

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

A Regular Meeting of the City Council was held in-person on Thursday, October 26, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on October 24, 2023, at 2:01 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 were present. Councillor Watson-Felt attended remotely.

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. Filipe Zamborline, 19 Linden Street, Salem – Inclusionary Zoning
2. Robert Pardy, 8 North St., Salem – Statement of Peace
3. David Finger, 26 New Derby St., Salem – Peace Rally/Pro Palestine
4. Elana Gerson, 16 Spring St., Salem – Support for Israel
5. Veronica Miranda, 64 Rainbow Ter., Salem - Housing Authority Appointment
6. Steve Kapantais, 23 Wisteria St., Salem – Inclusionary Zoning
7. Rachel Gershlak, 12 Gardner St., Salem - Against Councillors who attended the rally

**#525 – (#512) – NATIONAL GRID AND VERIZON TO INSTALL 1 JOINTLY OWNED POLE ON DERBY STREET.**

A hearing was held on the petition from National Grid and Verizon to install 1 jointly owned pole on Derby Street (#1907-50) was held.

Appearing in favor was Sabitah Mahbier-Sheehy, Representative for National Grid, 44 River St. Beverly.

A resident of Derby Street had a question on where the pole was going. Sabitah Mahbier-Sheehy replied it was across the street. The resident was good with it.

Councillor McCarthy moved to close the Public Hearing. It was so voted by a roll call vote of 11 yeas, 0 nays, and 0 absent.

Councillor McCarthy moved adoption. It was so voted with the condition that the sidewalk is ADA compliant, the contractor reach out to Dave Kucharsky who has an issue with an upcoming project as well as DPs and the City Engineer by a roll call vote of 11 yeas, 0 nays, and 0 absent.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#526 - (#513) – NATIONAL GRID AND VERIZON TO RELOCATE 1 JOINTLY OWNED POLE ON BOSTON STREET**

A hearing was held on the petition from National Grid and Verizon to relocate 1 jointly owned pole on Boston Street (#561).

Appearing in favor was Sabitah Mahbier-Sheehy, Representative for National Grid, 44 River St. Beverly. This is being relocated for clearance of a building to do maintenance.

Resident of 98 Boston Street needs something repaired. When reaching out to National Grid they told her to contact each of you neighbors. She doesn't know her neighbors and it is an investment property.

Everyone wants to make sure this pole does not cause more issues or is place in a public way.

Sabitah Mahbier-Sheehy state that it is being moved to the other side of the street.

Councillor Stott stated that it looks like we are moving one problem to the other side of the street. It appears to impede the pedestrians walking.

Sabitah Mahbier-Sheehy replied that the State Contractor okayed the location.

Councillor Morsillo stated it is being moved to across the street to make it safer for her to work on her house.

Councillor Dominguez stated that communication needs to be clearer with the residents. He requested through Sabitah to ask the company to make what they are doing clearer.

Sabitah Mahbier-Sheehy stated she will pass this information on.

Councillor Stott stated it would have saved her a lot of work to understand why they were moving it. The Councillors and the residents need more information.

Councillor McCarthy moved to close the Public Hearing. It was so voted by a roll call vote of 11 yeas, 0 nays, and 0 absent.

Councillor McCarthy moved adoption with the condition that the relocation of the pole does not impede the public way. It was so voted with this condition by a roll call vote of 11 yeas, 0 nays, and 0 absent.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**(#498) – APPOINTMENT OF WILLIAM WINN TO SERC**

Held from the last meeting, the Mayor's appointment of William Winn to the Sustainability, Energy and Resiliency Committee with a term to expire October 26, 2026 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor McCarthy requested and received suspension of the rules to allow William Winn to speak.

**(#499) – REAPPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND BOARD**

Held from the last meeting 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.

Councillor Hapworth made a motion to divide the question and take each one up separately.

The reappointment of Lynda Fairbanks-Atkins with a term to expire October 26, 2025 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

The motion to hold Christopher Malstrom's appointment to the next meeting to take place on November 16, 2023 was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

**#527 - #529 – APPOINTMENTS TO VARIOUS BOARDS**

The Mayor's appointments of the following with terms to expire were held under the rules.

Megan Boyle, 21 Conant St., Salem - Affordable Housing Trust Fund Board with the term to expire Oct 28, 2024

Kelly Tyler-Lewis, 23 Warren St., Salem - Historical Commission with the term to expire April 11, 2025

Emily Ullman, 4 Buffum St., Salem - Salem Housing Authority with the term to expire Oct 26, 2028.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#530 – REAPPOINTMENTS TO THE SALEM FOOD POLICY COUNCIL**

The Mayors re-appointment of Allison Caffrey & Flora Cordoleani to the Salem Food Policy Council with a term to expire November 17, 2026 were held under the rules

**#531 – BOND ORDER IN THE AMOUNT OF \$2 MILLION FOR A FEASIBILITY STUDY FOR A NEW SCHOOL BUILDING**

The following order submitted by the Mayor was referred to the Committee on Administration and Finance by a roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the City of Salem appropriate the amount of Two Million Dollars (\$2,000,000.00) for the purpose of paying costs associated with a feasibility study regarding a potential new school building at the existing Salem High School site located at 77 Willson Street, Salem, Massachusetts, including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Salem High School Building Committee; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(7) and/or M.G.L. Chapter 70B, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and the City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided, however, that the amount of borrowing authorized pursuant to this order shall be reduced by the amount of any such grant set forth in a feasibility study agreement that may be executed between the City and the MSBA for the project.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#532 – APPROPRIATION OF \$145,750.00 FROM THE GENERAL FUND FOR FY24 SUPPLEMENTAL BUDGET**

The following order submitted by the Mayor was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole by a roll call vote of 11 yeas, 0 nays and 0 absent.

These accounts are ARPA funds that will be going away and need to be absorbed into the FY24 budget to continue these line items.

ORDERED: That the sum of One Hundred Forty-Five Thousand, Seven Hundred Fifty Dollars (\$145,750.00) shall be Raised and Appropriated from the City of Salem General Fund for the following fiscal year 2024 supplemental budget appropriations in accordance with the recommendation of His Honor the Mayor.

<b>Account</b>	<b>Description</b>	<b>Amount</b>
11211-5111	Mayor's Office – Salaries Full-Time	40,000.00
11351-5111	Finance Office – Salaries Full-Time	20,000.00
11521-5150	Human Resources – Stipends	3,750.00
11992-5389	Planning – Market and Tourism – Contract Services	32,000.00
14812-5320	Traffic and Parking – Contract Services	50,000.00
<b>Total</b>		<b>\$ 145,750.00</b>

**#533 – APPROPRIATION OF \$58,000.00 TO PURCHASE NEW FIRE PUMP TO REPLACE ENGINE 4**

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

ORDERED: That the sum of Fifty-Eight Thousand Dollars (\$58,000.00) is hereby appropriated within the "Capital Outlay" account (20002410-5846HN) for additional costs associated with the purchase of a new fire pump to replace Engine 4 in accordance with the recommendation of His Honor the Mayor.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#534 – APPROPRIATION OF \$19,957.20 FOR RETIREMENT OF SCHOOL EMPLOYEE**

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

ORDERED: That the sum of Nineteen Thousand Nine Hundred Fifty-Seven Dollars and Twenty Cents (\$19,957.20) 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
Catherine Stavrakas	School Department	\$19,957.20
		<b>\$19,957.20</b>

**#535 – APPROPRIATION OF \$17,640.00 TO PURCHASE AND INSTALL SECURITY CAMERAS AT 93 AND 98 WASHINGTON STREET**

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

ORDERED: That the sum of Seventeen Thousand Six Hundred Forty Dollars (\$17,640.00) is hereby appropriated within the “Capital Outlay” account (20002422-5846FW) for additional costs associated with the purchase and installation of security cameras at 93 and 98 Washington Street in accordance with the recommendation of His Honor the Mayor.

**#536 – DONATION OF \$1,200 TO PARK & REC. FOR BENCH**

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

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

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#537 – ZONING ORDINANCE AMENDMENT RELATIVE TO INCLUSIONARY HOUSING**

The following Zoning Ordinance submitted by the Mayor was to schedule a Joint Public Hearing with the Planning Board was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

This Zoning Ordinance is a more targeted proposal than last time. This mandates greater than 20 units to be 10% affordable at 60% of the AMI and less than 20 units 8% affordable. These units must be on the same site as market rate, same size and no compensation.

We must abide by the MBTA community regulations. MAPC conducting economic feasibility analysis what we can build here in keeping with the MBTA law.

Councillor McCarthy thinks this is great. He voted for it last time. He is concerned by the timing on this. After January 1<sup>st</sup> there will be new Councillors at these seats.

**An Ordinance** to amend the zoning ordinance by adding, “Inclusionary Housing”.

**Section 1.** Section 5- Regulations of the Zoning Ordinance is hereby amended by adding the following new section:

*5.4 - INCLUSIONARY HOUSING*

**5.4.1 Purpose and Intent.** The purpose of this section is to expand the City of Salem’s housing stock, especially its Affordable Housing Units; to leverage market-rate housing production towards the production of Affordable Housing Units; to provide for housing choices for households of all incomes, ages, and sizes; to increase the production of Affordable Housing Units to meet employment needs; and to establish standards and guidelines in order to implement the foregoing.

At a minimum, Affordable Housing produced through this regulation shall be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and other Affordable Housing programs developed by state, county, and local governments. It is intended that the Affordable Housing Units that result from this section be considered as Local Action Units, in compliance with the requirements specified by the Massachusetts Local Initiative Program. Definitions pertaining to this section can be found in Section §10.0 of this ordinance.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**5.4.2 Applicability.**

1. This Section §5.4 applies to any subdivision or development, whether new construction, conversion, adaptive reuse or expansion of an existing structure, involving the creation of six (6) or more dwelling units. Section §5.4 applies to all residential dwelling types as defined by the Salem zoning ordinance with the exception of assisted living residences, nursing or convalescent homes, and other similar uses.
  - a. A subdivision or division of land shall mean any subdivision as defined in the Subdivision Control Law, G.L. c.41, §81K-81GG, or any division of land under G.L. c.41, §81P, into lots for residential use.
  - b. Developments shall not be segmented or phased to avoid compliance with this Section. "Segmentation" shall mean any development or any division of land that would cumulatively result in an increase of six or more residential lots or dwelling units above the number existing on a parcel of land or contiguous parcels in common ownership up to twenty-four months prior to the application. Where such segmentation occurs, it shall be subject to this Section.
2. This Section §5.4 does not apply to the rehabilitation, repair or reconstruction of any building or structure, all of or substantially all of which is destroyed or damaged by fire or other casualty or a natural disaster; provided, however, no rehabilitation, repair or reconstruction shall result in a net increase of six (6) units beyond what previously existed prior to the damage or destruction thereof except in conformance with this Section.
3. No special permit or site plan review for a development requiring a special permit or site plan review, and no building permit for a use permitted as of right, shall be issued for a development subject to this Section §5.4 unless the applicant provides the percentage of the total dwelling units in the development as Affordable Housing Units as described herein.
4. For projects in the Central Business (B5) District, this Section §5.4 shall be applicable upon approval of an Economic Feasibility Analysis by the Executive Office of Housing and Livable Communities.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**5.4.3 Mandatory Provision of Affordable Units.**

1. Affordable Housing requirement. As a condition of development, the applicant shall contribute to the local stock of Affordable Housing Units in accordance with the following requirements:
  - a. In any development subject to this Section §5.4:
    - i. For developments up to twenty (20) units in size, at least eight (8) percent of the dwelling units shall be Affordable Housing Units.
    - ii. For developments twenty-one (21) units or larger in size, at least ten (10) percent of the dwelling units shall be Affordable Housing Units.
  - b. Affordable Housing Units required by this Section §5.4 shall be made available to eligible households with incomes at or below 60% of Area Median Income (AMI) at purchase prices or rents that adhere to the income limits determined by the U.S. Department of Housing and Urban Development (HUD) applicable to the City of Salem, and shall comply with the Massachusetts Local Initiative Program regulations.
  - c. Nothing in this Section shall preclude the applicant from providing additional Affordable units, or greater affordability, or both, than the minimum requirements.
2. Special Permit for Tiered Affordability
  - a. Purpose. Adaptive reuse of abandoned, underutilized or functionally obsolete properties as housing enables growth in established locations while preserving or restoring the architectural fabric of Salem. In the event that an adaptive reuse project in the Central Business (B5) zoning district would not be feasible with the Affordable unit requirements of Section 5.4.3, the Affordability unit requirements of Section 5.4.3 may be met by a special permit from the Planning Board that would allow tiered affordability levels of the required Affordable units up to 80 percent of the area median income if all the criteria of Section 5.4.3(2) are met.
  - b. Eligibility.
    - i. The project must be located in the Central Business (B5) zoning district.
    - ii. The incentives of Section 5.4.4 are not permitted if the Affordable unit requirements of Section 5.4.3 are met by a special permit.
    - iii. The applicant shall obtain a letter from the Salem Historical Commission that determines:

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

1. The building is located on the State Register of Historic Places or that the building is significant in the history, archaeology, architecture or culture of Salem.
  2. The building is a minimum of 50 years old.
  3. The exterior work comply with the Secretary of the Interior Standards.
- iv. The applicant shall obtain a positive recommendation letter from the Affordable Housing Trust Fund Board concerning the proposed affordability tiers.
- c. Criteria for a Tiered Affordability Special Permit.
- i. Increasing the affordability level of any of the required Affordable units above 60 percent of the area median income is discouraged. The applicant shall demonstrate to the Affordable Housing Trust Fund Board that all other resources have been exhausted.
  - ii. The applicant shall provide financial pro-forma to the Affordable Housing Trust Fund Board that demonstrates the affordable unit provisions in Section 5.4.3(1) would prevent the adaptive reuse project from being financially feasible. The pro-forma shall use EOHLC's Chapter 40B Guidelines for determining whether the project is "uneconomic" and related terms such as "return on total cost" and "net operating income" or other guidelines that are recognized by real estate and affordable housing industry standards that are determined to be acceptable by the Affordable Housing Trust Fund Board.
  - iii. The pro-forma will be peer reviewed by a third-party accountant chosen by the Affordable Housing Trust Fund Board and paid for by the applicant. The Affordable Housing Trust Fund Board shall include consideration of the criteria in Section 5.4.3(2)(c) i and ii in their recommendation letter to the Planning Board.
  - iv. A permanent preservation restriction mutually agreed upon between the applicant and the City of Salem Historical Commission shall be provided to the City of Salem to protect the historically significant features of the exterior of the building.
3. On-site requirement. All Affordable Housing Units shall be provided on-site.
4. Fractions. When the requirement for Affordable Housing Units results in a fraction of a unit, the applicant shall have the choice to round up to the next whole number or convert the fraction of a unit to a cash payment to the Salem Affordable Housing Trust Fund. For example, a 24-unit project would require 2.4 Affordable Housing Units (10% of 24); the last 0.4 unit may be satisfied by providing an additional

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Affordable Housing Unit (for a total of 3 Affordable Housing Units) or through a cash payment equivalent to 0.4 unit.

The payment shall be based on the total development cost limit for urban areas outside Metro Boston as articulated in the most current Massachusetts Qualified Allocation Plan for the Low Income Housing Tax Credit Program, issued by the Department of Housing and Community Development (DHCD), the Executive Office of Housing and Livable Communities (EOHLC), or its successor agency.

For projects using historic tax credits or other historic preservation incentives, the cost of the historic credit or incentive may be subtracted from the total development cost limit.

**5.4.4 Housing Bonus and Parking Reduction.** Developments subject to this Section 5.4, with the exception of those obtaining a special permit pursuant to Section 5.4.3.2, may incorporate either or both of the following:

1. Housing Bonus. Developments in compliance with the requirements of this Section §5.4 are permitted an increase of up to 25% of the total number of dwelling units allowable in the applicable zoning district. The requirements of Section 5.4.3.1 shall be calculated based on the total number of new units, including units created through the housing bonus.
  - a. The minimum lot area per dwelling unit required in the applicable zoning district shall be reduced by the amount necessary to permit the additional units. This reduction of the minimum lot area per dwelling unit shall be by right for developments in compliance with the requirements of this Section §5.4.
  - b. The number of stories allowable in the applicable zoning district may be increased by one story provided it does not exceed the maximum height, and all yard and setback requirements normally required in the applicable zoning district may be reduced by up to 50%, with a Special Permit granted by the Planning Board. In granting a Special Permit, the Planning Board will consider the Special Permit criteria established in Section 9.4.2 and whether the permit is necessary to provide for the additional units permitted by the density bonus.
2. Parking Reduction. Developments in compliance with this Section §5.4 are permitted to reduce the number of required parking spaces as follows:
  - a. For developments located within a half mile of a commuter rail station, the development is permitted to reduce the number of parking spaces to one parking space per dwelling unit. This parking reduction shall be by right for developments in compliance with the requirements of this Section §5.4.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

- b. For developments located further than a half mile from a commuter rail station, the development is permitted to reduce the number of parking spaces to one parking space per dwelling unit with a Special Permit granted by the Planning Board, if Transportation Demand Management (TDM) practices are incorporated, as evidenced by a Transportation Demand Management Plan to reduce demand for parking, and approved by the Planning Board as a condition of project approval. The Planning Board will assess the need for TDM measures based on site location. TDM methods to reduce parking demand on site may include but are not limited to:
- i) Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses;
  - ii) Use off-site parking to satisfy parking requirements;
  - iii) Pay a stipend to residents without cars;
  - iv) Provide a guaranteed emergency ride home;
  - v) Provide transit pass subsidies;
  - vi) Provide covered bicycle parking and storage;
  - vii) Provide bicycle or car sharing on site;
  - viii) Other means acceptable to the Planning Board.
- c. For historical renovation projects located within the Central Business (B5) district, the development is permitted to reduce the number of parking spaces to zero parking spaces per dwelling unit.

**5.4.5 Provisions Applicable to Affordable Housing Units.**

1. Location. All Affordable Housing Units must be dispersed evenly throughout the development.
2. Exterior design. The exterior of Affordable Housing Units must be indistinguishable from the market-rate units in terms of design, appearance, materials, and quality of construction.
3. Interior size and finishes. The size and interior finishes of the Affordable Housing Units may differ from the market-rate units within the parameters described below:

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

- a. The Affordable Housing units must be supplied with the same base appliances and fixtures as the market rate units; for example, if market-rate units include a dishwasher, Affordable units must include one as well. However, the product specifications for the fixtures, appliances, and interior finishes in Affordable units may differ from those in the market-rate units, provided that such finishes and features are durable, of good quality, consistent with contemporary standards for new housing, and in compliance with the standards set forth by Local Initiative Program design and construction standards.
  - b. Affordable Housing Units must be supplied with the same mechanical systems and energy efficiency features as market-rate units, including windows, insulation, plumbing, and heating and cooling systems.
  - c. The bedroom mix in the Affordable Housing Units shall be proportionate to the bedroom mix of the market-rate units.
  - d. Residents of Affordable Housing Units shall have similar access to all building and site common areas and amenities as residents of market-rate units, including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
  - e. Compliance with Section 5.4.5 shall be determined by Salem Department of Planning and Community Development staff.
4. Timing of construction of Affordable units and payment made. Affordable Housing Units must be constructed at a proportion of one (1) affordable unit for every five (5) Market Rate Units. The payment for fractional units, if applicable, shall be made before issuance of the Certificate of Occupancy.

**5.4.6 Resident Selection and Marketing Plan for Affordable Units.**

1. Applicants creating new Affordable Housing Units under this Section §5.4 are required to select qualified homebuyers or renters via lottery under an Affirmative Fair Housing Marketing Plan (AFHMP) prepared and submitted by the applicant and approved by the Salem Department of Planning and Community Development and the Executive Office of Housing and Livable Communities as part of the Local Initiative Program. The AFHMP must include a plan to address AFHMP requirements upon resale of ownership units. The marketing plan shall comply with federal and state fair housing laws and guidelines in effect on the date of filing of the special permit or other permit application with the City of Salem. No

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Certificate of Occupancy for a development subject to §5.4 shall be issued unless the Salem Department of Planning and Community Development has determined that the applicant's AFHMP complies with this requirement. The affirmative marketing costs for the Affordable Housing units shall be the responsibility of the applicant.

2. For ownership units, if the applicant agent is unable to find an eligible homebuyer within 180 days of marketing the unit, in accordance with the AFHMP, the applicant may sell the property to a household earning up to 80% of the area median income upon approval of the Affordable Housing Trust Fund Board.

**5.4.7 Preservation of Affordability.** Each Affordable Housing Unit created in accordance with this Section shall have limitations governing its resale through the use of an Affordable Housing Restriction. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for households at income levels required by this Section §5.4.

1. As a condition of development, all Affordable Housing Units provided under this Section §5.4 shall be subject to an Affordable Housing Restriction in a form consistent with the LIP guidelines or any other applicable guidelines issued by DHCD, EOHLC, or its successor agency acceptable to the Planning Board, that ensures Affordable units can be counted toward Salem's Subsidized Housing Inventory. The Affordable Housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of MGL c. 184, § 26 or §§ 31 and 32. Affordability restrictions shall be contained in applicable Affordable Housing Restrictions, regulatory agreements, deed covenants, contractual agreements, land trust arrangements and/or other mechanisms to ensure compliance with the affordability requirements of this Section.

The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD, EOHLC, or its successor agency to qualify Affordable Housing Units for listing on the Chapter 40B Subsidized Housing Inventory as Local Action Units.

2. The Affordable Housing Restriction shall contain limitations on use, occupancy, resale and rents, and provide for periodic monitoring, by the City or its designee named in the deed rider as the monitoring agent, to verify compliance with and enforce said restriction. This monitoring is intended to verify that Affordable homeownership units remain owner-occupied and are resold at a price consistent with this Section §5.4, and that Affordable rental units are occupied by tenants earning incomes described in this Section §5.4 at rents they can afford. The applicant is responsible for providing ongoing monitoring through an organization qualified to serve as a monitoring agent on behalf of the City.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

3. The restriction shall establish that Affordable units created under the provisions of §5.4 shall remain affordable to the designated income group in perpetuity, or for as long as legally permissible, per Affordable Housing restrictions that comply with Local Initiative Program requirements as they may be amended for inclusion in the Chapter 40B Subsidized Housing Inventory and is enforceable under G.L. c. 184, § 26 or §§ 31-32.
4. The restriction shall grant the City of Salem or its designee the right of first refusal to purchase the property in the event that a subsequent qualified homebuyer cannot be located. In any and all instances Section 5.4.7(3) shall remain in effect.
5. The Affordable Housing Restriction shall provide that initial sales and rentals of Affordable Housing units and subsequent re-sales and rentals shall comply with federal, state and local fair housing laws, regulations and policies, and Local Initiative Program guidelines. For Affordable homeownership units, the procedure for resale and the responsibilities of the homeowner, the City and/or its monitoring agent, and EOHLIC are described in detail in the Local Initiative Program regulations.
6. The Affordable Housing Restriction shall provide that, in the event that any Affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity as Affordable to the income level required for Affordable ownership units in Section 5.4.3.1.
7. No Certificate of Occupancy shall be issued until the applicant executes an enforceable agreement with the City and provides evidence acceptable to the Salem Department of Planning and Community Development that the agreement has been recorded at the Essex County Registry of Deeds. It is the applicant's responsibility to prepare a complete regulatory agreement, to obtain the necessary signatures and to record a fully executed agreement at the Registry of Deeds prior to the issuance of any Certificate of Occupancy (or in the case of a subdivision, lot releases).
8. For an Affordable homeownership unit, no Certificate of Occupancy shall be issued until the applicant submits documentation acceptable to the Salem Department of Planning and Community Development that an Affordable Housing deed rider has been signed by the homebuyer and recorded at the Essex County Registry of Deeds.

**5.4.8 Conflict with Other Sections.** The provisions of this Section §5.4 shall be considered supplemental of existing sections of this zoning ordinance. To the extent that a conflict exists between this Section §5.4 and others, the provisions of this Section §5.4 shall apply.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**5.4.9 Severability.** If any portion of this Section is declared to be invalid, the remainder shall continue to be in full force and effect.

**Section 2.** The Salem Zoning Ordinance Section 10 Definitions is hereby amended by following 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. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, Sections 26 or 31-32 of the Massachusetts General Laws.

*Affordable Housing Unit:* A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Massachusetts Local Initiative Program, for inclusion on the Chapter 40B Subsidized Housing Inventory.

*Area Median Income:* The median income for households within the metropolitan area that includes the City of Salem, as defined in the annual schedule of low-income limits published by the U.S. Department of Housing and Urban Development, adjusted for household size.

*Commuter rail station:* Any Massachusetts Bay Transportation Authority (MBTA) commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

*Eligible Household:* A household of one or more persons whose maximum income does not exceed the income limits established in Section 5.4.

*Eligible Buyer:* An individual or household certified by the Monitoring Agent to have met all of the eligibility requirements set forth in the Affordable Housing Restriction and applicable Program Guidelines to buy an Affordable unit, including limits on income and assets, suitability of financing, etc.

*Local Action Unit:* An Affordable Housing unit developed through a city's zoning or permit issuance process as part of the Local Initiative Program and eligible for inclusion on the Subsidized Housing Inventory.

*Local Initiative Program:* A program administered by the Executive Office of Housing and Livable Communities (EOHLC), formerly the Massachusetts Department of Housing and Community Development (DHCD), pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in Chapter 40B.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

*Low- or moderate-income Household:* A household with income at or below 80% 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).

*Market Rate Unit:* All dwelling units in a development subject to Section 5.4 that are not Affordable Housing Units as defined therein.

*Maximum Affordable Purchase Price or Rent:* A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify Affordable Housing Units for inclusion on the Massachusetts Chapter 40B Subsidized Housing Inventory. For homeownership units, the maximum affordable purchase price shall account for the monthly cost of a mortgage payment, property taxes, insurance, and condominium fees where applicable. For rental units, the maximum affordable rent shall account for the monthly cost of rent and utilities. The household income used to compute the maximum affordable purchase price or rent shall be adjusted for household size, considering the household size for which a proposed affordable unit would be suitable under guidelines of the Local Initiative Program or any successor affordable housing program established by the state.

*Monitoring Agent:* The Monitoring Agent is a qualified individual or agency for the purposes of administration, monitoring and enforcement of the Affordability Requirement for a Project pursuant to the Affordability Monitoring Services Agreement.

*Salem Affordable Housing Trust Fund:* A fund established by the City of Salem pursuant to Massachusetts General Laws, Chapter 44, Section 55C, for the purpose of creating or preserving Affordable Housing in the City of Salem for the benefit of low- and moderate-income households.

*Subsidized Housing Inventory (SHI):* The Executive Office of Housing and Livable Communities (formerly the Department of Housing and Community Development) Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.

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

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#538 – ORDINANCE AMENDING TRAFFIC RELATIVE TO ZERO EMISSION VEHICLE PARKING AND CHARGING**

The following ordinance introduced by Councillor Morsillo was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor McCarthy stated he didn't have a problem with this but he is seeing new EV parking spots already in the lots. Who's paying for the electric? Any grant to fund this.

Councillor Cohen stated that all charging stations will require payment most use is by tourists or locals come to Salem to charge their vehicle. This won't be a money maker but should break even. In the future it will be significantly less than gas to charge. This is to help meet our goal after 2034. No new cars will be manufactured that are not Electric. We need 700,000 more EV stations.

*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.** Article V – Parking of Chapter 42, the Traffic Code, is hereby amended by adding the following new division:

DIVISION 3. – Zero Emission Vehicle Parking and Charging

Sec. 70A – Regulations

In accordance with the provisions of Chapter 40 S. 22A of the Massachusetts General Laws, zero emission vehicle charging stations shall be reserved for charging or parking by zero emission vehicles only. All other parking regulations applicable to the location in which the zero emission vehicle charging station is situated shall apply to zero emission vehicles using the station. This shall include, but not be limited to, parking time limits, size restrictions, the payment of any other parking fees, meter fees, garage fees, or other similar fees. The user of a zero emission vehicle charging station or equipment may be subject to fees for its use. These fees shall be separate from any parking fees and shall not be considered payment toward those parking fees. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the zero emission vehicle charging station.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Zero emission vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging or parking purposes only. Zero emission vehicle charging stations may also be reserved for zero emission vehicle charging only, and not permit zero emission vehicles to park without charging. Such stations must be posted with signage that clearly states such a restriction.

Publicly owned zero emission vehicle charging stations may also be restricted for use only by certain City-owned vehicles. These restrictions must be posted with signage at the zero emission vehicle charging station.

Sec. 70B – Locations

In accordance with the provisions of Chapter 40 S. 22A of the Massachusetts General Laws, the following locations are designated Zero Emission Vehicle Charging Stations:

Bentley Academy – zero emission vehicle charging stations - public use – Six zero emission charging stations sharing three zero emission vehicle supply equipment units, located in the Bentley Academy parking lot at 4 Szetela Lane, southwest of the main building, along the southeastern border of the parking lot, as signed.

Church Street West Lot – zero emission vehicle charging stations - public use – Four zero emission charging stations sharing two zero emission vehicle supply equipment units, located in the Church Street – West parking lot at 29 Federal Street, along the western border of the parking lot, as signed.

Crombie Lot – zero emission vehicle charging stations - public use – Four zero emission charging stations sharing two zero emission vehicle supply equipment units, located in the Crombie Street parking lot at 287 Essex Street, as signed.

Forest River Park – zero emission vehicle charging stations - public use – Six zero emission charging stations sharing three zero emission vehicle supply equipment units, located in the parking lot for Forest River Park at 38 Clifton Street, as signed.

Museum Place Garage – zero emission vehicle charging stations - public use – Four zero emission charging stations sharing two zero emission vehicle supply equipment units, located in the northeastern corner of the second floor of the Museum Place Garage at 1 New Liberty Street, as signed.

Salem Green Lot – zero emission vehicle charging stations - public use – Two zero emission charging stations sharing one zero emission vehicle supply equipment unit, located in the Salem Green parking lot at 21 Church Street, as signed.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Salem High School – zero emission vehicle charging stations - public use – Six zero emission charging stations sharing three zero emission vehicle supply equipment units, located in the northwestern-most parking lot at Salem High School at 77 Willson Street, as signed.

Sewall Street Lot – zero emission vehicle charging stations - public use – One zero emission charging station sharing one zero emission vehicle supply equipment unit with the adjacent restricted use zero emission vehicle charging station, located in the Sewall Street parking lot at 8 Sewall Street, along the western border of the lot, within the Sewall Street right-of-way, as signed.

Sewall Street Lot – zero emission vehicle charging stations - restricted use – One zero emission charging station sharing one zero emission vehicle supply equipment unit with the adjacent public use zero emission vehicle charging station, located in the Sewall Street parking lot at 8 Sewall Street, along the western border of the lot, within the Sewall Street right-of-way, as signed.

South Harbor Garage – zero emission vehicle charging stations - public use – Four zero emission charging stations sharing two zero emission vehicle supply equipment units, located in the eastern portion of the first floor of the South Harbor Garage at 245 Derby Street, as signed.

**Sec. 70C – Penalties**

In accordance with the provisions of Chapter 40 S. 22A of the Massachusetts General Laws, the use of a zero emission vehicle charging station space by a vehicle other than a zero emission vehicle shall be subject to a penalty as set forth in Section 17A of Chapter 42.

Vehicles found in violation of the provisions of this Division, except those specifically exempt by law, may be removed to a convenient place under the direction of an officer of the Police Department and the owner of a vehicle removed or towed away shall be liable to the cost of such removal and storage. Any vehicle removed or towed away under the provisions of this Division shall also be subject to the penalties provided in Chapter 90, Section 20A of the Massachusetts General Laws. The towing of such vehicles shall be subject to the same regulations set forth in Article V-A of this Ordinance.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**Section 2.** Article I, Sec. 1 of Chapter 42, the Traffic Code, is hereby amended by adding the following new definitions:

*Zero emission vehicle.* A battery electric vehicle, a plug-in hybrid electric vehicle or a fuel cell vehicle

*Zero emission vehicle charging station.* A publicly owned and/or publicly available parking space that is served by zero emission vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in a zero emission vehicle.

*Zero emission vehicle charging station - restricted use.* A zero emission vehicle charging station that is publicly owned and restricted (e.g., municipal fleet parking with no access to the general public).

*Zero emission vehicle charging station - public use.* A zero emission vehicle charging station that is publicly owned and publicly available (e.g., on-street parking and City-owned parking facilities).

*Charging.* When the connector from a zero emission vehicle supply equipment (or standard outlet) is inserted into the zero emission vehicle inlet, and electrical power is being transferred for the purpose of recharging the batteries on board the zero emission vehicle.

*Charging level.* The standardized indicators of electrical force, or voltage, at which a zero emission vehicle's battery is recharged. Level 1 is considered slow charging, typically requiring a 15- or 20- amp breaker on a 120-volt AC circuit and standard outlet. Level 2 is considered medium charging, typically requiring a 40- amp to 100-amp breaker on a 240-volt AC circuit. DC Fast Charge is considered rapid charging, typically requiring a 60 amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. DC Fast Charging uses an off-board charger to provide the AC to DC conversion, delivering AC directly to the car battery.

**Section 3.** Article I, Sec. 17A Schedule of Fines re: Penalties is hereby amended by inserting the following as a \$50 fine:

Zero Emission Vehicle Parking and Charging Regulation Sec. 70A

**Section 4.** This ordinance shall take effect as provided by City Charter.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#539 – ORDINANCE AMENDING TRAFFIC RELATIVE TO RESIDENT STICKER PARKING ON VARIOUS STREETS**

The following ordinance introduced by Councillor Varela was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent. He stated due to new Salem State University parking not needed as much as in the past.

*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 repealing the following:

Buchanan Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides in its entirety, 8:00 A. M. to 8:00 P. M. Monday through Friday, Tow Zone. (3/13/90)

Cleveland Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-easterly side, Monday through Friday, 8:00 A. M. to 6:00 P. M. (11/10/86)

Cleveland Road Ext. – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, Monday through Friday, 8:00 A. M. to 6:00 P. M. (11/10/86)

Fairview Avenue – Parking Prohibitions Towing Zones (Resident Stickers) Zone B-Color Red, both sides in its entirety, resident sticker parking 8:00 A.M., Monday through Friday. ( 10/13/16 )

Grant Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, running from Loring Avenue, in an easterly direction to the intersection of Lincoln and Grant Roads, Monday through Friday, 8:00 A. M. to 8:00 P. M. (11/10/86)

Harrison Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B, Color Red-northerly side resident sticker parking only 6:00 PM to 8:00 AM Monday through Friday, resident only Saturday and Sunday. Also, residents of 238 Loring Avenue to 258 Loring Avenue to be eligible for resident only parking stickers for Zone B, color Red.

Hayes Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, in its entirety, Monday through Friday. (11/30/89)

Hayes Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-westerly side, in its entirety, Monday through Friday, 8:00 A. M. to 8:00 P. M. (11/10/86)

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Lincoln Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, from Loring Avenue in an easterly direction to Buchanan Road, Monday through Friday, 8:00 A. M. to 8:00 P. M., Tow Zone. (6/21/90)

Lincoln Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, running from Cleveland Road in an easterly direction to Grant Road, Monday through Friday, 8:00 A. M. to 8:00 P. M. (11/10/86)

Lincoln Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides from Grant Road to Monroe Road. (4/24/08)

McKinley Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, in its entirety, Monday through Friday, 8:00 A. M. to 8:00 P. M. (11/10/86)

Moffatt Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, starting at the corner of Loring Avenue and running in a westerly direction for a distance of five hundred (500) feet, Monday through Friday, 8:00 A. M. to 8:00 P. M. (11/10/86)

Monroe Road – Parking Prohibitions Towing Zone (Resident Sticker) easterly side starting at a point across from #30 Monroe Road continuing to a point one hundred eleven (111) feet from Loring Avenue, "Resident Sticker Parking, Tow Zone" (10/11/12)

Paradise Avenue – Parking Prohibitions Towing Zone (Resident Sticker) Paradise Ave., in its entirety, in a westerly direction, odd numbered side of the street only. Resident Sticker Parking, Tow Zone

Pickman Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-northerly side, starting at a point ninety (90) feet from the corner of Loring Avenue and running in a westerly direction in its entirety; southerly side, starting at the corner of Hayes Road and running in a westerly direction in its entirety, Monday through Friday, 8:00 A. M. to 8:00 P. M. (11/10/86)

Pierce Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-in its entirety. (11/10/86)

Preston Road – Parking Prohibitions Towing Zones (Resident Stickers) Zone B-Color Red, Preston Road in its entirety, both sides between Sumner Road and Jefferson Avenue. Resident Sticker Parking Only Tow Zone, Monday through Friday 8:00 A.M. to 8:00 P.M. (10/13/16)

Riverway Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, in its entirety. (10/30/89)

Rosedale Avenue – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-both sides, in its entirety. (10/30/89)

Station Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red-in its entirety. Resident Sticker Parking only, tow zone, Monday through Friday, 8:00 A. M. to 8:00 P. M. (12/19/90)

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Sumner Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red, southerly side in its entirety from Bradley Road to the intersection of Loring Avenue. (10/24/13)

Taft Road – Parking Prohibitions Towing Zone (Resident Sticker) Zone B-Color Red both sides, Monday through Friday amend to 8:00 A.M. to 6:00 P.M. (7/16/09)

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

**#540 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – BARR STREET**

The following ordinance introduced by Councillor McCarthy was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

*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:

Barr Street – in front of #36 Barr Street running southeast for twenty (20) feet

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

**#541 – (#517) – GRANTING CERTAIN LICENSES**

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

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Granting of Certain Licenses has considered said matter and would recommend it be granted.

Secondhand Valuables - Game Zone

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#542 – (#194, #510, #542A) – ORDINANCE AMENDING CH. 2 SECS 1001 & 1002  
RELATIVE TO THE AFFORDABLE HOUSING TRUST FUND BOARD**

Councillor Morsillo offered the following report for. It was voted to accept the report by a roll call vote of 11 yeas, 0 nays, and 0 absent 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 adoption as amended for first passage.

Councillor Morsillo explained that there are too many members on this board and there has been trouble getting a quorum. The Mayor is on the board and they are the only one that can appoint members. There are 3 Councillors on the board. They are not able to appoint themselves. However, the Mayor can appoint a Council member. Also the terms should be for 2 years. One year term doesn't make sense. These terms should also be staggered.

Councillor Dominguez understands that the Mayor can appoint a Councillor but it is not a sure thing. Voting no because even though the law is written that way still thinks we should create a balance. We should represent our constituents.

Councillor Cohen disagrees with Councillor Dominguez. Sometimes when we speak others are discouraged to speak. Nothing to preclude the Mayor from appointing a Councillor and we can still attend meetings.

Councillor Hapworth stated that people's voices are only heard every 4 years. Mayor serves at the pleasure of the voters, and this is in violation of the State Law.

Councillor Morsillo understands what Councillor Dominguez is saying, but due to the State Law Salem could be subject to lawsuits. We get our final say when we vote on the Inclusionary Zoning. That is part of our job.

Councillor McClain is concerned about lack of Council member on the Board but have clarity on what the State Law says by our City Solicitor. We cannot make the Mayor appoint a Councillor but have opportunity to confirm, not confirm or delay confirmation. We need to be in compliance with the State Law.

Councillor Prosniewski in agreement with Councillor Dominguez. Feels that our voice helped. But the bottom line it is against State Law – we are violating the law by having Councillors on the board in its current fashion. We have to pay more attention to that board.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Councillor Dominguez stated he has reconsidered his vote and will vote yes. He agrees with Councillor Prosniewski's statement.

The following amendments were made: In Section 2-1001 - to replace 12 trustees with 9 and deleting "and two members of the City Council. In Section 2-1002 – change the work "annually to "biennially", replace 4 trustees with 3, delete sentence 2 and 3 relative to Council appointments and add the following sentence to the end of sec. 2-1002 – "No trustee, excluding the Mayor, shall serve for a term exceeding two years.

These amendments were adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

The ordinance was adopted for first passage as amended by a roll call vote of 11 yeas, 0 nays and 0 absent.

**#543 – POLICE TO INSTALL AND HAVE ACCESS TO CERTAIN LOCATIONS**

The following letter submitted by the Police Chief, Lucas Miller to request the authority of the City Council to install video surveillance camera or have access to the camera system at locations stated below was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

Salem City Council  
City Hall  
93 Washington Street  
Salem, Massachusetts 0 1970

Dear City Council Members,

In accordance with Chapter 32, Article 5, Section 32-121 of the Code of Ordinances of the City of Salem, the Salem Police Department respectfully requests authority to install video surveillance camera or have access to the camera system at the following locations:

Access to the camera system at the City Hall and City Hall Annex building allowing the Department the ability to monitor them and deter criminal activity.

Installation of a camera along the South River Walkway by the Shetland parking lot allowing the Department the ability to monitor the area and deter criminal activity.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

Per the Ordinance, the above listed security cameras will record video feed only; audio recording will not be conducted. Additionally, public notice of the installation and operation of video cameras will be published.

It is my belief that installation of video surveillance cameras at the above locations will assist this Department in preventing criminal acts and should such acts occur, to take appropriate action.

Sincerely,  
Lucas Miller  
Chief of Police

**#544 – BOARD OF REGISTRAR LETTER TO CITY COUNCIL RELATIVE TO RANK CHOICE VOTING**

The following letter submitted from Donald Bates, Chairman of the Board of Registrar of Voters, relative to establishing a committee for Rank Choice Voting was referred to the Committee on Government Services co-posted with the Committee of the Whole by a roll call vote of 11 yeas, 0 nays and 0 absent.

Salem City Council  
93 Washington Street  
Salem, MA 01970

Dear City Councillors:

At a Board of Registrar of Voters meeting held on Thursday, October 19, 2023, the matter of Rank Choice Voting (RCV) was discussed. The following motion was made and was unanimously adopted: "To recommend to the Committee on Government Services to consider creating a committee to research and draft policy decisions for further review."

Very truly yours,

Donald Bates, Chairman  
Board of Registrar of Voters

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**#545 & #546 – LICENSE APPLICATIONS**

The Following License Applications were granted by a roll call vote of 11 yeas, 0 nays and 0 absent.

PUBLIC GUIDES:                   Heidi Bevins-Ayer 5 Cornell Rd., Mablehead  
   Derrick Buflod 80 Linden St., Salem  
   Andrew Pennacchio 17 Coolidge Td., Melrose

VEHICLE FOR HIRE  
 OPERATORS ONLY:               Sarah Abts 18 Wigglesworth St., Somerville  
   Hamilton Moguea 275 Medford St., Boston  
   Grady Stoodt 21 Cypress Rd., Milton

**#547 & #548 – CLAIMS**

The Following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs by a roll call vote of 11 yeas, 0 nays and 0 absent.

Haley Hewson 14 Lynde St., Salem  
 Elizabeth Murray 52 Winthrop St., Salem

**(#503) - SECOND PASSAGE OF AN ORDINANCE AMENDING AN ORDINANCE  
 RELATIVE TO FORTUNETELLING LICENSES**

The following Ordinance Amending an Ordinance relative to Fortunetelling Licenses was adopted for second and final passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

*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 is hereby amended by deleting sub-section b) in its entirety and replacing it with the following:*

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

*“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.

**(#507) - SECOND PASSAGE OF ORDINANCE AMENDING TRAFFIC – HANDICAP PARKING – MARGIN STREET**

The following Ordinance Amending Traffic – Handicap Parking – Margin Street was adopted for second and final passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

*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.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

**(#508) - SECOND PASSAGE OF ORDINANCE AMENDING TRAFFIC – HANDICAP PARKING – REPEAL WILLSON STREET**

The following Ordinance Amending Traffic – Handicap Parking – Repeal Willson Street was adopted for second and final passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

*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.

**(474) – FIRE CHIEF DIONNE UPDATE ON DONATED VEHICLES TO THE UKRAINE**

Councillor Cohen motion to take from the table. Councillor McCarthy seconded the motion by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Varela was recorded as absent.

The following order introduced by Councillor Cohen was received and filed by a roll call vote of 11 yeas, 0 nays and 0 absent.

**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.

Chief Dionne gave a slide show of various vehicles and people in the Ukraine. This is the Chief’s second trip to the Ukraine to deliver vehicles. He thanked everybody for their generosity. It was the largest convey of donated vehicles brought over. There was \$350,000.00 worth of used fire equipment and \$100,000.00 of new medical equipment.

**CITY OF SALEM**  
**OCTOBER 26, 2023**  
**REGULAR MEETING**

The last photo of the slide show was the new fire truck the city purchased. Councillor McCarthy asked when it will be fully operational.

Chief Dionne stated that there were 15 more items to take care of so hopefully the beginning or middle of next month.

On the motion of Councillor McCarthy the meeting adjourned at 9:13 P.M. by a roll call of 11 yeas, 0 nays and 0 absent.

ATTEST:

ILENE SIMONS  
CITY CLERK