to clarify his vote. He will be voting no tonight because he voted no the first time to declare this surplus.

Suspension of the rules was requested and received to allow Tom Daniel to speak.

Tom Daniel, Salem's City Planner stated this delay was due to COVID. He also stated that the City Solicitor drafted this order.

Councillor Dibble moved to table this matter. The motion to table did not pass by a roll call vote of 4 yeas, 7 nays and 0 absent. Councillors Sargent, Flynn, Dominguez and Dibble were recorded in the affirmative and Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, and Madore were recorded in the negative.

Councillor Riccardi moved to adopt this order by roll call vote. The motion passed by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, and Madore were recorded in the affirmative. Councillors Sargent, Flynn, Dominguez and Dibble were recorded in the negative.

**#605 – THANK YOU FROM SALEM LITTLE LEAGUE**

The communication from Ed Colbert, Salem Little League President, thanking the City Council for their support and approval of a tag day to raise funds for the Jimmy Fund was received and filed.

**#606 – PETITION FROM PETER VALLIS REGARDING PROPERTY ON TINKERS ISLAND**

The petition from Peter Vallis regarding property on Tinkers Island was referred to the Committee on Ordinances, Licenses and Legal Affairs.



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**#607 & # 608 – LICENSE APPLICATIONS**

The Following License Applications were granted.

TAXI OPERATORS: Yudelks Matos Rosario 104 Lafayette St., Salem  
Oscar Garcia 4 First St., Salem  
Pedro Sanchez 3 Harbor St., Salem

LIMOS: Americab 92 Jackson St. (2 Liveries)  
Salem Taxi 30 Federal St. (1 Livery)

**#609 & #610 – LICENSE APPLICATIONS**

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

JUNK DEALERS: 15 Robinson Rd LLC, 15 Robinson Rd., Salem

SECOND HAND VALUABLES: Game Zone 270 Essex St., Salem

**#611 - #616 – CLAIMS**

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

Larry Albert 4 Stone Ridge Rd., Beverly  
Kathryn Entner 3 Rice St., Salem  
Jurgen Kedesdy 8 Beachmont Rd., Salem  
Matthew Palumbo 18 Bluejay Rd., Lynnfield  
Jared Perkins 13 Preston Rd., Salem  
Jean Sacco 1 Riverway Rd., Salem

**(#563) – SECOND PASSAGE OF TRAFFIC ORDINANCE – STOP SIGN – MOULTON AVENUE**

The Second Passage of an ordinance amending a traffic ordinance relative to Ch. 42 Sec. 49, Stop Sign, Moulton Avenue was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty One

An Ordinance to amend an Ordinance relative to Traffic Ch. 42, Sec. 49, “Stop Sign”

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

**Section I.** Amending Chapter 42, Section 49 – “Stop Sign” is hereby amended by adding the following:

Moulton Avenue – South bound traffic on Moulton Avenue at Franklin Street

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

On the motion of Councillor Sargent the meeting adjourned at 8:52 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK