

CITY OF SALEM
OCTOBER 28, 2021
REGULAR MEETING

A Regular Meeting of the City Council was held remotely via zoom on Thursday, October 28, 2021, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on October 26, 2021, at 10:43 A.M. This meeting is being taped and is live on S.A.T.V.

Councillor Flynn had an excused absent.

Council President Madore presided.

Councillor Sargent 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.

PUBLIC TESTIMONY

1. Jeff Cohen, 12 Hancock St., Salem – Urban Agriculture Ordinance

(#49) – VERIZON WIRELESS TO INSTALL TELECOMMUNICATIONS ON WASHINGTON STREET (ORIGINALLY 234 BRIDGE STREET)

Held from the last meeting of October 14, 202, a hearing on an order from Verizon Wireless to install Telecommunications on Washington Street. Since the location at the October 14, 2021 meeting was amended from 234 Bridge Street to 1 Washington Street, new abutter notices to those at 1 Washington Street and other addresses were sent by the City Clerk's office.

Appearing in favor was Dan Klasnick, Attorney for Verizon Wireless, stated this started in February of 2001 and it was reviewed by Salem Redevelopment Authority (SRA) and the Design Review Board (DRB) and it was determined that SRA and DRB approved the traffic/light post on Bridge and Washington Street to be used. The DRB sited aesthetics as a reason for not approving 234 Bridge St. The approved design allowed the mounting brackets to be hidden and paint the box to match the pole. The small cell is 14" in diameter and 35" high.

Linda Finn from 1 Washington Street asked what it will look like.

Dan Klasnick stated that the plans on L2, elevation views, schematics and photos show that there will be no visual difference either waling by or driving by.

The letter submitted from 12 residents from 1 Washington Street and 28 Federal Street were opposed for safety reasons and that there is a pole across the street away from residents.

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Jane Stauffer, 1 Washington Street, asked why not across the street.

Dan Klasnick responded due to the DRB and SRA decision. The distance from the original location to the new location is about 120'.

Jane Stauffer continued to state that the trees do not hid the pole. I can see it from my window. Please do not put it in front of our home due to visual and safety reasons.

Dan Klasnick stated they are in FCC compliance. All criteria has been met by the City's guidelines. He asks that we accept this location. It was the City who requested this service.

Councillor Dibble agreed that there is a need for this service in this area, but he is always concerned when devices are installed near homes. Councillor Dibble asked how many boxes?

Dan Klasnick stated a sleeve will cover up the equipment installed in a single metal box and other equipment inside of that and the conduit will be painted black.

Councillor Dibble moved to approve the original location. This was seconded by Councillor Sargent.

Councillor Turiel stated the DRB and SRA have authority over this location. He then asked about the LTE Bands and capacity.

Dan Klasnick stated it doesn't have specific capacity; LTE 700-900 megahertz.

Councillor Sargent asked if we could approve contingent upon SRA and DRB with our recommendation.

Councillor McCarthy asked how far is it away from the building and what is the distance you not encroach upon?

Dan Klasnick replied it's 116 feet; on the other side of parking area. It's very low power – comparable to a baby monitor. It's more of an occupational hazard if you were doing work on them. Mr. Klasnick continued to ask if we can continue the hearing so we can go back to the SRA and DRB for further conversation.

Councillor Dibble motion to approve original location and remand back to DRB and SRA for aesthetics. Seconded by Councillor Sargent.

Councillor Madore stated there was no problem with aesthetics on original location. Now there is.

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Councillor Riccardi asked why sending it back. They already made their decision. Grant it at the 234 Bridge Street Location.

Councillor Turiel asked if we approve without DRB and SRA review, they will still have to approve and make this process backwards.

Councillor Riccardi moved that the public hearing be closed by roll call vote. The hearing was closed by a roll call vote of 10 yeas, 0 nays and 1 absent.

Councillor Riccardi moved to grant of location at 234 Bridge Street by roll call vote. The location was granted by a roll call vote of 10 yeas, 0 nays and 1 absent.

#547 - NATIONAL GRID & VERIZON TO INSTALL 1 JO POLE ON LAFAYETTE STREET

A hearing was held on the order from National Grid and Verizon to install a jointly owned pole on Lafayette Street. Sibhita Mahabier-Sheehy appeared in favor. This pole is needed for infrastructure equipment for reliability.

Ken Leisey, 310 Lafayette Street asked where is the exact location?

Sibhita Mahabier-Sheehy replied between the 2 poles on Lafayette St. (between 302-310 Lafayette St.)

Ken Leisey replied that the 2 poles are 100' apart. Where would the pole be but in front of my house.

Sibhita Mahabier-Sheehy replied that the pole will not block the driveway. The new pole has to be near the poles and cannot have anything on it.

Ken Leisey strongly objects to this pole.

Councillor Turiel stated this would be close to the driveway. What will be the equipment on this pole? And why this pole? Would like to avoid adding another pole.

Sibhita Mahabier-Sheehy stated it would be a recloser – sectionalizing switch. If large power outage in the area then National Grid can minimize the outage. Also it has to be in close proximity to 302 Lafayette Street. The sidewalks are not large and the buildings are close together. Cannot upsize transformers if moving around infrastructure. Not always feasible in the City of Salem.

Councillor Turiel stated he was looking at Google Maps. Asked about Pole 33-42. Sibhita stated there was a transformer on it. Then Councillor Turiel asked about pole 33-41 – it's the parking lot in front of the Church. It's a better choice.

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Sibhita Mahabier-Sheehy replied to move that to the pole to where you are suggesting would have a domino effect on the work to be done.

Councillor Turiel stated that adding to National Grid's work or cost not his worry.

Councillor Turiel moved that the public hearing remain open until November 18th and that the abutters get an ariel photo of the pole. The public hearing was voted to remain open by a roll call vote of 10 yeas, 0 nays and 1 absent.

(#516) – APPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND BOARD

Held from the last meeting, the Mayor's appointment of the following to the Affordable Housing Trust Fund Board with terms to expire October 14, 2023 were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Hapworth requested and received suspension of the rules to allow the two appointees to address the Council.

Christopher Malstrom 45 Essex St.
 Lynda Fairbanks-Atkins 24 B Pickman St.

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

The Mayor's appointment James Willis 18 Pingree St to the Affordable Housing Trust Fund Board with terms to expire October 28, 2022 was held under the rules.

#549 – REAPPOINTMENT OF WILLIAM GORHAM TO THE TRUST FUND COMMISSION

The Mayor's re-appointment of William Gorham 2 Pioneer Circle to the Trust Fund Commission, with a term to expire November 10, 2033 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent.

#550 – DONATION OF \$12,037.50 FOR TREE MAINTENANCE AND PLANTINGS

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: To accept the donation from Northshore Community Development Coalition in the amount of Twelve Thousand, Thirty-Seven Dollars and Fifty Cents (\$12,037.50) for tree maintenance and plantings citywide. These funds will be deposited into the Tree

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Replacement Fund (2330) account number 23301-4830 in accordance with the recommendation of Her Honor the Mayor.

#551 - DONATION OF \$9,477.90 FOR THE FALLEN OFFICERS MEMORIAL

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: To accept, in accordance with the recommendation of Her Honor the Mayor, a donation of the Salem Police Department Fallen Officers memorial, including monument, faceplate, and landscaping materials and supplies, valued at Nine Thousand Four Hundred Seventy-Seven Dollars and Ninety Cents (\$9,477.90) from Thomas Oberlander, who received financial and material donations from Salem residents and other community members, organizations, and businesses, to make the memorial possible.

#552 - DONATION OF \$6,000.00 FOR THREE DISPATCH CONSOLE CHAIRS

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: To accept, in accordance with the recommendation of Her Honor the Mayor, a donation of three dispatch console chairs for the Salem Police Department dispatch center equal to a value of Six Thousand Dollars (\$6,000.00) from the International Order of Odd Fellows, Kearsarge Lodge #217.

#553 - DONATION OF \$3,712.50 FOR TREE MAINTENANCE AND PLANTINGS

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: To accept the donation from Turner's Seafood in the amount of Three Thousand Seven Hundred Twelve Dollars and Fifty Cents (\$3,712.50) for tree maintenance and plantings citywide. These funds will be deposited into the Tree Replacement Fund (2330) account number 23301-4830 in accordance with the recommendation of Her Honor the Mayor.

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#554 - DONATION OF \$3,682.79 FOR THE 2021 DERBY STREET MILE ROAD RACE

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: To accept the donation of Three Thousand Six Hundred Eighty Two Dollars and Seventy Nine Cents (\$3,682.79) from Footprint Power Salem Harbor Development to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for their sponsorship of the 2021 Derby Street Mile Road Race in accordance with the recommendation of Her Honor the Mayor.

#554 – COUNCIL ON AGING PAYING PRIOR FISCAL YEAR INVOICE OF \$425.00 USING FY2022 EXPENSES

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.

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-Five Dollars (\$425.00) of outstanding Fiscal Year 2021 invoice is hereby allowed to be paid from the Fiscal Year 2022 Council on Aging budget as listed below in accordance with the recommendation of Her Honor the Mayor.

Department	Vendor	Amount	
Council on Aging			
	Debbie Davis	\$	425.00
	Total	\$	425.00

#556 – RESOLUTION FOR EAGLE SCOUT CANDIDATE THOMAS OBERLANDER

The following resolution submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

Councillor Prtosniewski described the memorial and as a retired police officer thanked Thomas for raising the funds and completing the monument. As a former Eagle Scout, Councillor Prosniewski knows how much it takes to accomplish this rank and looks forward to what the future holds for him.

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Thomas Oberlander thanked everyone who helped him create the memorial and donated towards the creation of it. Very grateful to all those who helped and to see it installed.

Resolution: Thanking and Congratulating Eagle Scout Candidate Thomas Oberlander and All Who Volunteered to Create the Salem Police Department Fallen Officers Memorial

WHEREAS: Troop 24 Eagle Scout candidate Thomas Oberlander initiated a plan to create and install a public memorial dedicated to the memory of officers of the Salem Police Department who gave their lives in the performance of their duties; and

WHEREAS: Mr. Oberlander was assisted in the design of the memorial by members of the Department, as well as other Scouts from Troop 24; and,

WHEREAS: Members of the Salem High School and Beverly High School JROTC, assisted by personnel from the Salem Police Department and the Salem Department of Public Works prepared the site for the memorial's installation; and,

WHEREAS: Salem celebrates and cherishes the memory of those officers who gave their lives in the performance of their duties and who will therefore be reflected upon the final memorial, as well as all officers from the department who are no longer with us; and,

WHEREAS: Salem's Police Department is rightly viewed around the Commonwealth and across the country as a leader in professionalism, commitment to public service, and dedication to community; and,

WHEREAS: Mr. Oberlander has demonstrated perseverance, service, and thoughtfulness in the development of the memorial plan and his diligent pursuit of its completion.

NOW THEREFORE BE IT RESOLVED: That the Mayor and City Council, on behalf of the City of Salem and all its residents, do hereby thank and congratulate Thomas Oberlander, as well as the members of Troop 24 and the Salem High School and Beverly High School JROTC who assisted him, for the concept and creation of this important memorial for our community.

BE IT FURTHER RESOLVED: That copies of this Resolution with a City Seal be transmitted by the City Clerk to Mr. Oberlander, Troop 24, Salem High School's JROTC commander, and Beverly High School's JROTC commander.

#557 – SELLING OF CHRISTMAS TREES AND WREATHS AT 297 BRIDGE STREET

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: The City Purchasing Agent is hereby authorized to solicit bids and lease, with the approval of the Mayor, no more than one-third of the city-owned lot at 297 Bridge Street for the period of November 26, 2021, through and including December 24, 2021, for the purpose of selling Christmas trees, wreaths and similar holiday items.

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#558 – HRP TO APPOINT RETIRED FIREFIGHTERS AS SPECIAL FIREFIGHTERS

The following order submitted by the Mayor was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: That a petition to the General Court, accompanied by a bill for an act concerning the appointment of retired Salem Firefighters as special firefighters within the City of Salem for paid fire detail assignments or any firefighting duties arising therefrom or during fire detail work, regardless of whether those duties are related to detail work. As set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article II, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

AN ACT CONCERNING THE APPOINTMENT OF RETIRED SALEM FIREFIGHTERS AS SPECIAL FIREFIGHTERS WITHIN THE CITY OF SALEM.

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

SECTION 1. Notwithstanding any general or special law to the contrary, the fire chief of the city of Salem may appoint, with the approval of the mayor, as the fire chief considers necessary, retired Salem firefighters as special firefighters to perform fire details or any duties arising from fire details or during fire detail work, whether or not related to the detail work. The fire chief shall have discretion to appoint only retired Salem firefighters who served as regular Salem firefighters and are retired based on superannuation as special firefighters and shall establish department rules, procedures and policies concerning these appointments. Special firefighters shall not be subject to the same maximum age restrictions as applied to regular Salem firefighters under chapter 32 of the General Laws. Prior to appointment under this act, a retired Salem firefighter shall pass a medical examination by a physician or other certified professional chosen or agreed to by the department to determine whether the retired Salem firefighter is capable of performing the essential duties of a special firefighter under this act. The cost of the medical examination shall be borne by the retired Salem firefighter.

SECTION 2. Unless otherwise set forth in this act, chapter 31 of the General Laws, chapter 32 of the General Laws, section 99A of chapter 41 of the General Laws, sections 100 and 111F of chapter 41 of the General Laws, and chapter 152 of the General Laws, and rules promulgated under such laws, shall not apply to special firefighters appointed under this act.

SECTION 3. When performing the duties set forth in section 1, special firefighters shall have the same authorization to perform other firefighting functions as do regular firefighters of the city of Salem.

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SECTION 4. The fire chief, with the approval of the mayor, may remove, or decline to reappoint, a special firefighter appointed for any reason, with or without cause. A special firefighter shall be appointed for a one-year term and all benefits afforded to special firefighters appointed under this act shall terminate upon the conclusion of the employment term. A special firefighter's appointment shall automatically terminate upon the firefighter's 70th birthday.

SECTION 5. Special firefighters appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the fire chief may impose from time to time including, but not limited to, restrictions on the type and number of detail assignments, requirements regarding medical examinations to determine continuing fitness and capability to perform the duties of a special firefighter, requirements for training, CPR and First Aid credentials, requirements for maintaining of a medical or liability insurance policy, and requirements regarding uniforms, equipment, and conduct while working fire details.

SECTION 6. Special firefighters appointed under this act shall be sworn in by the fire chief for the city of Salem.

SECTION 7. Appointment as a special firefighter shall not entitle the appointee to assignment to any detail.

SECTION 8. Retired Salem firefighters serving as special firefighters under this act shall be subject to the limitations on hours worked and on earnings restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws. The fire chief shall assign details to retired firefighters in accordance with the procedures established through negotiation with the relevant collective bargaining unit.

SECTION 9. This act shall take effect upon its passage.

#559 – AN ORDINANCE RELATIVE TO MUNICIPAL BUILDINGS, OPERATIONS AND TRANSPORTATION (GREEN ORDINANCE)

The following ordinance submitted by the Mayor was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

An Ordinance to amend an ordinance relative to municipal buildings, operations and transportation

Section 1. Chapter 12 Building, Electricity and Plumbing Regulations is hereby amended by adding the following new Article:

“ARTICLE V. GREENING THE CITY OF SALEM’S MUNICIPAL BUILDINGS, OPERATIONS AND TRANSPORTATION

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SEC. 12.250 PURPOSE

The purpose of this Ordinance is to promote public health, safety, and welfare by requiring sustainable design, construction, purchasing and practices for municipal buildings, operations, and transportation. This Ordinance intends to promote energy conservation, improve environmental quality and encourage Low Impact Development (LID) principles.

Through this Ordinance, the City of Salem intends to lead by example in setting standards for its own buildings, operations and transportation; reduce its greenhouse gas (GHG) emissions by reducing energy consumption, shifting to renewable sources of energy and embracing smart, clean technology; strive to reduce, reuse and recycle products to decrease pollution and minimize impacts on our community and natural resources; and shift its transportation fleet to electric and hybrid vehicles while easing options for electric vehicle car charging and bicycle parking.

The City of Salem is committed to fulfilling a 100% zero net energy goal by maximizing onsite renewable energy production while minimizing energy consumption and the operational costs of municipal buildings.

SEC. 12.251 GREEN MUNICIPAL BUILDINGS

(1) NEW CONSTRUCTION, RENOVATION, AND ADDITIONS

City-owned or leased new construction or major renovations greater than or equal to five thousand square feet (5,000 sq. ft.) and additions to City-owned or leased buildings greater than or equal to ten thousand square feet (10,000 sq. ft.) shall be certified as, at minimum, one of the following:

- Passive House Institute US (PHIUS) PassiveHouse®
- United States Green Building Council (USGBC) LEED® Gold
- Another applicable sustainable rating system as approved by the Mayor with the recommendation by the Sustainability, Energy, and Resiliency Committee.

In addition to the requirement set forth above, all new City-owned or leased buildings, major renovations of City-owned or leased buildings or complete roof replacements on City-owned or leased buildings must include at least one of the following:

- Solar power system
- Green Roof
- White Roof/Solar Ready Roof

(2) DESIGN TEAMS

All requests for design services for City owned or leased facilities shall reference this Ordinance. For those projects before the Designer Selection Committee, the Committee shall ensure that design teams selected for all applicable projects that are subject to this Ordinance shall be qualified to implement the standards in this ordinance and, at a minimum, include one LEED®

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accredited professional with demonstrated experience in designing buildings that would meet the requirements of this policy and goals.

(3) GREEN INFRASTRUCTURE AND PERMEABLE MATERIALS

City-owned properties shall employ best management practices and Low Impact Development (LID) to minimize stormwater runoff, thereby keeping water sources cleaner and reducing flooding. Additionally, land management practices shall require increasing sustainable vegetation to mitigate urban heat island effects and reduce flooding and encourage stormwater infiltration.

All City projects must meet the federal requirements for stormwater regulations if the new paved area is over five thousand (5,000) square feet.

(4) MAINTENANCE AND TRAINING

All new and major renovations projects must include an operation and maintenance plan which includes training. Ongoing training related to the provisions of this Ordinance shall be considered by Departments in their annual budget submissions.

SEC. 12.252 GREEN MUNICIPAL OPERATIONS

(1) ENVIRONMENTALLY PREFERABLE PURCHASING

The City of Salem's Purchasing Department shall create an Environmentally Preferable Purchasing Program (EPPP) to guide the purchasing of sustainable products for city buildings, operations, and city-run events. The EPPP shall include standards for third-party certifiable green cleaning products; recycled and/or compostable plates, utensils, cups; hybrid or electric vehicles; low-emitting and recyclable materials; EnergyStar® appliances; and training for relevant City Departments and staff in procurement practices reflective of the EPPP. The EPPP shall be updated every two years at a minimum and submitted to the Sustainability, Resiliency, and Energy Committee for review and comment whenever so updated.

(2) WASTE REDUCTION

All occupied city-owned or leased buildings shall be equipped with recycling and composting bins to encourage and incentivize waste reduction. All parks or other City owned properties that have a waste receptacle shall also have a recycling bin. The City shall continue to work to reduce recycling contamination rates through education and shall also continue to encourage "carry in/carry out" practices to reduce waste in parks.

SEC. 12.253 GREEN MUNICIPAL TRANSPORTATION

(1) CLEAN TRANSPORTATION ALTERNATIVES

The EPPP shall include standards for City-owned vehicles that shift the City's fleet to all electric and/or hybrid modes of transportation. Heavy duty vehicles and emergency vehicles shall also be transitioned to a higher efficiency and non-polluting fleet as technologically feasible. The City's municipal light-duty fleet shall be 100% zero-emissions by 2030, as technologically feasible, and

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the remaining fleet as technologically and financially available

(2) ELECTRIC VEHICLE CHARGING STATIONS

All new city-owned buildings and new or renovations of parking lots with more than 25 parking spaces shall include electrical vehicle charging stations to encourage use of lower-emission vehicular transportation.

(3) BICYCLE PARKING

All new construction and major renovations at city-owned buildings, parks, and other public properties shall include bicycle parking.

SEC. 12-254 APPROVALS AND WAIVERS

For all City projects subject to any provision of this Ordinance, the Purchasing Agent shall certify such compliance.

For projects between \$100,000 and \$999,999 seeking a waiver from any provision of this Ordinance, the Purchasing Agent, in consultation with applicable Departments, shall provide such waiver.

For projects over \$1,000,000 seeking a waiver from any provision of this Ordinance, the Department responsible for the project shall present the project to the Sustainability, Energy, and Resiliency Committee, which shall approve, approve with conditions, or reject said waiver.

SEC. 12.255 DEFINITIONS

For the purpose of this Ordinance, unless the context requires otherwise, the following terms shall have the following meanings:

Addition: Any portion added to an existing building.

Best Management Practices (BMPs): Regarding stormwater, BMPs means schedules of activities, practices (and policies), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters. BMPs also include the treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Environmentally Preferable Purchasing Program: A plan to procure more environmentally friendly products.

LEED: The USGBC Leadership in Energy and Environmental Design Green Building Rating System®.

Light Duty and Heavy Duty Vehicles – Heavy duty vehicles are defined as those with a gross vehicle weight (GVW) of 8,500 pounds or more. A vehicle less than 8,500 GVW is considered a light duty vehicle.

LID: Low Impact Development, a land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality.

Passive House: A environmental building certification from PHIUS.

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Square Feet: The gross square footage being constructed or renovated as listed on the building permit. For parking project, the square footage is the amount of impervious surface used to calculate the stormwater regulations.

Sustainable Vegetation: Plantings and landscaping that include native species to the maximum extent possible and selected to survive with minimal resource inputs (fertilizers, watering, etc.) and management (mowing, weeding, etc.).”

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

#560 – MEET WITH SIFI TO DISCUSS PROJECT

The following order introduced by Councillor Morsillo was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole, meet to discuss the status of the SiFi Networks project with representatives from the Engineering Department, Information Technology Department and Representatives from SiFi Networks

#561 – AMPLIFICATION NOT ALLOWED ON OCEAN OR SHORE AVENUE

The following order introduced by Councillor Turiel was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: That amplification may not be used by public guides on Ocean Avenue or on Shore Avenue

#562 – MEET TO DISCUSS AMENDING AN ORDINANCE RELATIVE TO PUBLIC GUIDES – AMPLIFICATION

The following order introduced by Councillor Prosniewski was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to discuss amending an Ordinance relative to Ch. 40 Sec. 30, Public Guides, Prohibitions, by adding to subsection (8) to include all R1 and R2 Districts

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#563 – AN ORDINANCE TO AMEND TRAFFIC RELATIVE TO CH. 42 SEC. 49 – STOP SIGN – MOULTON AVENUE

The following ordinance introduced by Councillor Riccardi was adopted for first passage by a roll call vote of 10 yeas, 0 nays and 1 absent.

In the year Two Thousand and Twenty One

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

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.

#564 – CITY COUNCIL MEETINGS FOR NOVEMBER & DECEMBER

The following Order introduced by Councillor McCarthy was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

ORDERED: That the November and December meetings be combined to Thursday, November 18, 2021 and that the tax rate classification and regular meeting take place on Wednesday, December 1, 2021.

#565 – MEET TO DISCUSS THE TWO ORDINANCES RELATIVE TO THE COMPENSATION OF THE CITY CLERK

The following Order introduced by Councillor Turiel was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to discuss and review Ch. 2, Sec. 312 – City Clerk, Compensation; annual review of position and Ch. 2, Sec. 381 – Compensation of the City Clerk.

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#566 – (#413) – COMPENSATION OF THE CITY CLERK AND ASSISTANT CITY CLERK

Councillor Turiel offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of Compensation for City Clerk & Assistant City Clerk, has considered said matter and would recommend that the matter remain in committee.

#567 – (#457 & # 461) – TAXI HEARING FOR HOLVINZ JIMENEZ

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Hearing for Denied Taxi Operator Holvinz Jimenez, has considered said matter and would recommend that the license be denied.

#568 – (#458 & # 462) – TAXI HEARING FOR DENNY PIMENTEL

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Hearing for Denied Taxi Operator Denny Pimentel, has considered said matter and would recommend that the license be denied.

#569 – (#460 & # 464) – TAXI HEARING FOR DANNY REYES

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Hearing for Denied Taxi Operator Danny Reyes, has considered said matter and would recommend that the license be approved and waive the application fees.

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#570 – (#459 & # 463) – TAXI HEARING FOR JUAN PIMENTEL

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Hearing for Denied Taxi Operator Juan Pimentel, has considered said matter and would recommend approval of a temporary 60 day license with the condition of getting a letters of recommendation from his Parole Officer and Probation Officer, and waive application fees.

#571 – (#540 & #541) – TAXI HEARING FOR TOMY SANCHEZ

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Hearing for Denied Taxi Operator Tomy Sanchez, has considered said matter and would recommend that the matter remain in committee.

#572 – (#76, #122, #160, #395) – DRAFT ORDINANCE RELATIVE TO URBAN AGRICULTURE

Councillor Riccardi offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of Draft Ordinance relative to Urban Agriculture, has considered said matter and would recommend that the matter be returned to the full council to hold a Joint Public Hearing with the Planning Board.

Councillor Riccardi stated they have met five times with the Solicitor and experts. However due to restrictions and zoning timelines it will be difficult to meet deadlines if the clock starts now to hold a Joint Public Hearing.

Councillor McCarthy agreed with the timeline and holidays the matter should be carried over to the new year.

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Councillor Riccardi stated she didn't want to wait that long and may start the process sooner.

Councillor Sargent commented when the committee meets again to please look at beehives and other things. Allowed in every zone in the city with no buffer zone. Children playing and hits a beehive. Bees can be a danger to children. Should have a buffer zone to compensate.

Councillor Riccardi amended the recommendation for the matter to remain in committee, seconded by Councillor Dibble. It was so voted.

#573 – CONSERVATION RESTRICTION FOR BEMIS STREET LOTS DUE TO CPA FUNDING

The following Conservation Restriction for two Bemis Street lots was submitted by Jane A. Guy, Assistant Community Development Director was adopted by a roll call of 10 yeas, 0 nays and 1 absent.

GRANTOR: City of Salem

GRANTEE: Essex National Heritage Commission, Inc.

ADDRESS OF PREMISES: 1-3 Bemis Street, Salem

FOR GRANTOR'S TITLE SEE: Southern Essex District Registry of Deeds Registered Land Doc #590443, Cert #91285 (Exhibit A)

CONSERVATION RESTRICTION FOR PUBLIC RECREATIONAL USE

The City of Salem, acting by and through its mayor, by authority of Sections 3 and 3A of Chapter 40 of the Massachusetts General Laws, and its Parks and Recreation Commission, by authority of Section 3 of Chapter 45 of the Massachusetts General Laws, with an address of 93 Washington Street, Salem, Essex County, Massachusetts, being the sole owner of the Premises as defined herein, and for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS, to the Essex National Heritage Commission, Inc. with an address of 10 Federal Street, Suite 12, Salem, MA 01970, Essex County, Massachusetts, its permitted successors and assigns ("Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION AND RECREATION PURPOSES, the following Conservation Restriction for Public Recreational Use (hereinafter the "Conservation Restriction" or the "Restriction") on land located at 1-3 Bemis Street in the City of Salem, Massachusetts containing the entirety of a .25 acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A, which is incorporated herein and attached hereto.

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I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Restriction is to assure that the Premises will be maintained in perpetuity for conservation and public recreation purposes and to prevent any use or change that would impair or interfere with its conservation and public preservation values (“conservation values”).

Construction of the park was undertaken on the Premises using Community Preservation Act funds pursuant to Chapter 44B of the Massachusetts General Laws (CPA). Documentation of the City Council Order authorizing the use of such funds for such purpose is attached hereto as Exhibit B.

The conservation values include the following:

- Public Access. Public access to the Premises will be allowed for passive and active outdoor recreation. This Conservation Restriction will permanently preserve .25 acres of open space, which will increase the amount of passive and active recreational space at Gallows Hill Park, an existing public park of 21.83 acres.
- Public Park Preservation. This Conservation Restriction will ensure that the Premises will be permanently available as a recreational space. The Premises is adjacent to other land owned in fee by the Grantor, known as the Gallows Hill Park, which land is dedicated to and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by the Grantor, consisting of narratives, maps and photographs. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, and (ii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

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- (1) Constructing, placing or allowing to remain any temporary or permanent building, landing strip, mobile home, swimming pool, billboard or other advertising display, antenna, tower, solar panel, solar array, or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for business, residential or industrial use, or for more than *de minimis* commercial recreation;
- (9) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
- (10) The use of the Premises for piling of snow from off of the Premises;
- (11) Any other use of the Premises or activity which is inconsistent with the purpose of this Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Restriction.

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- (1) Community Park Uses. The construction, installation, maintenance, renewal and use of a community park, provided that motorized uses shall not be permitted, except as necessary in connection with the construction, installation, maintenance, and renewal of the community park features and related infrastructure as described herein. For the purposes of this paragraph, allowable elements associated with a “community park” shall include recreational courts or fields, playground structures, pump tracks, splash pads, community gardens, farmers’ markets, tree and other vegetation plantings, and other improvements commonly associated with community parks, including, but not limited to gazebos, benches and seating, trash receptacles, and water fountains, but shall not include buildings or other structures inconsistent with the uses described in this Paragraph II(B)(1). Allowable uses shall include, without limitation, the use of the elements listed above for open space and recreational purposes as well as activities commonly associated with community parks. Any other construction of community park infrastructure shall receive the prior written approval of the Grantee;
- (2) Vegetation Management. The selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including any woods roads, fence lines and trails and meadows;
- (3) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (4) Wildlife Habitat Improvement. With the prior written approval of the Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
- (5) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
- (6) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, and the protected conservation values.
- (7) Outdoor Recreational Activities. Bird-watching, picnicking, basketball, and other outdoor recreational activities in connection with the use of the Premises as a Community Park as described in Paragraph II(B)(1), provided such uses do not degrade

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environmental quality, and do not involve more than minimal use for commercial recreational activities;

(8) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

(9) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph B shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Restriction.

Grantee's failure to respond within sixty (60) days of receipt shall constitute denial of the request. Grantor may subsequently submit the same or a similar request for approval.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted to enforce this Restriction shall also include the right to compensatory monetary damages. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Restriction but shall, to the extent allowed by law, not include any right to recover punitive damages. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal

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means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this

Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred.

B. Non-Waiver.

Enforcement of the terms of this Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

E. Expenses

In addition, no later than the time of recording, the Grantor shall pay the Grantee \$5,000.00 for use by the Grantee for reasonable expenses associated with the monitoring and enforcing the terms of the Restriction.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of

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inspecting the Premises to determine compliance with or to enforce this Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

The Grantor grants access to the Premises to the Grantee and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph II(B)(7) provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of this Restriction. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph II(B)(7). The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Restriction. Any public use which is permitted by the terms of this Restriction constitutes permission to use the Premises for purposes described in the Section 17C of Chapter 21 of the Massachusetts General laws and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section. The Grantee may require the Grantor to post the Premises against any use that may result in rutting or erosion or other damage to the natural resources of the Premises.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Restriction under applicable law, then Grantees, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B) below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantees shall use its share of the proceeds in a manner consistent with the recreation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, for the purpose of enforcing this Conservation Restriction, but does not entitle Grantee, upon extinguishment, to any proceeds received by the Grantor from the subsequent sale, exchange or involuntary conversion of the Premises. Any proceeds that result from any such extinguishment shall be returned to the City of Salem's Community Preservation Act (CPA) fund. If the CPA fund no longer exists, proceeds will be placed in a similar fund to be used in a manner consistent with the purposes of this Conservation Restriction.

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C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B) – above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises, that the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

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The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may jointly amend this Restriction; provided that no amendment shall be allowed that will affect the qualification of this Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Southern Essex Registry of Deeds.

XI. EFFECTIVE DATE

This Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Southern Essex

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Registry of Deeds. Grantor shall record the Restriction at the Southern Essex Registry of Deeds and pay any fees required.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: City of Salem Parks & Recreation Commission
Jean A. Levesque Community Life Center
40 Bridge Street
Salem, MA 01970

With copy to: City Solicitor
City of Salem Legal Department
93 Washington Street
Salem, MA 01970

To Grantee: Executive Director
Essex National Heritage Commission, Inc.
10 Federal Street, Suite 12
Salem, MA 01970

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Restriction shall be liberally construed in favor of the grant to effect the purpose of this Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Recreation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Recreation Restriction shall not be affected thereby.

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D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Recreation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Recreation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Recreation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Recreation Restriction.

B. Subordination. The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Approval and Grant

City of Salem, Mayor

City of Salem, Parks and Recreation Commission

Grantee Acceptance: Essex National Heritage Commission, Inc.

Approval of Salem City Council

Approval of the Secretary of Energy and Environmental Affairs

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Copy of City Council Order Authorizing use of CPA funds

Exhibit C: Copy of City Council Order Approving of the
Conservation Restriction

**APPROVAL AND GRANT OF CONSERVATION RESTRICTION BY CITY OF
SALEM MAYOR**

I, Mayor Kimberley Driscoll, the undersigned, being the Mayor of the City of Salem, Essex County, Massachusetts, pursuant to a vote taken by the Salem City Council at a meeting duly held on _____, 2021, hereby approve in the public interest and grant the foregoing Conservation Restriction to the Essex National Heritage Commission, Inc., pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

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By: _____
 Name: Kimberley Driscoll
 Its: Mayor, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss:

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kimberley Driscoll proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Mayor of the City of Salem, MA.

 Notary Public
 My Commission Expires:

**#574 – CPC RECOMMENDATION FOR AMENDMENT TO FUNDING CONDITION
 FOR THE CDC HOUSING PROJECT (8-10 PEABODY STREET)**

The following communication to amend a funding condition for a preservation restriction for the Lafayette Housing II project was submitted by Jane A. Guy, Assistant, Community Development Director was to adopt the CPC's recommendation by a roll call vote of 10 yeas, 0 nays and 1 absent.

Jane Guy stated that when the CDC went to close on the properties it was problematic if the restriction was on all the properties and was asked to put it on one address.

TO: Honorable City Council

FROM: Jane A. Guy, Assistant Community Development Director
 on behalf of the Community Preservation Committee

DATE: October 14, 2021

RE: **CPC Recommendation for Amendment to Funding Condition**

Attached please find a copy of the Request to Revise the Community Preservation Award from Fiscal Year 2020 submitted by the North Shore Community Development Coalition. At its meeting of October 12, 2021, the Community Preservation Committee (CPC) voted to approve the request and to recommend that the funding condition:

TAXI OPERATORS Walys Gonzalez-Lara 71 Palmer St., Salem
Louis Partin 136 Canal St., Salem

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#581 - #582 – CLAIMS

The following claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

Marni McManus 17 Baltimore St., Lynn
 Kay Meester 3 ½ Warner St., Salem

(#529) – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 50B – HANDICAP PARKING – FORRESTER STREET

The Second Passage of a Traffic Ordinance amending Handicap Parking for Forrester Street was then taken up. It was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent.

In the year Two Thousand and Twenty One

An Ordinance to amend 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 I. Amending Chapter 42, Section 50B – "Handicapped Zones, Limited Time" is hereby amended by adding the following:

Forrester Street – One Handicapped Parking Space to be added in front of #9 Forrester Street, for the distance of twenty (20) feet.

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

#534 – ORDINANCE AMENDING CH. 2 SEC. 8 – DESCRIPTION OF WARD AND PRECINCT BOUNDARIES

The Second Passage of an Ordinance amending an Ordinance relative to the description of Ward and Precinct boundaries was then taken up. It was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent.

A motion for immediate reconsideration in the hopes it does not prevail was denied.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to the description of Ward and Precinct Boundaries in the City of Salem

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

Section 1. Chapter 2, Article I, Section 2-8 of the City of Salem Code of Ordinances, is hereby amended by deleting this section in its entirety, and inserting in place thereof, the following:

Section 2-8. Description of Ward Boundaries.

The division of the city into seven (7) wards shall be established, known, bounded and described as follows:

Ward 1

1. All of that portion of Salem City bounded and described as follows: 1. Beginning at the point of intersection of Essex Street and New Liberty Street, and proceeding generally northeasterly along Essex Street to Washington Square East, and proceeding northwesterly along Washington Square East to Forrester Street, and proceeding northeasterly along Forrester Street to Webb Street, and proceeding northwesterly along Webb Street to Collins Street, and proceeding northerly along Collins Street to Arbella Street, and proceeding easterly for 920 feet on a compass bearing of 102 degrees to a midpoint in Collins Cove. and proceeding northeasterly for 5,320 feet on a compass bearing of 28 degrees to a mid-harbor point on the Beverly/Salem city line, and proceeding generally easterly along the Beverly/Salem city line to the Essex County line, and proceeding southwesterly along the county line to the Marblehead/Salem town/city line, and proceeding generally northwesterly, westerly, and southwesterly along the Marblehead/Salem town/city line to a point on the Marblehead/Salem town/city line where it intersects with the northeasterly projection of Ocean Avenue, and proceeding northwesterly to a point in the cove where it intersects with the northeasterly projection of Willow Avenue, then proceeding northerly around Leach Street neck to shoreline, and proceeding northerly along shoreline to boat yard, and proceeding northerly along boat yard to Leavitt Street, and proceeding westerly along Leavitt Street to Salem Street, and proceeding southerly along Salem Street to Chase Street, and proceeding westerly along Chase Street to Lafayette Street, and proceeding northerly along Lafayette Street to Central Street and northerly to Essex Street, and proceeding northeasterly along Essex Street to the point of beginning.

2. Also included are all islands in Salem Sound forming a part of the corporate territory of the city.

Ward 1 Precinct 1

1. All of that portion of Salem City bounded and described as follows: 1. Beginning at the point of intersection of Essex Street and New Liberty Street, and proceeding generally northeasterly along Essex Street to Washington Square East, and proceeding northwesterly along Washington Square East to Forrester Street, and proceeding northeasterly along Forrester Street to Webb Street, and proceeding northwesterly along Webb Street to Collins Street, and proceeding northerly along Collins Street to Arbella Street, and proceeding easterly for 920 feet on a

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compass bearing of 102 degrees to a midpoint in Collins Cove, and proceeding northeasterly for 5,320 feet on a compass bearing of 28 degrees to a mid-harbor point on the Beverly/Salem city line, and proceeding generally easterly along the Beverly/Salem city line to the Essex County line, and proceeding southwesterly along the county line to the Marblehead/Salem town/city line, and proceeding generally northwesterly, westerly, and southwesterly along the Marblehead/Salem town/city line to a point on the Marblehead/Salem town/city line where it intersects with the northeasterly projection of Messervy Street, and proceeding northwesterly through the South River to shoreline, and proceeding westerly along shoreline to the South River, and proceeding westerly along the South River to Congress Street, and proceeding northerly along Congress Street to Derby Street, and proceeding southwesterly along Derby Street to Liberty Street, and proceeding northerly along Liberty Street to New Liberty Street and proceeding northerly along New Liberty Street to the point of beginning.

2. Also included are any and all islands in Salem Sound forming a part of the corporate territory of the city.

Ward 1 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Essex Street and Central Street, and proceeding easterly along Essex Street to Liberty Street, and proceeding southerly along Liberty Street to Derby Street, and proceeding easterly along Derby Street to Congress Street, and proceeding southerly along Congress Street to the South River, and proceeding easterly along the South River to shoreline, and proceeding easterly through the South River along shoreline to a point on the shoreline where it intersects with the southerly projection of Union Street, and proceeding southeasterly through the South River to the Marblehead/Salem town/city line, and proceeding southerly along the Marblehead/Salem town/city line to a point on the Marblehead/Salem town/city line where it intersects with the northeasterly projection of Ocean Avenue, and proceeding northwesterly to a point in the cove where it intersects with the northeasterly projection of Willow Avenue, then proceeding northerly around Leach Street neck to shoreline, and proceeding northerly along shoreline to boat yard, and proceeding northerly along boat yard to Leavitt Street, and proceeding westerly along Leavitt Street to Salem Street, and proceeding southerly along Salem Street to Chase Street, and proceeding westerly along Chase Street to Lafayette Street, and proceeding northerly along Lafayette Street to Central Street, and proceeding northerly along Central Street to the point of beginning.

Ward 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Bridge Street and Boston Street, and proceeding generally northeasterly along Bridge Street to Sergeant James Ayube Memorial Drive, and proceeding northeasterly along Sergeant James Ayube Memorial Drive to the northwesterly projection of Saunders Street, and proceeding generally northwesterly to the shoreline, and proceeding generally northeasterly for

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4,450 feet to the beginning of the railroad trestle, and proceeding easterly for 2,660 feet on a compass bearing of 94 degrees to a mid-harbor point along the Salem/Beverly harbor boundary, and proceeding southwesterly for 3,920 feet on a compass bearing of 208 degrees, then proceeding westerly for 680 feet on a compass bearing of 282 degrees to Collins Street at Arbella Street, then proceeding southerly along Collins Street to Webb Street, and proceeding southeasterly along Webb Street to Forrester Street, and proceeding southwesterly along Forrester Street to Washington Square East, and proceeding southeasterly along Washington Square East to Essex Street, and proceeding westerly along Essex Street to Central Street and proceeding southerly along Central Street and then Lafayette Street to New Derby Street, and proceeding westerly along New Derby Street to Norman Street, and proceeding westerly along Norman Street to Margin Street, and proceeding southerly along Margin Street to Endicott Street, and proceeding southwesterly along Endicott Street to Summer Street, and proceeding northerly along Summer Street to Broad Street, and proceeding southwesterly along Broad Street to Dalton Parkway, and proceeding southwesterly along Dalton Parkway to intersection of Highland Avenue, Essex Street and Dalton Parkway, and proceeding northerly along Essex Street to Boston Street, and proceeding northwesterly along Boston Street to the point of beginning.

Ward 2 Precinct 1

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Bridge Street and St. Peter Street, proceeding northerly to Sergeant James Ayube Memorial Drive, and proceeding northeasterly along Sergeant James Ayube Memorial Drive to the northwesterly projection of Saunders Street, and proceeding generally northwesterly to the shoreline, and proceeding generally northeasterly for 4,450 feet to the beginning of the railroad trestle, and proceeding easterly for 2,660 feet on a compass bearing of 94 degrees to a mid-harbor point along the Salem/Beverly harbor boundary, and proceeding southwesterly for 3,920 feet on a compass bearing of 208 degrees, then proceeding westerly for 680 feet on a compass bearing of 282 degrees to Collins Street at Arbella Street, then proceeding southerly along Collins Street to Webb Street, and proceeding southeasterly along Webb Street to Forrester Street, and proceeding southwesterly along Forrester Street to Washington Square East, and proceeding southeasterly along Washington Square East to Essex Street, and proceeding westerly along Essex Street to Washington Square West, and proceeding northerly along Washington Square West to Brown Street, and proceeding westerly along Brown Street to Howard Street, and proceeding northwesterly along Howard Street, proceeding southeasterly to the point of beginning.

Ward 2 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Bridge Street and Boston Street, and proceeding generally northeasterly along Bridge Street to Saint Peter Street, and proceeding southeasterly along Saint Peter Street to the southwesterly projection of Bridge Street (from the intersection of Bridge Street and Howard Street), and proceeding along the southwesterly projection of Bridge Street to Howard street, and proceeding along Howard Street to Brown Street, and proceeding east-northeasterly along Brown

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Street to Washington Square West, and proceeding southerly along Washington Square West to Essex Street, and proceeding southwesterly along Essex Street to Central Street, and proceeding southerly along Central Street and then Lafayette Street to New Derby Street, and proceeding westerly along New Derby Street to Norman Street. and proceeding westerly along Norman Street to Margin Street, and proceeding southerly along Margin Street to Endicott Street, and proceeding southwesterly along Endicott Street to Summer Street, and proceeding northeasterly along Summer Street to Broad Street, and proceeding southwesterly along Broad Street to Dalton Parkway, and proceeding southwesterly along Dalton Parkway to intersection of Highland Avenue, Essex Street and Dalton Parkway, and proceeding northerly along Essex Street to Boston Street, and proceeding northwesterly along Boston Street to the point of beginning.

Ward 3

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Highland Avenue and the Lynn/Salem city line and proceeding generally northeasterly along Highland Avenue to Proctor Street and proceeding northwesterly along Proctor Street to Pope Street. and proceeding northerly along Pope Street to Boston Street, and proceeding southeasterly along Boston Street to Essex Street, and proceeding southerly along Essex Street to Dalton Parkway, and proceeding northeasterly along Dalton Parkway to Broad Street, and proceeding northeasterly along Broad Street to Summer Street, and proceeding southeasterly along Summer Street to Endicott Street, and proceeding generally easterly along Endicott Street to Margin Street, and proceeding southerly along Margin Street to New England Power Company's access road (west of Salem Police Department), and proceeding southerly along access road for 1,034 feet. then proceeding southerly for 415 feet on a compass direction of 181 degrees to Boston and Maine Railroad and proceeding generally southwesterly along Boston and Maine Railroad to the Swampscott/Salem town/city line and proceeding northwesterly along the Swampscott/Salem town/city line to the Lynn/Salem city line and proceeding northwesterly along the Lynn/Salem city line to the point of beginning.

Ward 3 Precinct 1

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Highland Avenue and Willson Street, and proceeding northeasterly along Highland Avenue to Proctor Street, and proceeding northwesterly along Proctor Street to Pope Street, and proceeding northerly along Pope Street to Boston Street, and proceeding southeasterly along Boston Street to Essex Street, and proceeding southerly along Essex Street to Dalton Parkway, and proceeding northeasterly along Dalton Parkway to Broad Street, and proceedings northeasterly along Broad Street to Summer Street, and proceeding southeasterly along Summer Street to Endicott Street, and proceeding generally easterly along Endicott Street to Margin Street, and proceeding southerly along Margin Street to New England Power Company's access road (west of Salem Police Department), and proceeding southerly along access road for 1,034 feet, then proceeding southerly for 475 feet on a compass direction of 181 degrees to Boston and Maine Railroad. and proceeding generally southerly along Boston and Maine Railroad to Jefferson Avenue, and proceeding northwesterly along Jefferson Avenue to Lawrence Street, and proceeding northeasterly along Lawrence Street to Cloutman Street, and

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proceeding westerly along Cloutman Street to Jefferson Avenue, and proceeding southeasterly along Jefferson Avenue to Willson Street, and proceeding generally westerly along Willson Street to the point of beginning.

Ward 3 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Highland Avenue and the Lynn/Salem city line, and proceeding generally northeasterly along Highland Avenue to Willson Street, and proceeding generally southeasterly along Willson Street to Jefferson Avenue, and proceeding northerly along Jefferson Avenue to Cloutman Street, and proceeding along Cloutman Street to the intersection of Lawrence Street, and proceeding southwesterly along Lawrence Street to Jefferson Ave, and proceeding southeasterly along Jefferson Ave to Boston and Maine Railroad, and proceeding southwesterly along Boston and Maine Railroad to the Swampscott/Salem town/city line, and proceeding northwesterly along the Swampscott/Salem town/city line to the Lynn/Salem city line, and proceeding northwesterly along the Lynn/Salem city line to the point of beginning.

Ward 4

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of the Peabody/Salem city line and the Lynn/Salem city line, and proceeding northeasterly along the Peabody/Salem city line to Boston Street, and proceeding southwesterly along Boston Street to Pope Street, and proceeding southerly along Pope St to Proctor St, and proceeding southeasterly along Proctor Street to Highland Ave, and proceeding southwesterly along Highland Ave to the Lynn/Salem city line, and proceeding northwesterly along the Lynn/Salem city line to the point of beginning.

Ward 4 Precinct 1

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of the Peabody/Salem city line and Home Street, and proceeding northeasterly along the Peabody/Salem city line to Boston Street, and proceeding southeasterly along Boston Street to Pope Street, and proceeding southerly along Pope Street to Proctor Street, and proceeding southeasterly along Proctor Street to Hillside Avenue, and proceeding generally westerly and southerly along Hillside Avenue to Gallows Hill water tower access road, and proceeding westerly along access road to a point on access road 208 feet from Hillside Avenue, and proceeding northwesterly for 1,630 feet cross-country to Gallows Hill Road, and proceeding southwesterly along Gallows Hill Road to Circle Hill Road, and proceeding generally westerly, southwesterly, and southerly along Circle Hill Road to DiBiase Street, and proceeding southwesterly along DiBiase Street to Buena Vista Avenue, and proceeding northwesterly along Buena Vista Avenue to Buena Vista Avenue West, and proceeding northwesterly along Buena Vista Avenue West to Home Street, and proceeding northwesterly along Home Street to the point of beginning.

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Ward 4 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of the Peabody/Salem city line and the Lynn/Salem city line, and proceeding northeasterly along the Peabody/Salem city line to Home Street, and proceeding southeasterly along Home Street to Buena Vista Ave West, and proceeding southeasterly along Buena Vista Ave West to Buena Vista Ave, and proceeding southeasterly along Buena Vista Ave to DiBiase Street, and proceeding northeasterly along DiBiase Street to Circle Hill Road, and proceeding generally northerly, northeasterly, and easterly along Circle Hill Road to Gallows Hill Road, and proceeding northeasterly along Gallows Hill Road to a point on Gallows Hill Road 119 feet beyond Witch Way, and proceeding southeasterly for 1,630 feet cross-country to a point on Gallows Hill water tower access road 208 feet from Hillside Avenue, and proceeding easterly along access road to Hillside Avenue, and proceeding generally northerly and easterly along Hillside Avenue to Proctor Street, and proceeding southeasterly along Proctor Street to Highland Avenue, and proceeding southwesterly along Highland Avenue to the Lynn/Salem city line, and proceeding northwesterly along the Lynn/Salem city line to the point of beginning.

Ward 5

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Boston and Maine Railroad and Jefferson Avenue, and proceeding northeasterly and northerly along Boston and Maine Railroad to a point on the Boston and Maine Railroad where it intersects with the westerly projection of Roslyn Street, and proceeding northerly along Boston and Maine Railroad for 250 feet on a compass direction of 356 degrees, and proceeding northerly for 475 feet on a compass direction of 1 degree to the end of New England Power Company's access road, and proceeding northerly along access road for 1,034 feet to Margin Street, and proceeding northerly along Margin Street to Norman Street, and proceeding easterly along Norman Street to New Derby Street, and proceeding easterly along New Derby Street to Lafayette Street, and proceeding southerly along Lafayette Street to Chase Street, and proceeding easterly along Chase Street to Salem Street, and proceeding northerly along Salem Street to Leavitt Street, and proceeding easterly along Leavitt Street to boat yard, and proceeding southerly along boat yard to shoreline, and proceeding southerly along shoreline to a point on the shoreline where it intersects with the northeasterly projection of Pioneer Terrace, and proceeding southerly around Leach Street neck to a point in the cove where it intersects with the easterly projection of Messervy Street, and proceeding generally southeasterly to the Marblehead/Salem town/city line, and proceeding generally southerly and southwesterly along the Marblehead/Salem town/city line to Lafayette Street, and proceeding generally northwesterly and northerly along Lafayette Street to Loring Avenue, and proceeding generally southwesterly along Loring Avenue to Canal Street, and proceeding generally southwesterly and northwesterly along Jefferson Avenue to the point of beginning.

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Ward 5 Precinct 1

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Boston and Maine Railroad and Jefferson Avenue and proceeding northeasterly and northerly along Boston and Maine Railroad to a point on the Boston and Maine Railroad where it intersects with the westerly projection of Roslyn Street. and proceeding easterly along the projection of Roslyn Street to Canal Street and proceeding generally southerly along Canal Street to Laurel Street and proceeding easterly along Laurel Street to Lafayette Street. and proceeding northerly along Lafayette Street to Leach Street. and proceeding northeasterly along Leach Street to Glover Street, and proceeding southerly along Glover Street to shoreline, and proceeding southwesterly along shoreline to shoreline at Willow Avenue, and proceeding northeasterly to a point in the cove where it intersects with the easterly projection of Messervy Street, and proceeding generally southeasterly to the Marblehead/Salem town/city line, and proceeding generally southerly and southwesterly along the Marblehead/Salem town/city line to Lafayette Street, and proceeding generally northwesterly and northerly along Lafayette Street to Loring Avenue, and proceeding generally southwesterly along Loring Avenue to Canal Street, and proceeding generally southwesterly and northwesterly along Jefferson Avenue to the point of beginning.

Ward 5 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Boston and Maine Railroad and the westerly projection of Roslyn Street, and proceeding northerly along Boston and Maine Railroad for 250 feet on a compass direction of 356 degrees, and proceeding northerly for 475 feet on a compass direction of 1 degree to the end of New England Power Company's access road, and proceeding northerly along access road for 1,034 feet to Margin Street, and proceeding northerly along Margin Street to Norman Street, and proceeding easterly along Norman Street to New Derby Street, and proceeding easterly along New Derby Street to Lafayette Street, and proceeding southerly along Lafayette Street to Chase Street. and proceeding easterly along Chase Street to Salem Street, and proceeding northerly along Salem Street to Leavitt Street, and proceeding easterly along Leavitt Street to boat yard, and proceeding southerly along boat yard to shoreline, and proceeding southerly along shoreline to a point on the shoreline where it intersects with the northeasterly projection of Pioneer Terrace. and proceeding southerly around Leach Street neck to a point in the cove where it intersects with the easterly projection of Messervy Street. and proceeding southwesterly to shoreline at Willow Avenue, and proceeding northeasterly along shoreline to shoreline at Glover Street, and proceeding northerly along Glover Street to Leach Street, and proceeding southwesterly along Leach Street to Lafayette Street, and proceeding southerly along Lafayette Street to Laurel Street, and proceeding westerly along Laurel Street to Canal Street, and proceeding generally northerly along Canal Street to Roslyn Street, and proceeding westerly along the westerly projection of Roslyn Street to the point of beginning.

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Ward 6

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of the Peabody/Salem city line and Boston Street, and proceeding generally northeasterly and northerly along the Peabody/Salem city line to the Danvers/Salem town/city line, and proceeding easterly along the Danvers/Salem town/city line to the shoreline of the Danvers River at Peter's Point, and proceeding generally northwesterly, northeasterly, and southeasterly along the Beverly/Salem city line to center point of Boston and Maine Railroad bridge, and proceeding southerly to the railroad trestle/Shoreline, and proceeding generally westerly and southwesterly along shoreline to the westerly projection of Saunders Street, and proceeding easterly along the projection of Saunders Street to Sergeant James Ayube Memorial Drive, and proceeding southwesterly and southerly along Sergeant James Ayube Memorial Drive to Bridge Street, and proceeding southwesterly along Bridge Street to Boston Street, and proceeding northwesterly along Boston Street to the point of beginning.

Ward 6 Precinct 1

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of the Peabody/Salem city line and Boston Street, and proceeding generally northeasterly and northerly along the Peabody/Salem city line to the Danvers/Salem town/city line, and proceeding easterly along the Danvers/Salem town/city line to the shoreline of the Danvers River at Peter's Point, and proceeding generally northwesterly, northeasterly, and southeasterly along the Beverly/Salem city line to a point in the Danvers River 330 feet off the most southwesterly point of land in Beverly, and proceeding southerly and southwesterly to shoreline at the northeasterly projection of Dearborn Lane, and proceeding southwesterly along Dearborn Lane to Dearborn Street, and proceeding southwesterly along Dearborn Street to Lee Street, and proceeding northwesterly along Lee Street to Orne Street, and proceeding southwesterly along Orne Street to School Street, and proceeding generally southwesterly and westerly along School Street to Tremont Street, and proceeding southeasterly along Tremont Street to Grove Street, and proceeding generally southwesterly and then southeasterly along Grove Street to Goodhue Street, and proceeding southerly along Goodhue Street to Bridge Street, southerly to Boston Street, and proceeding northwesterly along Boston Street to the point of beginning.

Ward 6 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Grove Street and Goodhue Street, and proceeding generally northwesterly and then northeasterly along Grove Street to Tremont Street, and proceeding northwesterly along Tremont Street to School Street, and proceeding generally easterly and northeasterly along School Street to Orne Street, and proceeding north-northeasterly along Orne Street to Lee Street, and proceeding southeasterly along Lee Street to Dearborn Street, and proceeding northeasterly along Dearborn Street to Dearborn Lane, and proceeding northeasterly along Dearborn Lane to shoreline at the northeasterly projection of Dearborn Lane, and proceeding northeasterly and northerly to the Beverly/Salem city line, and proceeding easterly along the Beverly/Salem city

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line to center point of Boston and Maine Railroad bridge, and proceeding southerly to the railroad trestle/shoreline, and proceeding generally westerly and southwesterly along shoreline to the westerly projection of Saunders Street, and proceeding southeasterly along the projection of Saunders Street to Sergeant James Ayube Memorial Drive, and proceeding southwesterly along Sergeant James Ayube Memorial Drive to Bridge Street, and proceeding southwesterly along Bridge Street to Goodhue Street, and proceeding northwesterly along Goodhue Street to the point of beginning.

Ward 7

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Boston and Maine Railroad and the Swampscott/Salem town/city line, and proceeding northeasterly along Boston and Maine Railroad to Jefferson Avenue, and proceeding generally southeasterly and then sharply northeasterly along Jefferson Avenue to Loring Avenue, and proceeding generally northeasterly along Loring Avenue to Lafayette Street, and proceeding generally southerly and southeasterly along Lafayette Street to the Marblehead/Salem town/city line, and proceeding generally southwesterly along the Marblehead/Salem town/city line to the Swampscott/Salem town/city line, and proceeding generally westerly along the Swampscott/Salem town/city line to the point of beginning.

Ward 7 Precinct 1

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Dewey Drive and Pickman Road, and proceeding northeasterly along Dewey Drive to Russell Drive, and proceeding generally northerly and northeasterly along Russell Drive to Marion Road, and proceeding generally northerly and easterly along Marion Road to Bradley Road, and proceeding northeasterly along Bradley Road to Sumner Road, and proceeding generally northwesterly along Sumner Road to Preston Road, and proceeding northeasterly along Preston Road to Jefferson Avenue, and proceeding generally easterly and northeasterly along Jefferson Avenue to Loring Avenue, and proceeding generally northeasterly along Loring Avenue to Lafayette Street, and proceeding generally southerly and southeasterly along Lafayette Street to the Marblehead/Salem town/city line, and proceeding generally westerly along the shoreline to Lincoln Road, and proceeding southwesterly along Lincoln Road to Grant Road, and proceeding westerly along Grant Road to Loring Avenue, and proceeding generally southerly along Loring Avenue to Pickman Road, and proceeding generally westerly along Pickman Road to the point of beginning.

Ward 7 Precinct 2

All of that portion of Salem City bounded and described as follows: Beginning at the point of intersection of Boston and Maine Railroad and the Swampscott/Salem town/city line, and proceeding northeasterly along Boston and Maine Railroad to Jefferson Avenue, and proceeding generally southeasterly along Jefferson Avenue to Preston Road, and proceeding southwesterly along Preston Road to Sumner Road, and proceeding generally southeasterly along Sumner Road to Bradley Road, and proceeding southwesterly along Bradley Road to Marion Road, and

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proceeding generally westerly and then southerly along Marion Road to Russell Drive, and proceeding generally southwesterly and southerly along Russell Drive to Dewey Drive, and proceeding southwesterly along Dewey Drive to Pickman Road, and proceeding generally easterly along Pickman Road to Loring Avenue, and proceeding northerly along Loring Avenue to Grant Road, and proceeding easterly along Grant Road to Lincoln Road, and proceeding 200 feet northeasterly from the intersection of Monroe Road and Lincoln Road along Lincoln Road, and proceeding generally southerly, southwesterly, and easterly along the shoreline to the Marblehead/Salem city/town line, and proceeding generally southerly and southwesterly along the Marblehead/Salem town/city line to the Swampscott/Salem town/city line. and proceeding generally westerly along the Swampscott/Salem town/city line to the point of beginning.

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

On the motion of Councillor Sargent the meeting adjourned at 9:16 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK