

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, September 14, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 12, 2023, at 10:14 A.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

All Councillors were present.

Council President Stott presided.

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

(408) – APPOINTMENT OF LAURIE BIEL TO THE BEAUTIFICATION COMMITTEE

Held from the last meeting, the Mayor's Appointment of Laurie Biel of 24 Celestial Way to the Beautification Committee, with a term to expire on July 13, 2026, was confirmed by a roll call vote of 11 yeas, 0 nays, and 0 absent.

Councillor Morsillo requested and received suspension of the rules to allow Laurie Biel to speak.

#414 – APPOINTMENT OF VINCENZO DESIPIO AS THE ASSISTANT TREASURER

The Mayor's appointment of Vincenzo DiSipio to the position of Assistant Treasurer for the City of Salem with a term to expire January 31, 2026 was held under the rules.

#415 - APPOINTMENT OF JASON SYDORIAK TO THE AFFORDABLE HOUSING TRUST FUND BOARD

The Mayor's appointment of Jason Sydoriak of 20 Hathorne St. to the Affordable Housing Trust Fund Board with a term to expire January 25, 2024 was held under the rules.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#416 – APPOINTMENT OF ALPHONSE WRIGHT TO THE FOOD POLICY COUNCIL

The Mayor's appointment of Alphonse Wright of 12 Hancock St. to the Food Policy Council with a term to expire September 14, 2026 was held under the rules.

#417 - APPOINTMENT OF AARON PATERNOSTER TO SALEM HOUSING AUTHORITY

The Mayor's appointment of Aaron Paternoster of 14 Phelps St. to Salem Housing Authority with a term to expire March 28, 2024 was held under the rules.

#418 – RE-APPOINTMENT OF CHRIS CATONE TO THE SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE

The Mayor's re-appointment of Chris Catone of 10 Vista Ave. to the Sustainability, Energy and Resiliency Committee with a term to expire September 14, 2026 was held under the rules.

#419 - RE-APPOINTMENT OF GREGORY ST. LOUIS TO THE CONSERVATION COMMISSION

The Mayor's re-appointment of Gregory St. Louis of 24 Sunset Rd to the Conservation Commission with a term to expire September 14, 2026 was held under the rules.

#420 - RE-APPOINTMENT OF MARK MECHE TO THE HISTORICAL COMMISSION

The Mayor's re-appointment of Mark Meche of 1 Lowel St. to the Historical Commission with a term to expire September 14, 2026 was held under the rules.

#421 - RE-APPOINTMENT OF THE FOLLOWING TO THE SCHOLARSHIP AND EDUCATION COMMITTEE

The Mayor's re-appointment of the following to the Scholarship and Education Committee with a term to expire September 14, 2026 were held under the rules.

Andrew Boucher 2 Lillian Rd
Heather Lang 43 Osgood St

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#422 – RE-APPOINTMENT OF THE FOLLOWING TO THE BICYCLING AND SHARED PATH ADVISORY COMMITTEE

The Mayor's re-appointment of the following to the Bicycling and Shared Path Advisory Committee with a term to expire September 14, 2026 were held under the rules.

Catherine Seiforth 18 Buffum St.
 Alexandra Maranto 14 Burnside St.

#423 – APPROPRIATION OF \$360,729.31 FOR RETIREMENT VACATION/SICK LEAVE BUYBACK FOR SALEM POLICE AND SCHOOL EMPLOYEES

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

ORDERED: That the sum of Three Hundred Sixty Thousand, Seven Hundred Twenty-Nine Dollars and Thirty-One Cents (\$360,729.31) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the contractual buyback(s) listed below in accordance with the recommendation of His Honor the Mayor.

Name	Department	Amount
Robert Cunningham	Salem Police Department	\$53,996.80
John Doyle	Salem Police Department	\$71,147.68
William Riley	Salem Police Department	\$27,541.64
Joan Iannaccone	Salem School Department	\$28,272.64
Nancy Meacham	Salem School Department	\$39,169.60
Gail Titus	Salem School Department	\$38,644.00
Julie Costa	Salem School Department	\$40,130.40

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

Annette Vitello	Salem School Department	\$6,988.95
Amy Richardson	Salem School Department	\$18,422.40
Paige Covello	Salem School Department	\$36,415.20
		<u>\$360,729.31</u>

#424 DONATION OF \$3,225.00 FOR PURCHASE OR REPAIR OF BICYCLES FOR SALEM POLICE DEPARTMENT

The following order submitted by the Mayor was adopted.

ORDERED: The City of Salem hereby accepts the donation of \$3,225.00 from the Salem Art Gallery for the purposes of funding the purchase of two additional bicycles for the Salem Police Department and the maintenance and repair of existing Police Department bicycles.

#425A - #425D – TO ACCEPT DONATIONS FOR BENCHES AND SENIOR PROGRAMMING

The following orders submitted by the Mayor were adopted.

ORDERED: That the City of Salem accept the following donations in accordance with the recommendation of His Honor the Mayor:

One Thousand Five Hundred Dollars (\$1,500.00) from Artem Starovoytov. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a standard bench.

One Thousand Two Hundred Dollars (\$1,200.00) from Katherine Blake. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a standard bench.

One Thousand Two Hundred Dollars (\$1,200.00) from Susan E. Morneau and Paul Morneau. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for a standard bench.

One Thousand Dollars (\$1,000.00) from Elaine Bonaiuto of Beverly in honor of her sister. The donation is to be deposited into the Council on Aging Donation Fund 2401 (24011-4830) to support programming for Salem seniors.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#426 – HOME RULE PETITION FOR AUTOMATED ENFORCEMENT OF SPEED LIMIT VIOLATIONS IN DESIGNATED SCHOOL ZONES WITHIN CITY OF SALEM

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

Ordered: That a petition to the General Court, accompanied by a bill for authorization to employ automated enforcement of speed limit violations in designated school zones within the city of Salem 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 2, 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 authorizing the City of Salem to employ automated enforcement of speed limit violations in designated school zones 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:

AUTOMATED ENFORCEMENT OF SPEED LIMIT VIOLATIONS IN DESIGNATED SCHOOL ZONES WITHIN CITY OF SALEM

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Automated Road Safety Camera System" shall mean an automated motor vehicle sensor device installed which produces digital photographs and may record the speed of each motor vehicle at the time it is operated in a manner that is in violation of traffic laws and regulations where the automated road camera safety system is located.

"Camera Enforceable Violation" shall mean a violation of the traffic laws which may be enforced by an automated road safety camera system, limited to exceeding the speed limit pursuant to section 17 or section 18 of chapter 90 while travelling in a designated school zone.

"City" shall mean the City of Salem, Massachusetts.

"Designated School Zone" shall mean within 300 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational or secondary school if the violation occurs between 5:00 a.m. and midnight, whether or not school is in session.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

Section 2. (a) The City of Salem may employ an automated road safety camera system as a means of promoting traffic safety in a designated school zone, which may be fixed along any portion of any ways within a designated school zone its control, or within a designated school zone in the control of the commonwealth with written permission from the department of transportation and may impose a penalty on the owner of a motor vehicle for failure by the operator thereof to comply with traffic laws and regulations.

(b) The City may employ no more than two fixed automated road safety camera systems per designated school zone.

Section 3. (a) The maximum fine imposed for a violation issued pursuant to this chapter shall be twenty five dollars per violation. For violations issued pursuant to this chapter, except as provided in section 4, the owner or owners of a vehicle shall be liable for the fine, however, no owner of a vehicle shall be responsible for a violation issued pursuant to this chapter where the operator of the motor vehicle was issued a citation for the underlying violation in accordance with section 2 of chapter 90C of the General Laws. The city may send a written warning to the owner or owners in lieu of enforcement for the purpose of education.

(b) A certificate, or a facsimile thereof, based upon inspection of photographs and data produced by an automated road safety camera system, and sworn to or affirmed by the police department or designee authorized to issue citations for violations of traffic laws and regulations, shall be prima facie evidence of the facts contained therein.

(c) A violation issued by the city shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall such violation be considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining a surcharge on a motor vehicle premium pursuant to section 113B of chapter 175 of the General Laws.

(d) The police department shall supervise and coordinate the administration of violations issued in conformance with this chapter. The police department shall have the authority to hire and designate such personnel as may be necessary or contract for such services to implement the provisions of this chapter.

(e) It shall be the duty of the police department or designee of a city to cause a notice of violation to the registered owner or owners of a motor vehicle identified in photographs produced by such device as evidence of a violation pursuant to this chapter. Such notice shall contain, but not be limited to, the following information: a copy of the aforementioned recorded images and other data showing the vehicle in the process of a camera enforceable violation; the registration number and state of issuance of the vehicle; the date, time and location of the violation; the specific camera enforceable violation charged; instructions for payment of the violation; instructions to contest the violation in writing; and instructions to obtain a hearing.

(f) In the case of a violation involving a motor vehicle registered under the laws of the Commonwealth, a notice of violation shall be mailed within 14 days of the violation to the address of the registered owner or owners as listed in the records of the registrar of motor vehicles. In the case of any motor vehicle registered under the laws of another state or country, such notice of violation shall be mailed within 21 days of the violation to the address of the registered owner or owners as listed in the records of the official in such state or country having

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

charge of the registration of such motor vehicle. If said address is unavailable, it shall be sufficient for the police department or designee to mail a notice of violation to the official in such state or country having charge of the registration of such motor vehicle.

(g) A notice of violation shall be sent by first class mail in accordance with subsection (f) and shall include an affidavit form approved by the police department for the purpose of complying with subsection (b). A manual or automatic record of mailing processed by or on behalf of the police department in the ordinary course of business shall be prima facie evidence thereof, and shall be admitted as evidence in any judicial or administrative proceeding, as to the facts contained therein. Unless an owner or owners pay the fine or contest responsibility within 60 days of the violation, the provisions of subsection (l) will apply.

(h) Any owner to whom a notice of violation has been issued shall not be liable for a violation under the provisions of this chapter if: the violation was necessary to allow the passage of an emergency vehicle; the violation was incurred while participating in a funeral procession; the violation was incurred during a period of time in which the motor vehicle was reported to the police department of any state, city or town as having been stolen and had not been recovered prior to the time the violation occurred; the operator of the motor vehicle was operating the motor vehicle under a rental or lease agreement and the owner of the motor vehicle is a rental or leasing company and has complied with the provisions of section 4 of this chapter; the operator of the motor vehicle was issued a citation for the underlying violation in accordance with section 2 of chapter 90C of the General Laws; or, the violation was necessary to comply with any other law or regulation governing the operation of a motor vehicle.

(i) Any motor vehicle owner to whom a notice of violation has been issued pursuant to this chapter may admit responsibility for such violation and pay the fine provided therein. Payment may be made personally or through a duly authorized agent, by appearing before the police department's designee during normal office hours, by mailing or online. Payment by mail shall be made by check, money order or credit card to the police department or city. Payment of the established fine and any applicable penalties shall operate as the final disposition of the violation. Payment by one motor vehicle owner shall operate as the final disposition of the violation as to all other motor vehicle owners of the same motor vehicle for the same violation.

(j) An owner may contest responsibility for a violation under this chapter in writing by mail or online. The owner shall provide the police department with a signed affidavit in a form approved by the police department, stating: the reason for disputing the violation; the full legal name and address of the owner of the motor vehicle; and the full legal name and address of the operator of the motor vehicle at the time the violation occurred. An owner may include signed statements from witnesses, which include the names and addresses of witnesses, supporting the owner's defense. Within 21 days of receipt, the police department or the hearing officer shall send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine in the manner described in (i) within 14 days of the issuance of the decision or request further judicial review pursuant to section 14 of Chapter 30A of the General Laws.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

(k) An owner may request a hearing to contest responsibility for a violation. A hearing request shall be made in writing by mail or online. Upon receipt of a hearing request, the police department shall schedule the matter before hearing officer. Said hearing officer may be an employee of the police department of the city or such other person or persons as the police department may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to each registered owner. The hearing shall be informal, the rules of evidence shall not apply, and the decision of the hearing officer shall be final subject to judicial review as outlined by section 14 of Chapter 30A of the General Laws. Within 21 days of the hearing, the police department or the hearing officer should send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine in the manner described in (i) within 14 days of the issuance of the decision or request further judicial review pursuant to section 14 of Chapter 30A of the General Laws.

(l) If an owner to whom a notice of violation has been issued either fails to pay the fine in said notice in accordance with subsection (i), or is found responsible for the violation and does not pay the fine in accordance with subsection (j) or subsection (k), the police department shall notify the registrar of motor vehicles who shall place the matter on record. Upon receipt of the registrar of five or more of such notices, the registrar shall not issue or renew such owner's motor vehicle registration until after notification from the police department that all fines owed pursuant to this chapter have been paid. It shall be the duty of the police department to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the police department shall also serve as legal notice to the registrar that said violation has been disposed of in accordance with this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

Section 4. (a) Notwithstanding section 3 of this chapter, if the registered owner of a motor vehicle in receipt of a notice of violation is a person or entity engaged in the business of leasing or renting motor vehicles, and such motor vehicle was operating under a rental or lease agreement at the time of a violation, then the provisions of this section shall be applicable, and the registered owner shall not be liable for any unpaid fines; provided, however, that such owner has complied with the procedures of this section.

(b) The police department shall give to the registered owner notice in writing of each violation in which a motor vehicle owned by such owner is involved, as set forth in section 3.

(c) Within 45 days of the violation, the registered owner shall furnish to such department or designee in writing the name and address of the lessee or renter of such motor vehicle at the time of the violation; the lessee's or renter's driver's license number, state of issuance of such driver's license and the lessee's or renter's date of birth.

(d) Such department or designee shall thereupon issue a notice of violation to such lessee or renter in the form prescribed by section 3 and the lessee or renter shall be liable for the violation.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

(e) If such lessee or renter to whom a notice of violation has been issued either fails to pay the fine in accordance with subsection (i) of section 3, or fails to receive a favorable adjudication of said notice in accordance with subsection (j) of section 3, or subsection (k) of section 3, the police department or designee shall notify the registrar of motor vehicles who shall place the matter on record. Upon notification to the registrar of five or more of such notices under this section, it shall be the duty of the registrar to suspend and not renew the license to operate a motor vehicle of such lessee or renter or suspend the right to operate of a lessee or renter not licensed in this commonwealth until after notification from the Salem police department that all fines, taxes and penalties owed by such owner pursuant to either this chapter, have been disposed of in accordance with this chapter. It shall be the duty of the police department to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the police department shall also serve as notice to the registrar that said violation has been disposed of in accordance this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

Section 5. No speed limit violation shall be issued unless the vehicle exceeds the speed limit by at least ten miles per hour.

Section 6. (a) The city shall install a sign notifying the public that an automated road safety camera system is in use at each location of said camera.

(b) The city shall make a public announcement and conduct a public awareness campaign of use of automated road safety camera systems beginning at least 30 days before the enforcement program is in use. The city may install but not activate automated road safety camera systems during said time period.

Section 7. Verification that the automated road safety camera system and any appurtenant traffic control signals are correctly calibrated shall be made by a professional engineer registered in the commonwealth.

Section 8. (a) Photographs and other recorded evidence shall only be captured when a camera enforceable violation occurs. Photographs and other recorded evidence shall be destroyed within 48 hours of the final disposition of a violation.

(b) No photographs taken in conformance with this chapter shall be discoverable in any judicial or administrative proceeding other than a proceeding held pursuant to this chapter without a court order. No photograph taken in conformance with this chapter shall be admissible in any judicial or administrative proceeding other than in a proceeding to adjudicate liability for such violation of this chapter without a court order. A court shall order a release of a photograph taken in conformance with this chapter only where the photograph tends to establish or undermine a finding of a moving violation and the violation is material as to a finding of civil or criminal liability.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

(c) Photographs and other personally identifying information collected by the city pursuant to this chapter are not public record.

(d) No automated road safety camera system shall be utilized in such a manner as to take a frontal view photograph of a motor vehicle.

Section 9. City shall establish a revolving or equivalent fund for all proceeds generated from this Act and such proceeds shall be used for traffic and safety enhancements and driver safety education.

Section 10. This act shall take effect as provided by law.

#427 – INCREASING RESERVED SPACES AND PERMIT FEES IN THE GARAGES

The following order introduced by Councillor McCarthy was adopted. Councillor McClain, Stott and Varela were recorded as opposed.

ORDERED: That the Traffic & Parking Department may designate up to forty (40) spaces in the Museum Place Parking Garage and up to twenty-five (25) parking spaces in the South Harbor Parking Garage to be reserved permit parking only, with the permit cost \$2,000 per year.

#428 – SALEM LICENSING BOARD TO DISCUSS ELIMINATING THE SALE OF SINGLE SERVE ALCOHOLIC BOTTLES (NIPS)

The following order introduced by Councillor Merkl was adopted.

ORDERED: That the City of Salem Licensing Board shall discuss eliminating the sale of single serve alcoholic bottles in Salem that are 100 millimeters or less, commonly referred to as "nips".

Councillor McCarthy was concerned because did this once before and instead of buying nips people bought fifths.

Councillor Morsillo stated the State should put a monetary value on them (deposit) but they won't. This could help solve some trash issues.

Councillor Prosniewski remembers the ban when he was still a police officer. Sales of pints and ½ pints went up. The nips clog our sewers, and they are littered every year.

Councillor Varela stated we can't wait for the State. The only way to get things done is to do it ourselves. He stated Chelsea saw less medical issues.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

Councillor Merkl stated she not sure if October is a good indicator it should be over a course of the year.

Councillor Hapworth stated it is not our role here if people drink more or less; it has to do with the litter it causes that we find all over our streets and in planters.

Councillor McClain agrees with the litter problem it causes but October is not the best measurement. Nips are easily concealed.

#429 – TRAFFIC ORDINANCE AMENDING SERVICE ZONES RELATIVE TO BROADWAY, NEW DERBY, DERBY, HANCOCK AND HIGH STREET

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

An Ordinance Relative to Traffic

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

Section 1. Section 13 of Article I be amended by repealing the following:

Broadway – Service Zones – northwesterly side, from the southerly lot line at No. 108 Broadway for a distance of fifty (50) feet in a northerly direction. No Parking Service Zone 8:00 A. M. to 8:00 P. M. Monday through Friday. (7/2/90)

New Derby Street – Service Zones – on the northerly side of New Derby Street, beginning at a point one hundred sixty-five (205) feet east of the intersection with Washington Street, and extending eastward fifty-five (55) feet. (10/25/22(4))

And inserting the following:

Derby Street – Service Zones - northerly side, beginning at Palfrey Court and continuing in an easterly direction for forty (40) feet.

Derby Street – Service Zones – northerly side, beginning at a point one hundred (100) feet east of Daniels Street and continuing in an easterly direction for forty-five (45) feet.

Hancock Street – Service Zones – northerly side, beginning at a point twenty (20) feet east of Canal Street and continuing in an easterly direction for one-hundred and thirty-five (135) feet.

High Street – Service Zones – northerly side, beginning at a point twenty-five (25) feet west of Margin Street and continuing in a westerly direction for thirty (30) feet.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

New Derby Street – Service Zones – on the northerly side of New Derby Street, beginning at a point two hundred and five (205) feet east of the intersection with Washington Street, and extending eastward fifty-five (55) feet.

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

Councillor Cohen explained the situation on Hancock Street between the residents and business. The service trucks park in front of the residential homes and this was the best solution.

Councillor McCarthy explained that the new bump outs on Derby Street doesn't leave any room for parking on the northerly side of Derby. Since outdoor dining, there is a need for a place to park short-term for deliveries.

#430 – TAG DAY SHS GIRLS VOLLEYBALL

The following order introduced by Councillor Morsillo was adopted.

ORDERED: That the Salem High School Girls Volleyball hold a Tag Day on September 23, & October 21, 2023.

#431 – ORDINANCE AMENDING LOCATION OF POLES NEAR HYDRANTS

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

An Ordinance to amend an Ordinance relative to Ch. 12 – Building, Electricity and Plumbing Regulations

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

Section I. Article III of Chapter 12, Section 89 - Location of poles with reference to curbstones and hydrants. The last sentence is hereby amended by:

“Deleting 15 feet and inserting 6 feet.”

And by adding the following to the end of the sentence

“, or as specified in 527 CMR 1.00 18.5.7.1, whichever is greater.”

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

Councillor Morsillo stated that the current ordinance says 15 ft and we only need 6 ft. We are trying to save trees. The State fire code only needs a 6-foot buffer.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#432 – ORDINANCE AMENDING CH. 14 RELATIVE TO TAG DAYS

The following ordinance introduced by Councillor Stott was adopted as amended for first passage.

In the year Two Thousand and Twenty-three

An Ordinance to amend an Ordinance relative to tag days
Be it ordained by the City Council of the City of Salem, as follows:

SECTION I: City of Salem Code Ordinances Chapter 14 Business Licenses and Fees is hereby amended by:

- 1) Replacing the words “city council” with the words “city clerk” as they appear in Secs. 14-102 and 14-104.
- 2) Deleting Sec. 14-103 in its entirety and replacing it with the following:
 “All persons engaged in the sale of tags shall carry a copy of the tag day license and distribute a tag to each donor. No person authorized under this division shall make or attempt to make any sale in front of any private premises against the objection of the owner or occupant thereof. “
- 3) Deleting the heading “(a)” within Sec. 14-104 and inserting the text “at least one week in advance. A sample of the tag must be provided to the city clerk to keep on file” immediately following the word “clerk” in the first sentence of Sec. 14-104.
- 4) Deleting Sec. 14-104 (b) in its entirety.
- 5) Deleting Sec. 14-105 in its entirety and inserting the following:
 “No license shall be valid for more than three consecutive days, and no more than six days in a calendar year per organization.

Only one organization may be issued a tag per calendar day, and they are issued in the order of receipt of application to the clerk's office, with the exception of Memorial Day Weekend, 4th of July and Veterans Day, which are held for use solely by Posts or Incorporated organizations of veterans who served in the military or naval service of the United States in time of war or insurrection.

The city clerk shall not release any license until the organization submits to the city clerk a sample of the tag that will be distributed by the organization on the day of the sale.

Persons tagging shall not impede the flow of pedestrians when on a public sidewalk nor shall they enter upon a public street or way to collect donations.”

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

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

Councillor Stott stated that this feels like a random ordinance to amend, but it removes the Clerk from having to send it to Council for approval. Other language was deleted, and new language inserted to clean up the ordinance.

Councillor McClain was concerned how the City Clerk would make the decision to deny. Councillor McClain made a motion to add "That the City Clerk refer any tag day applications to the City Council for approval when necessary." This amendment was added to Ch. 14 Sec. 104 after the word clerk in the last sentence. It was so voted.

#433 – (#387) – APPROPRIATION OF \$15,000.00 FOR THE HERITAGE TRAIL INITIATIVE

Councillor McClain offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred the matter of Appropriation of \$15,000.00 for software upgrade costs and trail maintenance associated with the Heritage Trail Initiative. has considered said matter and would recommend adoption.

#434 – (#411) – SITE VISIT TO THE NEW BEDFORD MARINE COMMERCE TERMINAL WIND MARSHALLING PORT

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

The Committee of the Whole to whom was referred the matter of a site visit to the New Bedford Marine Commerce Terminal Wind Marshalling Port, has considered said matter and would recommend that it be received and filed.

#435 – (409) – RESOLUTION TO AUTHORIZE THE TAX INCREMENT FINANCE AGREEMENT WITH CROWLEY WIND SERVICES

Councillor McCarthy offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation. Both the resolution and Tax Agreement were adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

The amendments on the Tax Agreement included in Section A (1) change the word form assess to assessed and the tax exemption from real estate taxation was added. Sec. B (6) to add “and approval by the EACC. Be and to the end of the last sentence after the word agreement. Sec. C (1) to delete the word “Property” at the end of the sentence and replace with after the word owners of the “Project (other than the CEC, which is exempt from taxation under Massachusetts General Laws Chapter 23J, Section 4).

The Committee of the Whole to whom was referred the matter of a Resolution to Authorize, and the Tax Increment Finance (TIF) Agreement with Crowley Wind Services has considered said matter and would recommend that the Resolution be Adopted by Roll Call Vote and the Tax Agreement be Adopted as Amended by Roll Call Vote.

The Resolution was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent. and the Tax Agreement as amended was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

A motion for Immediate Reconsideration in hopes it does not prevail was denied.

#436 – (#410) – FACILITATE THE CONSTRUCTION AND OPERATION OF THE OFFSHORE WIND MARSHALLING PORT

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

The Committee of the Whole to whom was referred the matter of an Order to Facilitate the Construction and Operation of Salem’s Offshore Wind Marshalling Port at 67 Derby Street, has considered said matter and would recommend Adoption by Roll Call Vote.

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

A motion for Immediate Reconsideration in hopes it does not prevail was denied.

#437 – NO TURN ON RED REPORT

The following report submitted by David Kucharsky, Traffic & Parking Director, relative to “Right Turn on Red” was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

Based on an order passed by Council earlier this year, please find our assessment of traffic signals in the City with a focus on whether “Right Turn on Red” signage exists and/or is identified in the City’s Traffic Ordinance. This involved conducting a field verification of every traffic signal in the City. Based on our counts there are 32 city controlled signals and 14 under MassDOT jurisdiction. The attached map (see back-up documentation) also includes any crashes that may have been reported at these locations over the past five years. The numbers at each intersection identify the number of reported crashes that involved a pedestrian or cyclist. We reviewed each location with Lt. Tucker to get more details about each crash and began developing some recommendations. Please submit this to Council for further discussion.

Lastly, below is guidance from MUTCD on the installation of a no turn on red sign.

Standard:

01 Where a right turn on red (or a left turn on red from a one-way street to a one-way street) is to be prohibited, a symbolic NO TURN ON RED (symbolic circular red) (R10-11) sign (see [Figure 2B-27](#)) or a NO TURN ON RED (R10-11a, R10-11b) word message sign (see [Figure 2B-27](#)) shall be used.

Guidance:

02 If used, the No Turn on Red sign should be installed near the appropriate signal head.

03 A No Turn on Red sign should be considered when an engineering study finds that one or more of the following conditions exists:

- A. Inadequate sight distance to vehicles approaching from the left (or right, if applicable);*
- B. Geometrics or operational characteristics of the intersection that might result in unexpected conflicts;*
- C. An exclusive pedestrian phase;*
- D. An unacceptable number of pedestrian conflicts with right-turn-on-red maneuvers, especially involving children, older pedestrians, or persons with disabilities;*
- E. More than three right-turn-on-red accidents reported in a 12-month period for the particular approach; or*
- F. The skew angle of the intersecting roadways creates difficulty for drivers to see traffic approaching from their left.* Communication from City Solicitor regarding removing Clover Street from the list of accepted streets.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#438 – REMOVAL OF CLOVER STREET FROM THE LIST OF ACCEPTED STREETS

The following letter submitted by the City Solicitor was referred to the Committee on Ordinances, Licenses and Legal Affairs to hold a public hearing.

Ladies and Gentlemen of the Council:

As many of you know, in 1996, the City Council voted by Council Order to accept a large number of streets but did not take the proper steps to legally accept certain streets shown on the Order. One such street, a paper street only, is Clover Street.

The acceptance of Clover Street did not follow the required process for street acceptance as provided in City Ordinance at Chapter 38, Sections 51 through 57 and 91 and Massachusetts General Law Chapter 82. The City Council record indicates that the Council failed to take any of the steps, as shown on the attached Street Acceptance Procedure Summary, when accepting Clover Street.

Mr. Gagnon, a direct abutter, has requested that this matter be corrected. See his email attached. To correct this error, I respectfully request that this matter be referred to the Committee on Licenses and Legal Affairs so that a public hearing may be scheduled and ultimately the matter be referred back to the City Council to be properly remove Clover Street from the list of accepted City streets.

Thank you for your consideration.

Sincerely,
Elizabeth Rennard

#439 - #441 – PETITIONS FOR POLES AND CONDUITS FROM NATIONAL GRID AND COMCAST

A hearing was ordered for September 28, 2023, for the following petitions.

Comcast to install Conduit on Grove St.
National Grid to Install Conduits on Amanda Way.
National Grid to install 1 Jointly Owned Pole on Boston St.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#442 – (#526 of 2022) – FOLLOW UP PETITION TO MAKE EXTENDED HOURS PERMANENT FOR DUNKIN DONUTS LOCATED AT 152 WASHINGTON STREET.

The petition from Nicholas Jenkins of Dunkin Donuts 152 Washington St. to continue to have the hours of 24 hours day / 7 days week after being approved last year on a 1-year temporary basis was granted as permanent.

#443 – PETITION FOR EXTENDED HOURS – RIZZO’S ROAST BEEF – 7 PARADISE ROAD

A hearing was ordered on September 28, 2023, for a petition from Rizzo’s Roast Beef 7 Paradise Rd. for extended hours from 10AM – 1:30AM.

#444 – KIDS FUN FEST ON THE SALEM COMMON FOR OCTOBER 2023

The application from Salem Common Neighborhood Association to hold Kids Fun Fest on the Salem Common October 21, 22, 28 & 29, 2023, from 10AM – 6PM was granted with conditions from the Chief of Police and the Fire Chief.

#445 – ROAD RACE AND USE OF CITY STREETS – B&S FITNESS WICKED HALF MARATHON

The request from B&S Fitness to hold Wicked Half Marathon Road Race and use of City Streets on September 24, 2023, from 7AM – 11:30AM was granted with the condition that there is no amplification before 8:00 A.M.

#446 – BLOCK PARTY – PLEASANT STREET AVENUE

The request from the Residents of Pleasant St. Ave. to hold a Block Party on September 30, 2023, from 2PM – 6PM with a rain date of October 1, 2023 was granted.

#447 – BLOCK PARTY – BOARDMAN STREET

The request from the Residents of Boardman St. to hold a Block Party on September 23, 2023, from 4PM – 8PM with a rain date of September 24, 2023 was granted.

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

#448 - #449 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES: Emma Bernhardt 15 Japonica St Salem
 Amy Dalessandro 38 Essex St. #1 Salem
 Allison Delfranco 65 Washington St Unit 310 Salem
 Rachel Fearon 16 Turner St #3 Salem
 Jake Fisher 2 Couldron Ct Salem
 Laina Fitzgerald 45 Traders Way Apt 70205 Salem
 Linda Y. Goldstein 165 Federal St #1 Salem
 Danielle Gravelle 32 Bass Ave #2 Gloucester
 Laura Guiliano 21 Senecia Rd Woburn
 Kevin Harrington 9 Hodges Ct Apt 3 Salem
 Olivia Haydar 50 Londonderry Rd Marblehead
 Loretta Anne Jamieson 31 Weldeck St Dorchester
 Victoria Khaghani 6 Chubbs Brook Lane Beverly
 Daniel Kerrigan 1 Longfellow Pl #2518 Boston
 Daniel Kostclac Po Box 137 Gilbertville, Ny
 Erin Labate 16 Newhall St Apt 46 Lynn
 James Lebron 23 Osborne St Peabody
 Alexander Lizotte 26 West Dane St Beverly
 James Low 92 Washington Sq Salem
 Pj Maguire 125 Essex St Salem
 Sarah Mason 28 Crimson King Lane Levittown, Pa
 Cody Mccallister 8565 Sierra Brook Ct Elk Grove Ca
 Donacia Sanchez Mitchell 332 Lafayette St #2 Salem
 Vincent Moreale 18 Roslyn St #1 Salem
 Kaitlyn Nash 11 Willow Ave Danvers, Ma 01923
 Malana Nascimenko 103 Cliff Crossing Apt T-2 Salem, Nh
 Adrianna Neefus 7 Daniels St. Court Salem
 Tessa Prendergast 126 Walker Rd Swampscott
 Vanessa Riutta 4 First st St Unit 8004 Salem
 Marcy Lynne Rolin Fox 2 Neptune Rd #124 East Boston
 Robert Zachary Sanzone 91 Essex St Salem
 David Tullis 14 Fowler Street Salem
 Schuyler Lewis Ward 4 Forest Ave Salem
 Kelvin Nguyen 45 Holyoke St Lynn
 Marisa Fruggiero 11 Berrywood Lane Salem
 Maria Sucher 29 Winter St. Salem
 Kai Austin 190 Washington St Brighton
 Erin Fortunato 43 Shortell Ave Beverly

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

TAXI OPERATORS: Amsel Holohan 144 Bridge St., Salem
Leonardo Jeloz 1 Salem St., Salem

#450 - #458 – CLAIMS

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

Jean Sacco 1 Riverway Rd Salem
John Latoszek 8 Phelps St Salem
Jennifer Bracero 300 Canal St Lawrence
Jake Strout 3 Hazel St Salem
Kevin Starion 12 Bedford St Salem
Fabricio Aguiar 5 Melody Rd Peabody
Joshua Diperri 73 1/2 Summer St, Salem
Irelva Nunez 56 Dow St Salem
Robin Eddy 11 Pope St Salem

#459 – DRAINLAYER/CONTRACT OPERATOR LICENSE APPLICATION

The Following Drainlayer/Contract Operator License was granted.

Palladino Excavating 134 Centre St. Danvers

**(#412) – SECOND PASSAGE – TRAFFIC ORDINANCE AMENDING RESIDENT
STICKER PARKING – CHESTNUT STREET**

The Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 51B – Parking Prohibited at Certain Times on Certain Streets & Sec. 75 – Resident Sticker Parking relative to Chestnut Street was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

CITY OF SALEM
SEPTEMBER 14, 2023
REGULAR MEETING

Section 1. Section 75 of Article V be amended by repealing the following:

Chestnut Street – Parking Prohibitions Towing Zone (Resident Sticker) - Zone D Color Yellow – from Flint Street to Summer Street. (11/10/86) (limited to 2 hours by nonresidents)

Chestnut Street – Parking Prohibitions Towing Zone (Resident Sticker) - Zone D Color Yellow - eastbound on both sides (Northerly and Southerly) from Cambridge Street to Summer Street

Chestnut Street – Parking Prohibitions Towing Zone (Resident Sticker) - Zone D Color Yellow - resident sticker parking both sides in its entirety, limited to two (2) hours for nonresidents

And inserting the following:

Chestnut Street – Parking Prohibitions Towing Zone (Resident Sticker) - Zone D Color Yellow - both sides, beginning at Flint Street and continuing in an easterly direction to Cambridge Street. Two (2) hour nonresident parking permitted

Chestnut Street – Parking Prohibitions Towing Zone (Resident Sticker) - Zone D Color Yellow - both sides, beginning at Cambridge Street and continuing in an easterly direction to Summer Street.

Section 2. Section 51B of Article V be amended by repealing the following:

Chestnut Street – Parking Prohibited at Certain Times on Certain Streets – southerly side from Cambridge Street in an easterly direction for a distance of fifty (50) feet. One hour parking from 8:00 A. M. to 6:00 P. M. Monday through Friday. (8/19/64 DPW 12545)

Chestnut Street – Parking Prohibited at Certain Times on Certain Streets – southerly side, in a westerly direction, from Summer Street for a distance of sixty (60) feet.

One hour parking from 8:00 A. M. to 6:00 P. M. Monday through Friday. (4/23/81 DPW 5-1961 & 5-1963)

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

On the motion of Councillor McCarthy the meeting adjourned at 9:05 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK