

CITY OF SALEM
SEPTEMBER 15, 2022
REGULAR MEETING

A Regular Meeting of the City Council was held in-person and remotely via zoom on Thursday, September 15, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 13, 2022, at 2:56 P.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present.

Council President Morsillo presided.

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

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

PUBLIC TESTIMONY

1. Nancy Morgan, 73 Moffat Rd., Salem – HRP Fossil Fuel
2. Jess Reese, 20 South St., Salem – Wildlife Ordinance
3. Jim Mulloy, 9 Barton Sq. #202, Salem – HRP Fossil Fuel
4. Pat Gozemba, 17 Sutton Ave., Salem – HRP Fossil Fuel
5. John Wathne, 34 Boardman St., Salem – Name Change of the Bike Committee
6. Robert Boney, 9 Barton Square #202, Salem - Fossil Fuel

#543 - (#525) – NATIONAL GRID TO INSTALL CONDUIT ON NAPLES STREET

The hearing on a petition from National Grid to Install Conduits on Naples Road was held until the next meeting on September 22, 2022. (There was a technical issue on the zoom link.)

(#526) – EXTENDED HOURS OF OPERATIONS FOR DUNKIN DONUTS

The hearing on the petition from Northern Management Group (Dunkin') for extended hours to operate 24 hours, 7 days a week for the locations listed below was kept open until September 22, 2022. A motion to divide the locations into separate hearings was adopted.

Washington St. Donuts LLC, DBA Dunkin Donuts
152 Washington St., Salem
Current Hours: 5AM – 7PM
Change To: 24hr/7days

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Boston St. Salem Donuts LLC, DBA Dunkin Donuts
68 Boston St., Salem
Current Hours: 5AM – 7PM
Change To: 24hr/7days

North St. Donuts LLC, DBA Dunkin Donuts
105 North St., Salem
Current Hours: 5AM – 7PM
Change To: 24hr/7days

Nicholas Jenkins appeared in favor. He stated that he was looking to be open at night for firefighters, police, and EMTs. He also stated he would be able to clean the buildings while it was quiet at night for the next day.

Gerald Reardon, 78 Boston Street – Opposed to the extended hours for the Dunkin located on Boston Street. He doesn't understand the reason for this. They are not good neighbors. They don't plow their sidewalks and he picks up trash all day long with the DD logo. This is already a noisy street, and it will get even noisier.

David Marquis, 74 Boston St. – opposed to the extended hours at the Boston St. location. He has read journals on case studies that show that when gas stations and convenience stores are open 24/7 crime goes up.

Sarah Marquis, 74 Boston St. – opposed to the extended hours at the Boston St. location. This is a residential area with professionals and families. Do not need people coming and going all hours of the night.

Councillor Riccardi read into record from Stella who resides at 72 Boston St. – opposed to the extend hours at the Boston St. location. In summary cars park in loading zone, there is noise now and drunk people fighting and getting woken up.

Councillor Riccardi stated her concerns regarding the North Street Dunkin Donuts is that it is located inside the gas station that is not open 24/7, so not comfortable with that. Since the Boston Street location just became her ward this year not familiar with all the concerns but still not in favor. She is ok with the North St. location being open the same hours as Citgo to midnight. She doesn't want to add any more traffic or noise problems to this area.

Councillor McClain – opposed to Boston St. Location. He knows the area. It used to be in his ward. Concerns with traffic entering and leaving that location. Also concerned with the Washington Street location because people are always hanging out there – persistent loitering. Don't see the need for this.

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Councillor Cohen stated it is easier to clean a store when no one is in there. Tighten up what you are doing before asking.

Nicholas Jenkins stated new ownership has taken over in 2022. So made notes of plowing. We are flexible if not 24 hours but additional hours beyond 7:00 P.M. especially with foot traffic with Halloween coming up for the North Street location. Will allow for increase sales opportunities.

(#527) – EXTENDED HOURS OF OPERATION FOR CAMILLA'S CAFÉ

A hearing was held on the petition from Camilla's Café 140 Canal St. for Extended hours from 6:00 AM – 9:00 PM to 4:00 AM – 9:00 PM

Sergio Espinoza appeared in favor. He was representing Camilla's Café. Since they are a breakfast place, they are requesting to be open starting at 4AM instead of 6AM. This would reflect the same hours they have in Lynn. Their clientele are people who start work early. These are busy hours.

Councillor Cohen stated he has had conversations with the owners. Bagel World and Starbucks open at 5AM and since this is in a commercial area it makes sense.

No one appeared opposed.

Councillor Cohen moved that the public hearing be closed. It was so voted. Councillor Cohen moved that this petition be granted. It was so voted.

(#479) – APPOINTMENT OF ERIN BONNEY CASEY TO THE SERC COMMITTEE

Held from the last meeting, the Mayor's Appointment of Erin Bonney Casey of 29 Briggs Street to the Sustainability, Energy, and Resiliency Committee with a term to expire July 14, 2025 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Riccardi requested and received suspension of the rules to allow Erin Bonney Casey to speak.

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(#480) – APPOINTMENT OF WALTER MORRELL TO THE BICYCLING COMMITTEE

Held from the last meeting the Mayor's Appointment of Walter Morrell of 65 Palmer Street to the Bicycling Advisory Committee with a term to expire January 14, 2025, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor McCarthy requested and received suspension of the rules to allow Walter Morrell to speak.

#544 – APPOINTMENTS TO THE RACE EQUITY COMMISSION

The Mayor's appointment of the following to the new Race Equity Commission with the following terms to expire were held under the rules.

| <u>Name:</u> | <u>Address:</u> | <u>Term to Expire:</u> |
|------------------------|-------------------------|-------------------------------|
| Rosa Alvarado | 22 Boston St., Salem | September 15, 2025 |
| Shantel Alix Fernandez | 96 Lafayette St., Salem | September 15, 2025 |
| Nicole McLaughlin | 4 Roosevelt Rd., Salem | September 15, 2025 |
| Alphonse Wright | 12 Hancock St., Salem | September 15, 2025 |

#545 – APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

The Mayor's appointment of the following Boards and Commissions with the following terms to expire were held under the rules.

| <u>Name:</u> | <u>Address:</u> | <u>Board/Commission:</u> | <u>Term to Expire:</u> |
|---------------------|------------------------|---------------------------------|-------------------------------|
| Kimberly Parkinson | 16 Phelps St. | Beautification Committee | Sept. 15, 2025 |
| Henry M Gulgergun | 190 Bridge St. | Beautification Committee | Sept. 15, 2025 |
| Zachary Schaad | 65 Federal St. | Beautification Committee | Sept. 15, 2025 |
| Josh Turiel | 238 Lafayette St. | Planning Board | May 24, 2023 |
| Jonathan Berk | 51 Lafayette St. | Planning Board | March 1, 2024 |
| Gwendolyn Rosemond | 11 N. Pine St. | Public Arts Commission | January 11, 2024 |
| Brian Eiermann | 7 Mayflower Ln. | Scholarship & Education Comm. | March 28, 2025 |
| Ashley Judge | 354 Essex St. | Board of Trust Fund Comm. | March 1, 2026 |
| Nina Vyedin | 41 Felt St. | Zoning Board of Appeals | September 15, 2024 |

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#546 – REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

The Mayor's re-appointment of the following Boards and Commissions with the following terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

| <u>Name:</u> | <u>Address:</u> | <u>Board/Commission:</u> | <u>Term to Expire:</u> |
|---------------------|------------------------|---------------------------------|-------------------------------|
| Carly Dwyer | 7 Winter St. | Public Arts Commission | Sept.15, 2024 |
| John Wathne | 34 Boardman St. | Bicycling Advisory Comm. | Sept. 15, 2025 |
| Cynthia Nina-Soto | 6 Laurent Rd. | Scholarship & Education Comm. | Sept. 15, 2025 |

#547 – SRA APPOINTMENT TO THE DESIGN REVIEW BOARD

The Mayor's letter informing the Council that the SRA appointed Sarah Tarbet to the Design Review Board with a term to expire March 1, 2023 was received and filed.

#548 – APPROPRIATION OF \$31,510.00 FOR RETIREMENT STABILIZATION FUND

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

ORDERED: That the sum of Thirty-One Thousand, Five Hundred Ten Dollars (\$31,510.00) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

| Name | Department | Amount |
|-------------|----------------------------|--------------------|
| Victor Ruiz | Salem Police Department | \$31,510.00 |
| | | \$31,510.00 |

#549 – APPROPRIATION OF \$19,600.00 TO DPS BURIAL ACCOUNT

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

ORDERED: That the sum of Nineteen Thousand Six Hundred Dollars (\$19,600.00) is hereby transferred and appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account (14112-5383) in accordance with the recommendation of Her Honor the Mayor.

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| From | | To | | Amount |
|--------------|----------------------|------------|------------|---------------------|
| 2430-4800 | R/Res Sale of Lots | 14112-5383 | DPS Burial | \$ 15,600.00 |
| 2431-4800 | R/Res Sale of Vaults | 14112-5383 | DPS Burial | 4,000.00 |
| Total | | | | \$ 19,600.00 |

#550 – APPROPRIATION OF \$12,362.50 FOR NEGOTIATED SICK LEAVE BUYBACK

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

ORDERED: That the sum of Twelve Thousand, Three Hundred Sixty-Two Dollars and Fifty Cents (\$12,362.50) is hereby appropriated from the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for negotiated sick leave buyback provisions for active employees as needed in accordance with the recommendation of Her Honor the Mayor.

#551 – PAYING PRIOR FISCAL YEAR INVOICE WITH CURRENT FY BUDGET

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

ORDERED: Per MGL Chapter 44 Section 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council we request the sum of One Hundred Sixty-Two Dollars and Ninety-Four Cents (\$162.94) of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2023 Mayor’s Office budget as listed below in accordance with the recommendation of Her Honor the Mayor.

| Department | Vendor | Amount | |
|------------------------|----------------------|---------------|---------------|
| Mayor (COVID response) | United Site Services | \$ | 162.94 |
| | Total | \$ | 162.94 |

#552 – DONATION OF WORKS OF ART TO THE CITY

ORDERED: The City of Salem hereby accepts two gifts of donated works of art as described below:

- Gift of “Vertical Water Ogee Wave” by Karin Stanley, a 10’ x 3.5’ steel sculpture valued at \$11,000. This sculpture is currently on display along the Harbor Connector Path as part of the Harbor Connector Path Sculpture Garden and will remain in this location.

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- Gift of “Sarah Parker Remond” by Jane Fiorentini Steward, a 4.5’ x 2.5’ framed oil painting in the traditional “American” style valued at \$15,000. The painting will be hung in City Hall.

#553 - AN ORDINANCE TO REGULATE WEAPONS IN CITY BUILDINGS

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

An Ordinance to regulate weapons in City buildings.

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

SECTION 1. A new section of the City of Salem Code of Ordinances, Chapter II- Administration, Article IX. - Public Property, Division 1, Section 2-1532, Regulation of Weapons in Public Buildings is hereby enacted as follows:

“Section 2-1532. Possession of Weapons in City Buildings

No person, other than a sworn officer of the Commonwealth, a member of the military service on active duty, or a sworn municipal or county public safety official having a license to carry firearms, shall in any part of City Hall or other municipal buildings, have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of Section 10 of Chapter 269 of the General Laws, unless authorized by the Director of Public Property or the Chief of Police. Any person violating the provisions hereof shall be punished by a fine of two hundred (\$200.00) dollars.”

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

Councillor Dominguez stated this is a great ordinance but would like to see this referred to discuss further. Public Safety is good to protect Salem Citizens but want to make sure every angle is covered. Questions about who can come in.

Councillor Watson-Felt says she doesn’t see anything that says that they have to be in uniform. People can get very angry, and it can be scary to the employees. We don’t want to delay the safety of our employees.

Councillor Prosniewski sated safety is paramount, but would like to hear from our Solicitor if it is legal to do this,

Councillor McClain agrees with the sense of urgency. A sworn office can bring one in. Other government buildings ban firearms. He would also like to see 1 year of no trespassing added besides the fine so it will send a stronger message.

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Councillor Dominguez stated again since we have other concerns it should go into committee to make it better and bring it back more complete and to see if it is even legal.

Councillor McCarthy recommends adopting it for first passage and refer it to OLLA to see if we can add any language.

Councillor Watson-Felt agrees to Councillor McClain that other buildings do not allow firearms and add no trespassing.

#554 – ORDINANCE AMENDING DISPOSITION OF CITY-OWNED LAND

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 prioritize affordable housing when disposing of city land.

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

Section I. A NEW ORDINANCE TO REPLACE THE EXISTING ORDINANCE, CHAPTER 2, ARTICLE IX, DIVISION 4- DISPOSITION OF CITY-OWNED LAND.

Sec. 2-1631. Scope of division.

The City of Salem owns and operates real property needed for the effective provision and management of municipal services. The city recognizes that from time-to-time property may no longer be needed for any municipal purpose. It is the policy of the City of Salem to provide the best possible stewardship and management of municipal assets in the best interests of the City of Salem.

In the interest of establishing a clear policy for the sale of publicly owned land that will achieve land uses that best serve the City of Salem, the procedures in this division will be adhered to concerning the sale of publicly-owned land.

This division shall not apply to the transfer of real estate, or any interest therein, to the affordable housing trust fund Board for the purposes of construction of low-moderate-income housing pursuant to M.G.L. c. 40, s. 15A.

Sec. 2-1632. Purpose

The purpose of this division is to:

- (1) Ensure that real property owned by the city serves a valid public purpose.
- (2) When the public purpose is found to be best served by a disposition for a private purpose, the city's objective shall be to ensure a public benefit will be provided

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to the city. The public benefit must be consistent with the city's priorities, including:

- a. Prioritize public land that is suitable for housing and or the adaptive reuse into housing as affordable housing as defined herein; or
 - b. Park and or open space; or
 - c. Historic preservation; or
 - d. Other priorities reflected in or adopted by City policies or plans.
- (3) Establish a policy to encourage public agencies, other than the city, that own surplus and underutilized public lands in Salem to prioritize land uses that accomplish the city's priorities identified in this division.

Sec. 2-1633. City policy regarding the disposition of public land

- (1) The city council shall be guided by the following policy regarding the disposition of surplus and Underutilized property, which policy shall be the official policy of the city.
- (2) The city shall ask all other public agencies and quasi-public agencies that own real property within Salem and that intend to dispose of the real property to give the director of public property 90 days of advance notice of the proposed disposition together with an opportunity to negotiate for the property to discuss the city's priorities.

Sec. 2-1634. Inventory.

The city planner and the director of public property shall inventory all parcels of inactive city-owned land, with such inventory including the following:

- (1) Address of the parcel.
- (2) Assessor map and lot number.
- (3) Lot area and frontage.
- (4) Presence of buildings.
- (5) Current zoning classification.
- (6) Assessed value.

Sec. 2-1635. Processes for disposing or leasing of city land.

- (1) The process for disposing of tax title parcels shall be consistent with Massachusetts General Law Chapter 60.

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- (2) The process for disposing of city-owned developable parcels that will be sold by public auction shall occur in accordance with Massachusetts General Law Chapter 30B.
- (A) The process for disposing of city-owned parcels undevelopable due to zoning restrictions shall be as follows:
- i. The city planner and director of public property shall consult with city department heads to determine if the city land is underutilized.
 - ii. The city council shall vote to declare the land surplus.
 - iii. The city planner and the director of public property shall prepare for review and approval of the mayor and city council a brief description of the factors that have made such parcel undevelopable.
 - iv. Upon review and approval of the recommendation by the mayor and city council, the director of public property shall advertise the undevelopable parcel(s) for sale in accordance with Chapter 30B.
 - v. Such advertisement shall contain the following information:
 - a. The lowest acceptable bid amount (equal to the current value on record with the City Assessor); and
 - b. The address of the parcel.
 - vi. Notice shall be sent to all abutters of such parcels stating the city's intent to dispose of the parcel and the factors which make such parcel undevelopable, as well as the date, time and place for submission of sealed bids.
 - vii. Upon opening of the proposals, the director of public property may recommend to the mayor be authorized to dispose of the parcel to the highest bidder, provided the price equals or exceeds the assessed value. If such bid price does not equal or exceed the assessed value, the parcel shall not be disposed of.
 - viii. In specific instances, the request for proposal may provide award criteria to dispose a land parcel to an abutter, despite the fact such abutter is not the highest bidder, if the city believes that the disposition of such land to an abutter will provide the use most compatible with the surrounding neighborhood.
 - ix. Upon approval of the sale by the mayor, the city solicitor shall set a date for transfer of the land parcel from the city to the purchaser.
- (B) Procedures for disposal or leasing of city-owned developable parcels shall be as follows:
- i. The city planner and director of public property shall consult with city department heads to determine if the city land is underutilized.
 - ii. The city council shall vote to declare the land surplus.

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- iii. The city planner and the director of public property shall prepare a report for review and approval at a public meeting of the mayor and city council of the developable parcel per the guidelines of Sect 2-1635.
- iv. Upon approval of the report by the mayor, the city council shall vote on the public purpose to be achieved if the lowest acceptable bid will be less than the appraised value. The city planner shall be instructed to dispose of such parcels by requests for proposal.
- v. A request for proposal shall be prepared that defines the following:
 - a. A definition of the development objectives, specifically the public purpose to be achieved if the lowest acceptable bid will be less than the appraised value as approved by the city council, and any reuse-restrictions.
 - b. The lowest acceptable bid amount.
 - c. The address of the parcel.
 - d. The lot area.
 - e. Zoning classification.
 - f. A definition of the scope of the preferred type and density of development.
 - g. The date, time and place for submission of proposals.
 - h. Other information deemed appropriate to the specific parcel.
- vi. A purchaser shall be chosen based on the most advantageous proposal from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the solicitation, such as but not limited to the following criteria:
 - a. Affordability: Proposals with the highest percentage of affordable housing (memorialized through an affordable housing restriction) in terms of the quantity of affordable housing units and the depth of affordability with a preference for units restricted for extremely low and very low-income households.
 - b. Development capabilities: Proposals by qualified and capable development teams that are able to fully accomplish the redevelopment project. The quality of the development team's reputation and references, and regulatory track record and ability to complete projects as proposed.
 - c. Historic preservation: If the property has historic value proposals that retain the historic character of the structure and clearly demonstrate how the redevelopment will successfully achieve city of Salem Historical Commission approval.
 - d. Economic value: Proposals that provide value to the city through direct economic benefits such as increase to tax base and purchase price. The

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city will not make its determination on price alone. The award will be made to the proposal that rates highest on the comparative criteria and price considered.

- e. Quality of plan: Proposals with quality plans for development of the parcel and the compatibility of such plans with the surrounding neighborhood.
- vii. The purchasing agent, in concert with the city planner and director of public property or their designees, hereinafter "designation committee," shall evaluate all proposals based upon the criteria listed in the request for proposals. Finalists will be ranked in order of qualifications. All finalists will be treated equally and reason for the ranking will be set down in writing. The designation committee shall report its finding to the city council. The designation committee may recommend to the city council that the mayor be authorized to dispose the parcel to such purchaser.
- viii. If the property will be disposed of for less than the fair market value, prior to entering into a binding agreement to dispose of the property a notice shall be posted in the Central Register explaining the reasons for the decision, the public purpose that will be achieved, and disclosing the difference between the property value and the price to be receive.
- ix. Upon approval of the sale by the mayor, the city solicitor shall set a date for transfer of the parcel from the city to the purchaser.

Sec. 2-1636. Guidelines for evaluation of the disposition of real property by request for proposals.

The director of public property and city planner shall be responsible for engaging in a process that will result in a fair analysis of how the greatest public benefit can be obtained from the city property in question. The director of public property and city planner shall prepare a report to the city council on the disposal of any surplus or underutilized property on a case-by-case basis using the following guidelines:

- (1) Consistency. The director of public property and city planner shall review the proposed disposal for consistency with any restrictions or limitations resulting from any of the following:
 - a. The title or deed conveying the property, including terms and conditions of the original acquisition or any other contract or instrument by which the city is bound or to which the property is subject to;
 - b. City, state, or federal ordinances, statutes, and regulations.
- (2) Economic Value.
 - a. An appraisal of the property shall be included in the report.
- (3) Evaluation.
 - a. The use of the city property at the time of the disposition analysis and any actual or projected annual revenues or costs associated with such property.
 - b. The existing zoning designation of the property and other City, State, and federal laws, codes, ordinances and regulations that apply to it at the time

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of the recommended disposition and that would apply to the various alternative uses analyzed.

- c. Parcel size.
 - d. Existing improvements.
 - e. Existence of easements for city utilities.
 - f. Existing infrastructure.
 - g. Existence of or proximity to wetlands.
 - h. Known environmental factors.
 - i. Potential for consolidation.
 - j. Unique attributes that make the property difficult to dispose (size, location). Limitations of the land parcel for construction.
 - k. The development potential of the property.
 - l. Compatibility of the potential uses with the physical characteristics of the property and surrounding uses.
 - m. Provisions of the city master plan applicable to the parcel.
 - n. Highest and best use of the property.
- (4) Priorities for use of city-owned Properties. The director of public property and city planner's joint recommendation for the disposition of city property should reflect assessment of the potential use of the property consistent with City priorities. The assessment should include a recommendation of the development objectives, including the public purpose to be achieved if the council decides to accept a bid lower than the appraised value.

Sec. 2-1637. Administration.

The city planning department and the director of public property, in cooperation with each other, shall administer the disposition process.

Sec. 1638. Notification for disposal of city land

The aforementioned requirements delineated in sections 2-1631 through 2-1636 shall be adhered to for the disposition of all city-owned land, excluding, at the discretion of the director of public property after consultation with the city solicitor, those acquired through a Mass. Gen. Law Chapter 60 tax title foreclosure. In no event, shall city-owned land be disposed of without notice being mailed to all abutting land owners stating the city's intent to dispose of a particular parcel or parcel(s). Said notice shall be mailed to abutters, their abutters and the city council at their home address a minimum of 30 days prior to the sale and shall include the date, time and place for submission of bids or proposals.

Sec. 2-1639. Definitions.

Affordable housing restriction: A deed restriction, contract, mortgage agreement, or other legal instrument, acceptable in form and substance to the City of Salem, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or

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qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability.

Affordable housing: Housing that is affordable in perpetuity to and occupied by a household with income at or below 60% of area median income, adjusted for household size, for the metropolitan area that includes the City of Salem, as determined annually by the United States Department of Housing and Urban Development (HUD).

Surplus property: Property deemed surplus by a vote of the City Council.

Underutilized public property: An entire property or portion thereof, with or without improvements, which does not have specific operational needs of the city, as determined through consultation with city department heads.

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

#555 – ORDINANCE ENSURING SAFE ACCESS TO LEGALLY PROTECTED HEALTH CARE

The following Ordinance submitted by the Mayor was adopted for first passage.

AN ORDINANCE to ensure safe access to legally protected reproductive and gender-affirming health care services

Section 1. Chapter 2 *Administration* is hereby amended by adding a new Article XVIII *Ensuring Safe Access to Reproductive Health Care*

“ARTICLE XVIII – ENSURING SAFE ACCESS TO LEGALLY-PROTECTED HEALTH CARE

Section 2-2064. Definitions

As used in this Article the definitions below apply to the following words and phrases:

‘Abusive litigation’, litigation or other action to deter, prevent, sanction or punish any person engaging in legally-protected health care activity that is: (i) filed or prosecuted in any state other than the commonwealth where liability, in whole or part, directly or indirectly, is based on legally-protected health care activity that occurred in the commonwealth, including any action in which liability is based on any theory of vicarious, joint or several liability derived therefrom; or (ii) an attempt to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action; provided, however, that a lawsuit shall be considered to be based on conduct that occurred in the commonwealth if any part of any act or omission

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involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in the commonwealth, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit

‘City agent’, any employee of the City of Salem, whether full time or part time, regular or seasonal, any intern or volunteer when acting on behalf of the City of Salem, any contractor for the City of Salem while a contract between the City of Salem and said contractor is in effect, and any recipient of City funding, grants, awards, or appropriations.

‘Gender-affirming health care services’, all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.

‘Legally-protected health care activity’, (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender affirming health care services secured by the constitution or laws of the commonwealth; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth, and the provision of insurance coverage for such services, shall be legally protected if the service is permitted under the laws of the commonwealth, regardless of the patient’s location.

‘Reproductive health care services’, all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy.

Section 2-2065. Purpose

To ensure the city of Salem protects all individuals' access to legally protected health care services.

Section 2-2066. Preamble

Access to reproductive health care services and gender-affirming health care services is recognized and declared to be a right secured by the constitution and laws of the commonwealth. Interference with this right, whether or not under the color of law, is against the public policy of the commonwealth. The City of Salem, as a corporation of the commonwealth, has a responsibility to codify protections to ensure safe access to reproductive and gender-affirming health care services.

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Section 2-2067. Policy

- (a) Information related to the provision of reproductive health care services or gender-affirming health care services for any person, including individuals who are not residents of the City of Salem or the Commonwealth of Massachusetts, held by any city agent in their capacity as a city agent shall be kept confidential and shall not be subject to the disclosure provision of the Public Records Law pursuant to G. L. c. 4, § 7(26)(c).
- (b) Acting in their capacity as a city agent, no city agent may furnish information, assistance, or aid to any person or jurisdiction for the purposes of prohibiting, criminalizing, sanctioning, authorizing a person to bring a civil action against, or otherwise interfering with a person, entity or carrier that seeks, receives, causes, aids in access to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities. Additionally, no city resources, materials, or funds shall be so used.
- (c) No city agent may in their capacity as a city agent furnish information, assistance, or aid to any person or jurisdiction when such information, assistance, or aid is knowingly intended for use in abusive litigation as defined in this article. Additionally, no city resources, materials, or funds shall be so used.
- (d) No person, regardless of residency or citizenship status, shall be held in custody by the Salem Police Department for seeking, receiving, causing, aiding in access to, aiding or abetting or providing, or attempting or intending to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction. This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other State would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.
- (e) Any person held in custody by the Salem Police Department shall not be remanded, transferred, or extradited to another jurisdiction for having

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sought, received, caused, aided in accessing, aided or abetted or provided, or attempted or intended to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction. This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other State would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

Section 2-2068. Violations

- (a) Any city employee found to have violated this article shall be subject to the progressive discipline policies of the City of Salem and any applicable fines pursuant to section 1-10 of this Code.
- (b) Any city contractor found to have violated this article shall be subject to review and potential termination of contract and any applicable fines pursuant to section 1-10 of this Code.
- (c) Any recipient of city funds found to have violated this article shall cease to receive any further city funds for a period of twelve (12) months from the violation and shall repay any city funds received between the date of the violation and twelve (12) months prior and any applicable fines pursuant to section 1-10 of this Code.

Section 2-2069. Severability

As provided in section 1-9 of this Code, the sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article."

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

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#556 – ORDINANCE AMENDING PUBLIC GUIDES – ENFORCEMENT

The following Ordinance submitted by the Mayor was adopted for first passage

An Ordinance to amend an Ordinance relative to public guides

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

Section I. Chapter 40 – Tourism and Public Marketing, Article II, Division 1. – Generally is hereby amended by deleting the third sentence of Sec. 40-31 in its entirety and replacing it with “This article may be enforced by any police officer, enforcement officer or agent of the board of health, inspectional services, fire services and licensing department personnel.”

Section II. This ordinance shall take effect as provided by city charter.

#557 – NAME CHANGE FOR THE BICYCLING ADVISOR COMMITTEE

The following Order submitted by the Mayor was adopted.

ORDERED: That the name of the City’s Bicycling Advisory Committee be changed to the “Bicycling and Shared Pathway Advisory Committee.”

#558 – RESOLUTION PROCLAIMING CHILDHOOD CANCER AWARENESS MONTH

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

RESOLUTION: Proclaiming Childhood Cancer Awareness Month September 2022

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection have established that cancer is the leading cause of death by disease among U.S. children between infancy and age 15, afflicting nearly 15,000 children in our nation each year; and

WHEREAS, one in five children in America lose their battle with cancer and among those who survive there continue to be long-term negative health effects and high risk of secondary cancers; and

WHEREAS, numerous charitable and health organizations are dedicated to fighting childhood cancer and growing public awareness about this awful disease, including the American Cancer Fund for Children and Kids Cancer Connection, both of whom provide a variety of psychosocial services to children undergoing cancer treatment at Dana-

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Farber Cancer Institute, Boston Children's Hospital, UMass Memorial Medical Center, and other hospitals throughout the country, with the goal of improving the quality of life for these children and their families; and

WHEREAS, countless doctors, nurses, scientists, researchers, clinicians, and other medical and health science professionals have committed themselves to the work of understanding, treating, and preventing childhood cancers;

NOW THEREFORE, let it be resolved that the Salem City Council and Mayor of Salem do hereby proclaim September 2022 to be Childhood Cancer Awareness Month in the City of Salem, Massachusetts, and do encourage all residents thereof to so note and mark the month accordingly through reflection, acts of charity, compassion toward those suffering from childhood cancers and their families and caregivers, and celebration of those advocates and medical providers who are working to fight this awful scourge.

#559 – ORDINANCE AMENDING # OF MEMBERS TO THE RACE EQUITY COMMISSION

The following Ordinance submitted by the Mayor was adopted for first passage.

An Ordinance to amend an Ordinance relative to the Race Equity Commission

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

Section I. Section 2-1033 – *Members* of Chapter 2, Article IV, Division 18 – Race Equity Commission is hereby amended by striking the word “four” and inserting the word “eight” as it appears in this section.

Section II. This ordinance shall take effect as provided by city charter.

#560 – TAG DAY LICENSE APPLICATION

The following Order introduced by Councillor Riccardi was adopted

ORDERED: That the Following License Applications be Granted:

TAG DAY: SHS Girls Volleyball Sept. 17 & Oct. 15, 2022

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#561 – TRAFFIC ORDINANCE – HANDICAP PARKING – REPEAL ENGLISH STREET

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

An Ordinance to amend an Ordinance relative to Traffic, Chapter 42, Section 50B, "Handicap Zones, Limited Time"

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

Section 1. Repeal - In Front of #11 English Street for a distance of 20 feet, "Handicap Parking, Limited Time, Tow Zone"

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

#562 – TRAFFIC ORDINANCE – HANDICAP PARKING – CHASE STREET

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

An Ordinance to amend an Ordinance relative to Traffic, Chapter 42, Section 50B, "Handicap Zones, Limited Time"

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

Section 1. In Front of #5 Chase Street for a distance of 20 feet, "Handicap Parking, Limited Time, Tow Zone"

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

#563 – TRAFFIC ORDINANCE – HANDICAP PARKING – LAWRENCE STREET

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

An Ordinance to amend an Ordinance relative to Traffic, Chapter 42, Section 50B, "Handicap Zones, Limited Time"

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

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Section 1. In Front of #38 Lawrence Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

#564 – TRAFFIC ORDINANCE – RESIDENT STICKER & PARKING PROHIBITED – PARADISE AVENUE

The following ordinance introduced by Councillor Varela 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 75 of Article V-A shall be amended by repealing the following:

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

Section 2. Section 51 of Article V shall be amended by inserting the following:

Paradise Avenue – Parking Prohibited on certain streets in its entirety, northerly side.

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

#565 – TRAFFIC ORDINANCE AMENDING SERVICE ZONES

The following ordinance introduce by Councillor Riccardi was adopted for first passage

An Ordinance Relative to Traffic, Chapter 41, Sec. 13 – Service Zones

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:

Boston Street – Service Zones – on the easterly side of Boston Street at No. 100 for a distance of thirty (30) feet as marked by signs. (6/6/61 DPW 10684)

Boston Street – Service Zones – on the easterly side of Boston Street at No. 74-76 Boston Street, for a distance of thirty (30) feet as marked by signs.

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Boston Street – Service Zones - on the easterly side of Boston Street at No. 98 Boston Street for a distance of thirty feet (30) as marked by signs. (7/31/56 DPW 7777)

Boston Street – Service Zones – on the northeasterly side of Boston Street, beginning at the southwesterly property line at No. 80 and extending in a northwesterly direction for a distance of eighty (80) feet. (6/4/63 DPW 11850)

And inserting:

Boston Street – Service Zones – on the easterly side of Boston Street, beginning at a point one hundred and twenty-eight (128) feet north of the intersection with Bridge Street, and running in a northerly direction for a distance of sixty (60) feet.

Section 2. Section 13 of Article I be amended by repealing the following:

Bridge Street – Service Zones – easterly side, beginning at a point fifteen (15) feet from the intersection of Lathrop Street and extending in a southwesterly direction for a distance of thirty (30) feet as marked by signs. (3/31/77 DPW 5-1270)

Bridge Street – Service Zones – easterly side, beginning at a point fifty-six (56) feet from the intersection of Osgood Street in a southwesterly direction for a distance of twenty-five (25) feet. (12/3/84 DPW E5-258-2484)

Bridge Street – Service Zones – in front of #51 for a distance of seventy two (72) feet. (30 minute parking") (7-20-99)

Bridge Street – Service Zones – on the easterly side of Bridge Street at No. 41 Bridge Street for a distance of thirty (30) feet as marked by signs. (7/19/60 DPW 10175)

Bridge Street – Service Zones – on the easterly side of Bridge Street, beginning at a point sixty-five (65) feet from the southeasterly corner of Cromwell Street, and extending in a southerly direction for a distance of forty-five (45) feet. (1/3/72 DPW 5-527)

Bridge Street – Service Zones – on the easterly side of Bridge Street, beginning at a point twenty (20) feet south of the intersection of Bridge Street and Barton Street and extending in a northerly direction for a distance of forty-four (44) feet. (5/7/69 DPW 5-203)

Bridge Street – Service Zones – on the northerly side of Bridge Street at No. 101 Bridge Street for a distance of thirty (30) feet as marked by signs. (4/13/72 DPW 5-549)

Bridge Street – Service Zones – on the northerly side of Bridge Street at No. 44 for a distance of twenty (20) feet as marked by signs. (2/13/53 not approved by DPW)

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Bridge Street – Service Zones – on the southeasterly side of Bridge Street at No. 103 for a distance of thirty (30) feet as marked by signs. (3/27/62 DPW 11135)

Bridge Street – Service Zones – on the westerly side of Bridge Street, beginning at a point seventy-two (72) feet north of the intersection of Ames Street and extending northerly for a distance of twenty-five (25) feet as marked by signs. (10/23/67 DPW 5-8)

Canal Street – Service Zones – easterly side beginning at a point twenty (20) feet from the corner of Ropes Street and extending fifty (50) feet in a northerly direction. (4/24/75 DPW 5-1017)

Canal Street – Service Zones – on the easterly side of Canal Street beginning at a point one hundred and sixty-one (161) feet south of Ropes Street and extending forty-five (45) feet in a southerly direction. (12/8/65 DPW 13277)

Canal Street – Service Zones – westerly side, starting at a point one hundred twenty-four (124) feet south of the intersection of Canal Street and Mill Street and extending in a southerly direction for a distance of fifty (50) feet. No Parking Service Zone. (5/10/78 DPW 5-1428)

Central Street – Service Zones – on the easterly side of Central Street for a distance of nineteen and one-half (19 ½) feet, extending northerly from the police station driveway as marked by signs.

Central Street – Service Zones – on the northeasterly side of Central Street, for a distance of forty-four (44) feet from the junction of New Derby Street. (12/20/60 DPW 10430)

Central Street – Service Zones – westerly side beginning at the corner of Derby Street and running in a northerly direction for a distance of twenty (20) feet. (11/8/76 DPW 5-1231)

Cleveland Street – Service Zones – on the northerly side of Cleveland Street at No. 10 for a distance of thirty (30) feet as marked by signs. (8/19/64 DPW 12546)

Congress Street – Service Zones – easterly side, beginning at a point one hundred (100) feet from the intersection of Derby Street and Congress Street and continuing for a distance of seventy (70) feet in a southerly direction. (10/30/72 DPW 5-633)

Congress Street – Service Zones – easterly side, for a distance of forty (40) feet from the southeasterly side of the bridge. (9/1/81 DPW 5-2005) (5/9/88) (1-10-13)

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Congress Street – Service Zones – on the easterly side of Congress Street, beginning at a point one hundred (100) feet from Lynch Street and extending thirty (30) feet in a northerly direction. (2/28/69 DPW 5-191)

Congress Street – Service Zones – westerly side, starting at a point forty-two (42) feet from the intersection of Dow Street, for a distance of twenty-nine (29) feet, in a southerly direction. (11/30/83 DPW 5-2360)

Crombie Street – Service Zones – on the easterly side of Crombie Street, beginning at a point seventy-eight feet southerly from Essex Street and extending for a distance of fifty (50) feet in a southerly direction as marked by signs.

Derby Street – Service Zones – at No. 283 Derby Street of a frontage of twenty-five (25) feet. (10/10/52 Not approved by DPW)

Derby Street – Service Zones – eastbound in front of #201, for a distance of twenty (20) feet. (11-13-2001)

Derby Street – Service Zones – on the northerly side of Derby Street, beginning at the corner of Liberty Street and extending in an easterly direction for a distance of one hundred (100) feet. (7/16/69 DPW 5-235)

Derby Street – Service Zones – on the southerly side of Derby Street for a distance of forty (40) feet, extending easterly from Kosciuszko Street as marked by signs.

Derby Street – Service Zones – on the southerly side of Derby Street for a distance of forty (40) feet, extending westerly from Turner Street as marked by signs.

Endicott Street – Service Zones – on the southerly side of Endicott Street beginning at the easterly lot line of No. 21 and extending in a westerly direction a distance of fifty (50) feet as marked by signs. (6/11/54 Not approved by DPW)

Essex Street – Service Zones – northerly side, beginning fifteen (15) feet from the corner of Sewall Street and proceeding twenty (20) feet in a westerly direction. (5/9/88)

Essex Street – Service Zones – on the westerly side of Essex Street for a distance of twenty (20) feet, extending from a point two hundred and fifteen (215) feet from Webb Street, in a southerly direction. (9/5/72 DPW 5-600)

Essex Street – Service Zones – on the westerly side of Essex Street, for a distance of thirty-five (35) feet extending from a point two hundred (200) feet from Webb Street in southerly direction. (11/30/70 DPW 5-397)

Federal Street – Service Zones – on the southeasterly side of Federal Street for a distance of fifty-seven (57) feet running in a northwesterly direction beginning at a

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point three hundred eighty-seven (387) feet from Washington Street. (8/20/73 DPW 5-754)

Federal Street – Service Zones – westerly side, beginning at a point fifty (50) feet from the intersection of Washington Street and Federal Street and continuing for a distance of thirty (30) feet in a southerly direction. (2/13/75 DPW 5-992)

Federal Street – Service Zones – 10 Federal Street, westbound on the northerly side beginning one hundred seventy-five (175) feet from the intersection with St. Peter Street and proceeding fifty-two (52) feet in a westerly direction to the driveway at 10 Federal Street. (currently two (2) metered spaces). (4/27/06)

Flint Street – Service Zones – easterly side beginning sixty-three (63) feet from the southerly side of Harrington Court for a distance of forty-four (44) feet, in a southerly direction. (6/26/75 DPW 5-1041)

Fort Avenue – Service Zones – in front of the business at #153 Fort Avenue for a distance of twenty (20) feet. (4/25/02)

Front Street – Service Zones – northerly side, beginning at a point one hundred and fourteen (114) feet from the intersection of Front Street and Washington Street and extending in an easterly direction for a distance of thirty (30) feet. (5/31/78 DPW 5-1433)

Gedney Street – Service Zones – on the northerly side of Gedney Street, beginning at a point one hundred and ninety (190) feet from Margin Street, in a westerly direction for a distance of forty (40) feet. (11/5/73 DPW 5-785)

Goodhue Street – Service Zones – westerly side, starting at a point seventy (70) feet from the northerly side of the driveway located at No. 18 Goodhue Street and extending in a northerly direction for a distance of thirty-five (35) feet. (1/7/80 DPW 5-1716)

Harrison Avenue – Service Zones – on the easterly side of Harrison Avenue at No. 1 Harrison Avenue, for a distance of thirty (30) feet as marked by signs. (7/31/56 DPW 7777)

High Street – Service Zones – on the westerly side of High Street adjacent to property at #20 High Street. (7/31/56 DPW 7777)

Highland Avenue – Service Zones – northerly side of Highland Avenue, beginning one hundred ten (110) feet from the intersection of Proctor Street and running twenty (20) feet easterly. No parking Service Zone 2:00 P. M. to 5:00 P. M., Monday through Friday. (8/13/90)

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Jefferson Avenue – Service Zones – easterly side beginning at a point two hundred and seventy-five (275) feet in a northerly direction from Lawrence Street and continuing for forty (40) feet as marked by signs and painted curbing. (4/25/74 DPW 5-840)

Lafayette Street – Service Zones – on the westerly side of Lafayette Street beginning at a point one hundred and fifteen (115) feet from the intersection of "Meier Hall Drive" and Lafayette Street and continuing for a distance of twenty-five (25) feet in a northerly direction. (4/14/92)

Lafayette Street – Service Zones – westerly side, beginning at the intersection of Ward Street and Lafayette Street and running in a northerly direction to the intersection of Peabody Street and Lafayette Street for a distance of ninety-three (93) feet. (5/27/76 DPW 5-1169)

Leach Street – Service Zones – northerly side, beginning at the intersection of Leach Street and Lafayette Street for a distance of forty (40) feet, in an easterly direction. (4/16/85 DPW E5-258-2528) (5/9/88)

Leach Street – Service Zones – on the northerly side of Leach Street at number No. 79 for a distance of thirty (30) feet as marked by signs.

Loring Avenue – Service Zones – on the northerly side of Loring Avenue, from a point twenty-two (22) feet from the westerly side of Broadway in a westerly direction for a distance of twenty-five (25) feet as marked by signs. (8/14/62 DPW 11342)

Margin Street – Service Zones – from Endicott Street in an easterly direction to a distance of sixty (60) feet. (4/2/82 DPW 5-2112)

Margin Street – Service Zones – on the westerly side of Margin Street, beginning at a point one hundred thirty (130) feet from Endicott Street in a southerly direction, for a distance of one hundred forty-five (145) feet in a southerly direction. (5/22/73 DPW 5-713)

Mason Street – Service Zones – on the southeasterly side of Mason Street, beginning at a point twenty-six (26) feet south of North Street and extending southwestward for a distance of thirty-five (35) feet as marked by signs. (9/2/52 Not approved by DPW)

Mason Street – Service Zones – on the southerly side of Mason Street at No. 67 for a distance of thirty (30) feet. (7/31/56 DPW 7777)

New Derby Street – Service Zones – on the northerly side of New Derby Street, starting at a point ninety-five (95) feet westerly from the corner of Lafayette Street, and continuing westerly for a distance of twenty (20) feet. (6/8/56 Not approved by DPW)

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Ocean Avenue – Service Zones – on the southerly side of Ocean Avenue at No. 31 for a distance of thirty (30) feet as marked by signs.

Peabody Street – Service Zones – on the southerly side of Peabody Street, beginning at a point seventy (70) feet east of Lafayette Street and extending forty-five (45) feet in an easterly direction.

Planters Street – Service Zones – on the northerly side of Planters Street, beginning at a point thirty (30) feet from the easterly side of Bridge Street, and extending in an easterly direction for a distance of eighty (80) feet. (12/5/61 DPW 10932)

Raymond Road – Service Zones – on the easterly side of Raymond Road at No. 1 for a distance of seventy-two (72) feet. (5/17/60 DPW 10096)

Ward Street – Service Zones – from Congress Street to Lafayette Street, in a westerly direction.

Ward Street – Service Zones – on the southerly side of Ward Street, beginning at a point sixty-three (63) feet east of Lafayette Street and extending forty (40) feet in an easterly direction. (2/28/69 DPW 5-191)

Washington Square North – Service Zones – on the westerly side of Washington Square North for a distance of thirty (30) feet extending northerly from Essex Street as marked by signs. (12/12/52 Not approved by DPW)

Washington Square South – Service Zones – on the southerly side of Washington Square South, beginning at the easterly property line of No. 38 Washington Square South and extending in an easterly direction for a distance of eighty-eight and one half (88½) feet, as marked by signs. (12/18/67 Not approved by DPW)

Washington Street – Service Zones – easterly side, from a point beginning ten (10) feet from the northerly corner of New Derby Street and extending northerly at a distance of fifty (50) feet between signs. This space shall be marked "Service Zone". (9/8/88)

Washington Street – Service Zones – on the easterly side of Washington Street, for a distance of thirty (30) feet extending southerly from the entrance of First National Stores parking space as marked by signs.

Washington Street – Service Zones – on the westerly side of Washington Street, beginning at a point forty-eight (48) feet from the northerly junction of Lynde Street, and extending for a distance of thirty (30) feet in a northerly direction as marked by signs. (2/8/71 DPW 5-420)

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Washington Street – Service Zones – westerly side, beginning at a point forty (40) feet from the southerly junction of E

And inserting:

Church Street – Service Zones – on the southerly side of Church Street, beginning at a point three hundred and five (305) feet east of Washington Street, and extending eastward for seventy (70) feet.

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

New Liberty Street – Service Zones – on the westerly side of New Liberty Street, beginning two hundred and thirty (230) feet south of Brown Street, and extending sixty-five (65) feet to the south.

Central Street – Service Zones – on the easterly side of Central Street, beginning at a point one hundred and sixty (160) feet north of Derby Street, and extending forty (40) feet to the north, Monday through Saturday, 7:00 a.m. to 4:00 p.m.

Section 3. Section 13 of Article I be amended by repealing the following:

Federal Street – Service Zones – northerly side starting at a point of three hundred thirty-eight (338) feet west of St. Peter Street, in a westerly direction for twenty (20) feet in front of #20 Federal Street. (5/8/14)

And replacing it with:

Federal Street – Service Zones – on the northerly side of Federal Street, starting at a point three hundred and twenty-eight (328) feet west of St. Peters Street, and extending westward for one hundred and two (102) feet.

Section 4. Section 13 of Article I be amended by repealing the following:

Washington Street – Service Zones – #118, westerly side starting at a point of fifty-two (52) feet south of the junction of Essex Street, extending in a northerly direction for a distance of twenty (20) feet, "Service Zone". (4/26/07)

And replacing it with:

Washington Street – Service Zones – on the westerly side of Washington Street, beginning at a point twenty-two (22) feet south of Essex Street, and extending southward for forty-five (45) feet, Monday through Saturday, from 7:00 a.m. to 4:00 p.m.

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Section 5. Section 13 of Article I be amended by repealing the following:

Central Street – Service Zones – in front of the Salem Fraternity Building.
 (10/13/98)

And replacing it with:

Central Street – Service Zones – in front of 15 Central Street.

Section 6. Section 13 of Article I be amended by repealing the following:

Lynde Street – Service Zones – beginning twenty-five (25) feet from Washington Street, in a westerly direction on the southerly side, for a distance of forty (40) feet. "Service Zone, thirty (30) minute limit."

And replacing it with:

Lynde Street – Service Zones – beginning twenty-five (25) feet from Washington Street, in a westerly direction on the southerly side, for a distance of forty (40) feet, Monday through Saturday, from 7:00 a.m. to 4:00 p.m.

Section 7. This ordinance shall take effect as provided by City Charter.

**#566 – HOME RULE PETITION – TO ADOPT AND ENFORCE LOCAL REGULATIONS
 RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN
 CONSTRUCTION**

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

ORDERED:

WHEREAS, climate change is in part caused by humans' combustion of fossil fuels; and

WHEREAS, Salem is an environmental justice and Gateway community, one of the most vulnerable to climate change on the North Shore, with the most precarious areas housing a high ratio of marginalized communities; and

WHEREAS, the findings of the Resilient Together, a Salem and Beverly joint venture, demonstrate the built environment is the largest contributor to greenhouse gas emissions and the concept that making properties sustainable is a financial burden is a myth, especially with the state goal of converting 1 million homes to electric in the Roadmap Climate Bill; and

WHEREAS, net-zero emissions building construction is an established, achievable standard, demonstrated through proposed and constructed buildings in Salem, utilizing

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energy efficient building design such as a Passive House and LEED and including but not limited to renewable thermal technologies , building electrification with no on-site combustion of fossil fuels, on-site renewable energy systems, and offsite renewable energy purchases.

NOW THEREFORE, it is hereby Ordered:

That a petition to the General Court, accompanied by a bill 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 intent of this home rule petition:

An Act authorizing the city of Salem to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

SECTION 1. Consistent with Chapter 179, Section 84 of the Acts of 2022 *An Act Driving Clean Energy And Offshore Wind* and notwithstanding any general or special law or rule or regulation to the contrary, the city of Salem is authorized to adopt or amend general or zoning ordinances that require new building construction or major renovation projects, as defined by the city's general or zoning ordinance, to be fossil fuel-free and enforce restrictions and prohibitions on new building construction and major renovation projects that are not fossil fuel-free, including through the withholding or conditioning of building permits.

SECTION 2. As used in this Act, the term "fossil-fuel-free" shall mean new building construction or major renovation that results in an entire building that does not utilize coal, oil, natural gas, other fuel hydrocarbons, or other fossil fuels in support of its operation after construction.

Councillor Cohen explained that ten (10) communities can have such ordinance with a HRP and Department of Revenue will decide. So far 12 communities have submitted HRP, but none are gateway cities. Three of the communities submitted cannot meet the housing threshold. This gets us in the game, then we can write an ordinance.

#567 – MEET WITH CITY ENGINEER TO DISCUSS TRASH PICKUP, STREET SWEEPING AND LITTER

The following order introduced by Councillor Hapworth was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet with the City Engineer to discuss trash pickup, street sweeping and the issue of litter on city streets.

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#568 – MEET WITH THE PUBLIC ART DIRECTOR TO DISCUSS INTERPRETIVE SIGNAGE FOR THE CITY COUNCIL CHAMBERS

The following order introduced by Councillor Hapworth was adopted.

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet with the Public Art Director to discuss interpretive signage for City Council Chambers

#569 – TEMPORARY RESIDENT PERMIT PARKING FOR OCTOBER (HALLOWEEN)

The following order was introduced by Councillor McCarthy.

ORDERED: The streets set forth below, with limited resident permit parking, shall be designated as temporary resident permit parking only streets from October 1 to November 1, 2022 during the hours of 5:00 P.M. to 7:00 A.M., Monday through Friday, and 12:00 P.M. to 7:00 A.M. Saturday through Sunday.

Temporary Resident Permit Parking Only Streets

1. Chestnut Street from Cambridge Street to Summer Street
2. Derby Street from Becket Avenue to Webb Street
3. Essex Street from Monroe Street to Cambridge Street
4. Hawthorne Boulevard from Essex Street to Charter Street

Councillor Watson-Felt made a motion to amend this order to make Chestnut Street the entire street. Councillor Hapworth seconded the motion. It was so voted.

AMENDED ORDER:

ORDERED: The streets set forth below, with limited resident permit parking, shall be designated as temporary resident permit parking only streets from October 1 to November 1, 2022 during the hours of 5:00 P.M. to 7:00 A.M., Monday through Friday, and 12:00 P.M. to 7:00 A.M. Saturday through Sunday.

Temporary Resident Permit Parking Only Streets

5. Chestnut Street
6. Derby Street from Becket Avenue to Webb Street
7. Essex Street from Monroe Street to Cambridge Street
8. Hawthorne Boulevard from Essex Street to Charter Street

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#570 – (#534) – GRANTING CERTAIN LICENSES

Councillor Riccardi 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 it was referred the matter of Granting of Certain Licenses, has considered said matter and would recommend the license listed below be granted.

TAG DAYS: Salem/Swampscott Youth Hockey September 24, 2022

#571 – (#598 of 2021) – ZONING ORDINANCE RELATIVE TO HOME OCCUPATIONS

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom it was referred the matter of Zoning Ordinance Amendment relative to Home Occupations, has considered said matter and would recommend that the matter Remain in Committee.

#572 – (#392) – ORDINANCE AMENDENDING CH. 8 – ANIMALS

Councillor Prosniewski 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 it was referred the matter of Ordinance Amendments relative to Ch. 8 Animals, has considered said matter and would recommend: that the attached ordinance be adopted for First Passage as amended.

Councillor Varela and Councillor Merkl discussed this ordinance. It is to protect the health and wellbeing of humans, wild life and domesticated animals.

Councillor McCarthy asked if there were any changes that came out of committee.

Councillor Varela stated that the amended section on muzzling was being deleted and revert back to the original language currently on the books. This amendment was adopted.

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Councillor Riccardi made a motion to amend the language in Feeding of wild animals on private property in section B to change from prohibited to strongly disagree. Seconded by Councillor Watson-Felt.

Councillor Cohen disagreed with this amendment. Problem with rats on Florence St. It doesn't make sense for Board of Health to look at people's back yards all we can do is react.

Councillor Merkl stated this was discussed in committee and Officer Famico spoke on this issue. This will make a big difference to him and help him when it comes to big offenders. If there is nothing in the ordinance, then it makes it difficult for him to take any action or fine offenders. It's not about people dropping a piece of food in there back yard it was about big offenders. Health Agent David Greenbaum concurred.

Councillor McClain supports the prohibition language. Where you feed them doesn't matter. Wildlife doesn't respect boundaries.

The matter does not carry (hand vote 1 in the affirmative (C. Riccardi) 10 in the negative)

The ordinance was adopted as amended for first passage.

#572A – ORDINANCE AMENDING CH. 8 ANIMALS

In the year two thousand and twenty two

An Ordinance to amend an Ordinance relative to Ch. 8 – Animals

Be it ordained by the City Council as follows:

Section I. Article II Dogs, Division 1. GENERALLY by adding as a preamble:

“ This chapter is adopted pursuant to the authority of M.G.L. c. 140, §§ 136A to 137A, inclusive, and any other relevant statutes and regulations promulgated pursuant thereto. The purpose of this chapter is to establish regulations for the keeping of dogs in the City of Salem. The definitions of all words and terms used herein shall be as set forth in M.G.L. c.140, §§ 136A to 137A.”

Section II. Sec. 8-35 – Restraint Required subsection (c) is hereby amended by striking “\$25.00” and inserting with “\$50.00”.

Section III. Sec 8-77 - Penalty for violation is hereby amended by deleting in the first sentence “ fine of \$25.00 for a first offense” and replacing with “ fine of \$50.00”.

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Section IV. By creating the following Article and sections

Article III. WILD ANIMALS, WILDLIFE AND BIRDS
DIVISION 1 - GENERALLY

Sec. 8.78 - Authority and Purpose

The purpose of these updates is to further protect the health and well-being of our wildlife, domesticated animals and our residents; and to minimize the disruption of our wildlife's natural feeding patterns.

Sec. 8-79. - Feeding of Wild Animals, Wildlife, And Birds

(a) Feeding of wild animals and/or wildlife is prohibited on city owned land.

(1). No person shall feed, bait, or in any manner provide access to food to any wild animal or birds within City of Salem on city owned land.

(2). No person shall leave or store any refuse, garbage, food product, pet food, forage product or supplement in a manner that would constitute an attractant to any wild animal or wildlife on city owned land.

(3). No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, or any other food source or product.

(b) Feeding of wild animals and/or wildlife on private property.

(1). The feeding of songbirds and other backyard birds shall be permitted on private property subject to the following conditions:

(a). Birds shall only be fed from bird feeders. It is strongly encouraged that bird feeders shall be installed at least five feet above the ground with catch basins.

(b). The feeding of wildlife is prohibited due to the detrimental effect it has on their health and the disruption and conflict it causes to their natural feeding patterns.

(c). Feeding that creates an unreasonable disturbance that affects the safety of surrounding property owners by attracting excessive rodents and other wildlife and renders other persons insecure in the use of their property is not permitted.

8.80 - Enforcement.

Inspectional services, Health Department and Board of Health, and/or animal control officer or designee shall enforce the provisions of this chapter.

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8.81 - Penalties.

Any person violating any provision of this chapter shall be liable to a fine not less than twenty-five dollars or more than one hundred dollars for each offense.

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

#573 – (#423 of 2020) – CREATING A CALENDAR TO SCHEDULE FLAG RAISING EVENTS

Councillor Hapworth offered the following report for the Committee on Government Services. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services to whom it was referred the matter of Creating a calendar to schedule Flag Raising Events, has considered said matter and would recommend the following: To the Mayor that a transparent accessible online form be added to Salem.com for the purpose of requesting a flag raising. The request form is to include any specifications around programmatic requirements. We further recommend that a regularly updated list of flag raising events be added to the Salem city calendar and that the policy be separate and accessible. Additionally, we recommend that a flag raising calendar be submitted to the city council on the first regular council meeting of the new year to be received and filed. We recommend that requesting organization provide the flag(s) We further recommend that item 6 in the flag policy be further amended to list only established military commemoration days or federally recognized holidays and that requests for cultural flag raisings come through the request form online or by order of the mayor and or council. We recommend a standardized duration for flags being lowered and raised be determined and communicated. And that the city establishes a minimum number of days to receive the application prior to a flag being raised.

#574 – (#391) – SALEM HOUSING ROADMAP

Councillor McCarthy assumed the Chair.

Councillor Morsillo 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 it was referred the matter of Salem Housing Roadmap, a Housing Plan for All, has considered said matter and would recommend adoption of the Housing Production Plan.

Councillor Morsillo assumed the chair.

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#575 – (#523) – REPORT RELATIVE TO ACCESSORY DWELLING UNITS

Councillor Morsillo 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 it was referred the matter of a report from the Planning Department regarding Accessory Dwelling Units, has considered said matter and would recommend that the matter remain in committee

#576 - EXEMPTION OF MGL 268A, SECTION 20 (b) CITY EMPLOYEE TO WORK AS POLL WORKER

The following Order submitted by the City Solicitor was adopted.

ORDERED: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Kaylee Roberts has met the requirements for exemption as set forth in this Section and may be retained as a poll worker by the City Clerk and Elections Department, not to exceed 500 hours in this calendar year.

#577 - EXEMPTION OF MGL 268A, SECTION 20 (b) CITY EMPLOYEE TO WORK AS POLL WORKER

The following Order submitted by the City Solicitor was adopted.

ORDERED: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Barbara Osika has met the requirements for exemption as set forth in this Section and may be retained as a poll worker by the City Clerk and Elections Department, not to exceed 500 hours in this calendar year.

#578 - EXEMPTION OF MGL 268A, SECTION 20 (b) CITY EMPLOYEE TO WORK AS POLL WORKER

The following Order submitted by the City Solicitor was adopted.

ORDERED: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Deborah Linsky has met the requirements for exemption as set forth in this Section and may be retained as a poll worker by the City Clerk and Elections Department, not to exceed 500 hours in this calendar year.

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#579 – LAYING OUT AND ACCEPTANCE OF AMANDA WAY AND PORTION OF OSBORNE HILL DRIVE

A public hearing was ordered for October 13, 2022 relative to the letter received from the City Solicitor for the Laying Out and Acceptance of Amanda Way and a portion of Osborne Hill Drive as Public Ways or Streets

#580 – SALEM ZOMBIE WALK

The request from Adam Fitch & Matt Richard to hold the Salem Zombie Walk on Saturday October 1, 2022, at 11:00 AM was granted.

#581 – WILD TURKEY RUN

The request from The Boys and Girls Club of Greater Salem to hold the Wild Turkey 5 Mile Run and use of city streets on Thursday November 24, 2022 was granted.

#582 – BLOCK PARTY – PLEASANT ST. AVE.

Request from the residents of Pleasant St. Ave. to hold a Block Party September 24, 2022, from 4:00 P.M. – 8:00 P.M. was granted.

#583 - #587 – LICENSE APPLICATIONS

The Following License Applications were granted.

| | |
|----------------|--|
| PUBLIC GUIDES: | Mikhail Trubnikov 6 Loring Hills Ave., Salem Paula Ricci 1 Lemon St., Ct., Salem Siobhan Kelly/Sean Kelly 260 Nesmith St., Lowell Julie Rountree 233 Lafayette St., Salem Scott Freedman 44 Northridge Rd., Beverly Sharon Cazenave 15 Barnstable St., Swampscott Merry Beth Gardner 204 Jefferson Ave., Salem Jake Fisher 2 Cauldron Ct., Salem Baris Bekdas 7 Forrester St., Salem Tessa Prendergast 126 Walker Rd., Swampscott Kaitlyn Alexandra Nash 11 Willow Ave, Danvers Rebecca Bush 70 Lovett St., Beverly Adam DeLeon 24 Crescent Dr., Salem Mikayla Lawless 9 Governors Rd., Groveland Ariana Yates 18 N. Main St., Ipswich |
|----------------|--|

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Alison Heins 20 Federal St., Salem
 Jodi Bradbury 102 Derby St., Salem
 Kayla Sullivan 10 Glover St., Salem
 William Ayer Corwell Rd., Marblehead
 Richard Michael Gillette Jr. 3 Turner St., Salem
 Paul Royka 97 Derby St., Salem
 Malana Nascimento 103 Cluff Crossing, Salem, NH
 Ana Swartz 65 Washington St., Salem
 Judith Vanaria 12 Brown St., Salem
 Andrea Paleula 69 Huntington Ave, Boston
 Chris Dugan 73 Harbor St., Salem
 Beverly Ballaro 25 Arlington St., Lynnfield

TAXI OPERATORS: Arison Sanchez 16 ½ Chase St., Salem
 Johnny Fabian 52 Ward St., Salem
 Fernando Roepozo Rodriguez 15 Prince St. Pl., Salem
 Tony Moreta 414 Essex St., Salem
 Marino Delog Santos 12 Pope St., Salem
 Jose Reynaldo Fabian Garcia 22 Pulaski St., Peabody
 Tirsson Ozoria 4 Heritage Dr. Salem
 Yudelka Rosario 104 Lafayette St., Salem
 Maria Estefany Ropozo Rodriguez 15 Prince St Pl., Salem
 Dairery Alonw 12 First St., Salem
 Ariel Placencia 12 First St., Salem
 Amit Patta 9A Chandler St., Salem
 Juan R Acosta 11 Lyman St., Lynn
 Cristian Wilson 10 Dow St., Salem
 Jeffry Emmanuel Reys Santana 12 Peabody St., Salem

LIMOS: 100x LLC 9 Chandler St., Salem (1 Limo)

VEHICLE FOR HIRE: Salem Trolley 8 Central St. (6 Trolleys)

VEHICLE FOR HIRE
 OPERATORS ONLY: Mark Gauthier 40 Oak Ave., Peabody

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#588 - #593 - CLAIMS

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

Rudolph Friedman LLP for Sixty Four (64) Bridge St., Salem
 Paul Dwyer 25 Neighborhood Rd., Swampscott
 Tristian Smith 282 Washington St., Salem
 Dena Roberts 52 Central St., Salem
 Josh Blumenshine 6 Broad St., Salem
 Raymond Noyes 60 Ward St., Salem

(#345) – ORDINANCE AMENDING CH. 15 RELATIVE TO SHORT-TERM RENTALS

Second Passage of the following Ordinance amending Ch. 15 relative to short-term rentals was then taken up. Councillor Cohen and Hapworth recused themselves. This ordinance was adopted for second and final passage by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Dominguez, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were recorded in the affirmative. Councillor Cohen and Hapworth were recorded as absent.

In the year Two Thousand and Twenty-Two

An Ordinance to allow short-term rentals in the City of Salem.

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

AN ORDINANCE AMENDING THE SHORT-TERM RESIDENTIAL RENTAL ORDINANCE

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

SECTION 1. An amendment to **City of Salem Code, Ordinances, PART III, Chapter 15, SHORT-TERM RESIDENTIAL RENTALS**, as follows:

Delete the definition of “primary residence” in Section 15-2, Definitions, and replace with the following:

“Primary residence. The residential unit in which the operator resides for at least six months out of a 12-month period. Primary residence is demonstrated by showing that as of the date of registration of the residential unit, the operator has resided in the residential unit for six of the past 12 months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.”

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Delete subsection (4) in Section 15-4, Ineligible Residential Units, and replace with the following:

“(4) Residential units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the city so long as the matter remains unresolved. If a violation or other order is issued after the residential unit has been registered, the residential unit's registration shall be suspended until the violation has been cured or otherwise resolved.”

Delete subsection (9) in Section 15-6, Requirements for Residential Units, and replace with the following:

“(9) *Retention of records.* The operator shall retain and make available to ISD and/or the Health, Police and Fire Departments, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that operator has resided or will reside in the residential unit and records showing that operator is the owner or valid leaseholder of the residential unit offered as a short-term rental.

The operator shall retain such records for a period of three years from the date the residential unit is last registered for a certificate of fitness inspection.”

Delete subsection (10) d. in Section 15-6, Requirements for Residential Units, and replace with the following:

“d. Any listing made by the operator with any booking agent or on any website shall prominently display proof of current registration and receipt of a certificate of fitness within the prior 12 months.”

Delete the first paragraph of Section 15-8, Complaint Process; Violations, and replace with the following:

“Complaints shall be made to the police, fire, health and/or inspectional services department and investigation shall commence within 30 days. Violations may, at the enforcement official's discretion, result in a warning or an ordinance ticket and the maximum appropriate fine. Three or more such tickets within a six month period will result in the unit no longer being eligible to that operator for use as a short-term rental for a period of six months following the most recent violation.”

Delete Section 15-9, Enforcement, and replace with the following:

“(a) *Enforcement by city.* The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L.A. ch. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the short-term rental and/or a penalty by a non-criminal disposition, as provided in M.G.L.A. ch. 40, § 21D, in an amount set forth in section 1-10 of this Code. Any person aggrieved by the revocation of the right to operate a short-term rental, or the imposition of a penalty may file an appeal as provided by the general laws.

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(b) *Enforcement by booking agent.* The city shall enter into agreements with booking agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the booking agent agrees to remove a listing from its platform that is deemed ineligible for use as a short-term rental under the provisions of this ordinance and whereby the booking agent agrees to prohibit a host from listing any short-term rental without proof of registration. Where the City is unable to enter into such agreements, the City shall inform the booking agent of the ineligibility of a listing and if applicable, seek injunctive relief.”

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

(#346) – ORDINANCE AMENDING CH. 1 SEC. 10 – NON-CRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS

Second Passage of the following Ordinance amending Ch. 1, Sec. 10 – Non-criminal Disposition of Ordinance Violations was then taken up. Councillor Cohen and Hapworth recused themselves. This ordinance was adopted for second and final passage by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Dominguez, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were recorded in the affirmative. Councillor Cohen and Hapworth were recorded as absent.

In the year Two Thousand and Twenty-Two

An Ordinance to amend the enforcement of and penalties for violations of the short-term residential rental ordinance in the City of Salem.

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

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SEC. 1-10. NONCRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS.

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

SECTION 1. An amendment to **City of Salem Code, Ordinances, Sec. 1-10. Noncriminal Disposition of Ordinance Violations**, as follows:

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Add the following language to the Ordinance in subsection (c):

“Chapter 15, Short-Term Residential Rentals

Penalty:

First offense \$100.00

Second offense 200.00

Third offense 300.00

Enforcing persons: Inspectional services personnel, health department personnel, police department personnel, fire prevention personnel.”

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

(#347) – ORDINANCE AMENDING CERTIFICATE OF FITNESS REQUIREMENTS

Second Passage of the following Ordinance amending Certificate of Fitness Requirements was then taken up. Councillor Cohen and Hapworth recused themselves. This ordinance was adopted for second and final passage by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Dominguez, McCarthy, McClain, Merkl, Prosniewski, Riccardi, Varela, Watson-Felt and Morsillo were recorded in the affirmative. Councillor Cohen and Hapworth were recorded as absent.

In the year Two Thousand and Twenty-Two

An Ordinance to amend the certificate of fitness requirements in the City of Salem.

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

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3, SECTION 2-705, CERTIFICATE OF FITNESS OF RENTED DWELLING UNIT, APARTMENT OR TENEMENT

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

SECTION 1. An amendment to **City of Salem Code, Ordinances, Chapter 2, Article IV, Division 3, Section 2-705** as follows:

Delete Section (a) (3), and replace with the following:

“(a)(3) *Short-term rentals.* A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling

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on a short-term basis pursuant to Chapter 15 of the Ordinance. "Short-term" shall be defined as a rental or rentals of fewer than 30 consecutive days in one calendar year. Owners who intend to offer such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every year or upon a change in ownership, but not upon any change in the short-term tenancy."

Delete Section (e), and replace with the following:

"(e) *Posting of certificate.* Upon issuance of such certificate, it shall be posted in a conspicuous place in which the unit is located or a copy of it shall be given to any person occupying the unit. For short-term rentals, proof of a current certificate shall be included in any listing of the property."

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

On the motion of Councillor McCarthy the meeting adjourned at 10:02 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK