

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, October 12, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on October 10, 2023, at 1:04 P.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

All Councillors present.

Council President Stott presided.

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

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

PUBLIC TESTIMONY

1. Michael Stockbridge, 40 Chestnut St., Salem – Resident Parking Permit for Chestnut St.
2. Zhongmei Vincens, 11 Church St., Salem – Halloween vendor dressed as Michael Myers accosted her.
3. Gunner Vincens, 11 Church St., Salem – Licensing vendors
4. Filipe Zamborlini, 11 Linden St., Salem – Affordable Housing Trust Fund Board ordinance and the appointees on the agenda
5. Denise Shafer, 11 Glover St., Salem – Artist Row bathrooms disgusting
6. Christine Madore, 20 Federal St., Salem – T.I.E. Agreement and HDIP for 38 Norman St.
7. Andrew Lipman. 28 Chestnut St., Salem – Resident Parking for Chestnut St.

(#462) – (#441) – NATIONAL GRID AND VERIZON TO INSTALL 1 JOINTLY OWNED POLE ON BOSTON & FOWLER STREET

The hearing held from last meeting for National Grid and Verizon to install 1 jointly owned pole on Boston at Fowler Street has been withdrawn.

Councillor Morsillo explained this was a tricky location. The Engineering Department was not comfortable with the location. It's between two lots on Boston Street where the laundry mat is. The location of the pole would impair the vision of the cars leaving. It will also be in the path of the new bike lane project. They need to go back and find a better location.

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(#463) APPOINTMENTS TO THE REDEVELOPMENT AUTHORITY & AHTFB

Held from the last meeting, the Mayor's appointments of the following with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Christopher Dunn Jr Redevelopment Authority April 13, 2027
Jason Leese Affordable Housing Trust Fund Board January 14, 2024
Liza Ruano-Lucey Affordable Housing Trust Fund Board May 26, 2024

Councillor Hapworth requested and received suspension of the rules to allow the appointees to speak.

(#464) – RE-APPOINTMENT TO THE SCHOLARSHIP & EDUCATION COMMITTEE

Held from the last meeting, the Mayor's re-appointment of Gabriel Yeager to the Scholarship and Education Committee with a term to expire September 10, 2026 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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

The Mayor's appointment of William Winn to the with a term to expire October 26, 2026 was held under the rules.

#499 – RE-APPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND BOARD

The Mayor's re-appointment of Christopher Malstrom and Lynda Fairbanks-Atkins to the Affordable Housing Trust Fund Board with a term to expire October 26, 2025 were held under the rules.

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#500 – APPROPRIATION OF \$51,103.80 FOR THE RETIREMENT OF A FIRE DEPARTMENT EMPLOYEE

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

ORDERED: That the sum of Fifty-One Thousand One Hundred Three Dollars and Eighty Cents (\$51,103.80) 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 His Honor the Mayor.

Name	Department	Amount
Daniel Saffer	Fire Department	\$51,103.80
		\$51,103.80

#501 – DONATION OF \$3,212.86 FOR THE DERBY STREET MILE

The following order submitted by the Mayor was adopted.

Ordered: To accept the donation of Three Thousand Two Hundred Twelve Dollars and Eighty-Six Cents (\$3,212.86) from Salem Harbor Station. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for the annual Derby Street Mile Road Race in accordance with the recommendation of His Honor the Mayor.

#502 – TEMPORARY RESIDENT STICKER PARKING FOR CHESTNUT STREET DURING OCTOBER

The following order introduced by Councillor Watson-Felt was adopted.

Ordered: That the street 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 Flint Street

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#503 – ORDINANCE AMENDING FORTUNTELLING LICENSES

The following ordinance introduced by Councillor Watson-Felt was adopted for first passage.

In the year Two Thousand and Twenty-Three

An Ordinance relative to store fortunetelling licenses

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

Section 1. Chapter 14, Division 2, Sec. 14-73. - *Licensing board authorized to license I* s hereby amended by deleting sub-section b) in its entirety and replacing it with the following:

“b) Store licenses. The licensing board may issue store licenses. Only one store license may be issued per business address or in the case of a multi-unit building, only one store license may be issued per unit. A store license shall license the owner of an establishment to employ, in addition to the store owner, up to ten employees to engage in the enterprise of fortunetelling, upon the premises of the licensed store. The employee shall be considered a sublicensee and shall only be considered licensed so long as the employee is employed by the holder of the store license. Only five sublicensees may be employed within the store on the same day and time. Upon the discontinuance of employment at the licensed store, the employee shall no longer hold a valid fortunetelling license. Licenses shall be framed and prominently displayed in the store and made available for inspection. Sublicensees shall be considered employees of the store unless they qualify as a contractor pursuant to M.G.L. Chapter 149, Section 148B.”

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

Councillor Watson-Felt explained that the last line was added so it states that they are treated as employees and not I-9s. This is not increasing the number of fortunetellers it just allows more to go through their CORI checks and get vetted in case someone needs to fill in or different employees work different days.

#504 – CITY COUNCIL MEETINGS FOR NOVEMBER AND DECEMBER

The following order introduced by Councillor McCarthy was adopted.

ORDERED: That the November and December meetings be held on November 16, 2023, and December 7, 2023

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#505 – ORDINANCE RELATIVE TO BALLOONS

The following order introduced by Councillor Varela was adopted.

ORDERED: That the Public Health, Safety and Environment Committee co-posted with the Committee of the Whole meet discuss the following ordinance amendment to be adding a new section 31 to Chapter 24 – OFFENSES AND MISCELLANEOUS PROVISIONS:

No person shall sell, use or distribute any type of balloon (including, and not limited to, plastic, latex or Mylar balloons) inflated with any type gas including air (including, and not limited to, helium gas). No person shall dispose of any balloon in any manner, including by release into the air, other than being contained in a plastic trash bag and transported to the cities contracted trash service. and that hot air balloons and balloons used for scientific purposes by a scientific or government entity are exempt. Any person violating this bylaw shall be fined noncriminal disposition at \$50 per offense. This bylaw may be enforced by any police officer of the City of Salem.

There have been other U.S. coastlines that have adopted this or similar ordinances. This has also been brought forward on the State level. Balloon waste has dangerous impact on ocean life. Balloons can even suffocate a whale.

#506 – CONDITIONS FOR UTILITY COMPANIES

ORDERED: That the following conditions be placed on the Utility Companies grant of locations:

“Conditions: No construction allowed until required permits are obtained. Complete application for the Street Opening & Trench Permit must be submitted at least 7 days prior to proposed start-of-work date. Refer to “Street Opening Rules & Regulations” for complete requirements through the City Engineer’s Information for Drainlayers page. Requirements include that all structures installed within public right of way shall be AASHTO H20 rated, and that sidewalks must be replaced in kind.”

Councillor Morsillo explained these are updated conditions from what the City Clerk’s office adds to these grants of locations. The Engineering Department reviewed the language and gave their input. Since this is a reoccurring condition from Engineering, this order makes it permanent until further notice. And Councillors will not have to state this each time as a condition. Only conditions that additional will need to be done on the floor.

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#507 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING MARGIN STREET

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

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Margin Street – beginning four (4) feet north of the driveway at 80 Margin Street, running in a northly direction for twenty (20) feet

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

#508 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING REPEALING WILLSON STREET

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

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

Section 1. Section 50B – Handicapped Zones, Limited Time shall be amended by repealing the following:

Repeal Willson Street – in front of #25 Willson Street, for a distance of twenty (20) feet

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

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#509 (#473) – TAX INCREMENT EXEMPTION AND CERTIFIED PROJECT APPLICATION FOR 38 NORMAN ST. QOZB, LLC.

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 matter was adopted by a roll call vote of 10 yeas, 1 nays and 0 absent. Councillor McClain was recorded in the negative.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of an Order to Approve the Certified Project application for 38 Norman St. QOZB, LLC and to authorize a TIE (Tax Increment Exemption) Agreement has considered said matter and would recommend this matter be adopted by roll call vote.

Councillor McClain stated the committee went through other projects and discussed what made this one worthy. Heard some concerns about any conflict between creating housing and authorizing a TIE agreement with a private entity. We wanted to ask questions to make sure we are using this tool wisely.

Councillor Cohen stated another benefit to the community. The Rental stock is decreasing and there is a lack of smaller units. At least one or two of units committed to rental units.

Councillor Watson-Felt took umbrage the former Ward 2 Councillor about lack of information. We are elected officials who do not know how to navigate this system or works in an industry that is in the business of doing this. This is a private-public venture. HDIP exists and has the right to take this path. It's well within their rights. Since this is a private entity, it is fair to have a conversation about it. Two units will be maintained as affordable unit for 99 years.

Councillor Hapworth walked in as a no wanting it to be a yes. With this conversation being held and Amanda talking about the size and small scale developers, the 22 units fit into that neighborhood, so he can now stand behind it.

Councillor Merkl appreciated tonight's discussion. Look at our rental stock and those being affordable within that stock. The Developers worked with and listened to the neighbors and made changes. We want to create housing with input and affordability.

Councillor Morsillo in favor of this. Good Housing especially in that area. It's a mess there now. It will be minimal decrease in taxes to help them get funding.

Councillor McCarthy state there is a public process and the did their due diligence. It's always easy to second guess a Councillor who previously sat in this chair. It could have been the situation at that time. They need this minimum tax relief to get additional funding. How we act is doing the best for the city. Do you now how hard it is to pencil

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out a project in today's date and age? The Council wouldn't approve it if doesn't make sense or the project doesn't work for the developer. There is no guarantee that the State will give them money.

Councillor Prosniowski stated this new development is the way we should be development. Community gives input and the City receives more housing.

#510 – (#194) – AFFORDABLE HOUSING TRUST FUND BOARD – COMPOSITION AND TERMS

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 was referred the matter of Code of Ordinances Ch. 2 Secs 1001 (Composition) & Sec1002 (Appointments of trustees; term; vacancies) and to discuss the composition and number of trustees appointed relative to the Affordable Housing Trust Fund Board has considered said matter and would recommend that the matter remain in committee.

The first time a meeting was held on this was to discuss if the City Council can appoint members themselves. It was determined that only the Mayor can make appointments. Still need to discuss number of board members and their terms i.e. staggering.

#511 – EXEMPTION FOR EMPLOYEE TO WORK FOR PARK & RECREATION IN THE SUMMER

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

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Erin van de Stadt has met the requirements for exemption as set forth in this Section and may be retained as a Summer Playground Supervisor and Special Event Assistant by the Park, Recreation and Community Services Department, not to exceed 500 hours in this calendar year.

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#512 - NATIONAL GRID AND VERIZON TO INSTALL 1 JOINTLY OWNED POLE ON DERBY STREET

A hearing was ordered on October 26, 2023 for a petition from National Grid and Verizon to install 1 jointly owned pole (#1907-50) on Derby Street.

#513 - NATIONAL GRID AND VERIZON TO INSTALL 1 JOINTLY OWNED POLE ON BOSTON STREET

A hearing was ordered on October 26, 2023 for a petition from National Grid and Verizon to relocate 1 jointly owned pole (#561) on Boston Street.

#514 – BLOCK PARTY – CHESTNUT STREET

Request from the residents of Chestnut St. to hold a Block Party on October 31, 2023, from 5PM – 8PM was granted.

#515 - #516 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:

Sarah Abt 18 Wigglesworth Somerville
 Sean Dixon-Gumm 10 Hersey St Salem
 Stephen Gordon 21 Cory Lane Reading
 Johanna Hartford 3 D Fletcher Way, Salem
 Arianna Meshesha 296 Washington St Salem
 Christine Morton 8 Rim St Enfield Ct
 Karen Powers 25 Ploushore Ln Greenfield, Nh
 Aaron Ross 394 Essex St Salem
 Carmen Villalobos 4 Raymond St Gloucester
 Jessica Lieb 36 Pearl St Middleboro
 Eden Tomaszewski 394 Essex St Salem
 John Rodas 19 Esquire Dr Peabody
 Michael Shine 32 Ashworth Ave Hampton, Nh

**VEHICLE FOR HIRE
 OPERATORS ONLY:**

Daniel Kerrigan, 1 Longfellow Pl., Boston - K Day Operations

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#517 – LICENSE APPLICATION – SECOND HAND VALUABLES

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

SECONDHAND VALUABLES: Game Zone 270 Essex St., Salem

#518 - #522 – CLAIMS

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

Zhongmei Vencens 11 Church St, Salem
Candance Sylvain 209Leonard Rd, Stafford CT
Kelsey Paretto 38 Osborn Hill Dr., Salem
Radhaizy Pimentel 8 Peabody St, Salem
Scott Breston 51 Lafayette St., Salem

#523 - DRAINLAYER/CONTRACT OPERATOR LICENSE APPLICATION

The Following Drainlayer/Contract Operator License Application was granted.
(Councillor Varela recused himself from this matter)

Six Progress Corp 6 Verona St., Salem

#524 – BONDS

The Following Bond was referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved. (Councillor Varela recused himself from this matter)

DRAINLAYER: Six Progress Corp 6 Verona St., Salem

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(#476) – SECOND PASSAGE – TRAFFIC ORDINANCE – RESIDENT STICKER PARKING - BROADWAY

The Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 75 – Resident Sticker Parking was adopted for second 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 75 of Article V-A be amended by inserting the following:

Broadway – Parking Prohibitions Towing Zone (Resident Sticker) - Zone E Color Orange – southwesterly side starting at the intersection with Tulip Street and ending at the intersection with Lily Street

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

(#478) – SECOND PASSAGE – TRAFFIC ORDINANCE – HANDICAP PARKING – FORRESTER STREET

The Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 50B – Handicapped Parking was adopted for second passage.

In the year Two Thousand and Twenty-three

An Ordinance to amend an Ordinance relative to Traffic, Ch. 42 Sec. 50B

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:

Forrester Street – along the side of 36 Forrester Street, beginning 116 feet northwest from Essex Street, running in a northwesterly direction for twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

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(#480) - SECOND PASSAGE – TRAFFIC ORDINANCE – HANDICAP PARKING – ESSEX STREET

The Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 50B – Handicapped Parking was adopted for second passage.

In the year Two Thousand and Twenty-three

An Ordinance to amend an Ordinance relative to Traffic, Ch. 42 Sec. 50B

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:

Essex Street – in front of 356 Essex Street, running in an easterly direction for twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#483A) SECOND PASSAGE – WAGE THEFT ORDINANCE

The Second Passage of an Ordinance relative to Wage Theft was adopted for second passage. (Below is a summary – Full Text can be found in the City Clerk’s office during normal business hours)

Wage Theft Prevention Summary

Purpose. To protect workers wage theft, the improper withholding of payment from employees and failing to pay them according to required schedules; ensure City vendors comply with wage laws and that City resources are not used to support vendors responsible for wage law violations; and ensure that potential and current recipients of tax relief agreements and licenses issued to restaurants do not violate the wage laws.

Wage Theft Compliance Process. The City Solicitor’s Office shall create an online complaint form that affected employees may use to report complaints and violations. The reports shall be filed with appropriate agencies and city officials.

Requirements for Contractors.

Every bid issued by the City shall notify bidders/proposers that they have an affirmative duty to report any judgment or debarment for wage within the five (5) years prior to bid submission and may not contract with the City if they have been either voluntarily or involuntarily debarred for wage theft unless the case is resolved, fees paid, and a bond posted. City contractor shall properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of prevailing wages

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and overtime, workers' compensation insurance coverage, taxes. If a Contractor is found to be in violation, the City may revoke, suspend or condition the contract.

Requirements for Tax Relief Agreements

Each Tax Relief Agreement entered into between the City shall require recipients 1) certify that they shall not engage any entity to perform work on the project who is subject to any debarment for wage theft and other labor laws, including workmen's compensation, with past five years; 2) maintain appropriate industrial accident insurance; and 3) properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. If the recipient is found to violate the wage laws, the City may seek to terminate the agreement.

Requirements for Licensees and Prospective Licensees.

Any application filed with Salem Licensing Board for a c. 138 or c. 140 license may be denied if there is a judgment or debarment from a violation of laws regulating the payment of wages.

License issued by the Salem Licensing Board may be modified, suspended or revoked if the licensee has been found to have violations of laws regulating the payment of wages.

Employers granted a License or Permit that have disclosed a judgment or debarment resulting from a wage law may be required to obtain a wage bond or other form of suitable insurance.

Placed on agenda in error – will be taken from the table on October 26, 2023

Tabled from the last meeting. Councillor Cohen motion to take from the table.

ORDERED: That Fire Chief Dionne update the Council about the delivery of vehicles we and other North Shore communities salvaged and donated to US Ambulances for Ukraine to serve the remainder of their useful life in Ukraine's Military and Fire Services.

On the motion of Councillor McCarthy the meeting adjourned at 8:57 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK