

**CITY OF SALEM**  
**SEPTEMBER 22, 2022**  
**REGULAR MEETING**

A Regular Meeting of the City Council was held in-person and remotely via zoom on Thursday, September 22, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 20, 2022, at 12:19 P.M. This meeting is being recorded and is live on S.A.T.V.

All Councillors were present

Council President Morsillo presided.

Councillor Dominguez 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.

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

Held from the last meeting, 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 on 9/15/2022.)

Appearing in favor was Sibhita Mahabier-Sheehy, a representative from National Grid, 44 River St., Beverly. She stated this is to provide service for 17 & 19 Naples Road

No one appeared in opposition.

Councillor Cohen moved to close the Public Hearing. It was so voted

Councillor Cohen moved that this petition be granted. It was so voted

**(#526) - EXTENDED HOURS OF OPERATION FOR DUNKIN DONUTS AT 152 WASHINGTON STREET**

Held from the last meeting, the hearing on a petition from Northern Management Group (Dunkin') for Change/Extended hours for the following:

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

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Appearing in favor was Nicholas Jenkins from Northern Management Group.

Councillor Watson-Felt spoke with the Chief of Police and not all locations weighed equally. This location has more of an opportunity for activity in the downtown area.

Council Watson-Felt moved to close the Public Hearing. It was so voted.

Councillor Watson-Felt moved to grant the extended hours with the following conditions: 1. That this be a one (1) year temporary trial; 2. That the petitioner must come before the Council at the end of that year with another petition; and 3. That the Council has the right to rescind this extension during the trial period if any problems arise. It was so voted. Councillor McClain and Varela were opposed.

**(#526) - EXTENDED HOURS OF OPERATION FOR DUNKIN DONUTS AT 68 BOSTON STREET**

Held from the last meeting a Petition from Northern Management Group (Dunkin') for Change/Extended hours for the following:

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

Appearing in favor was Nicholas Jenkins from Northern Management Group. He stated he heard the concerns of the neighbors. They took ownership in May and the company doesn't want to upset them and are willing to compromise their request to stay open until 10 or 11PM.

Appearing in opposition was Dayton Marchese, 74 Boston Street, owner and trustee of condo association. Reminded everyone that he gave testimony last week. No other business in that area stays open 24 hours. Walgreens is only open until 9PM>

Councillor Dominguez asked the body if willing to compromise until 10 or 11 PM. This will help the business revenue especially after the past 2 years.

Councillor Riccardi stated she spoke to Mr. Jenkins and the neighbors regarding the traffic and noise. She stated not all the problems should fall onto new ownership. Walgreens is only open until 9PM. She is willing to expand the hours to match the 9PM and then they can reapply for additional hours once we better understand the neighborhood. She also encouraged the neighbors and business owner to participate in the redesign of Boston St.

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Councillor McClain also had a conversation with Mr. Jenkins and applauded the level of commitment of the new owners. He is opposed to extended hours at all. He feels Walgreens is a different style of business i.e. home goods. He appreciates that Halloween is coming and want businesses to optimize revenue but the parking lot and the traffic it causes is difficult.

Councillor Riccardi moved to close the Public Hearing. It was so voted.

Councillor Riccardi moved that the petition be granted as amended. The hours of operation shall be from 5AM to 9PM. It was so voted. Councillor Cohen and McClain were recorded as opposed.

**(#526) - EXTENDED HOURS OF OPERATION FOR DUNKIN DONUTS AT 105 NORTH STREET**

Held from the last meeting, the petition from Northern Management Group (Dunkin') for Change/Extended hours for the following:

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

Appearing in favor was Nicholas Jenkins from Northern Management Group. He stated that he would like to mirror the gas station hours. Dunkin cannot be open if the station is not.

No one appeared in opposition.

Councillor Riccardi stated there are zero issues with the gas station and would amend to mirror those hours.

Councillor Riccardi moved to close the Public Hearing. It was so voted.

Councillor Riccardi moved to grant this petition as amended. The hours of operation shall be 6AM to Midnight. It was so voted.

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**(#544) - APPOINTMENTS TO THE RACE EQUITY COMMISSION**

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

Name:	Address:	Term to Expire:
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

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

**(#545) – APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

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

Name:	Address:	Board/Commission:	Term to Expire:
Kimberly Parkinson	16 Phelps St.	Beautification Committee	Sept. 15, 2025
Henry M Gulergun	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

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

**#594 – REAPPOINTMENT OF GAIL KUBIK TO THE SERC COMMITTEE**

The Mayor's re-appointment of Gail Kubik 14 Cross St., Salem to the Sustainability, Energy and Resiliency Committee with terms to expire September 22, 2025 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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**#595 – REAPPOINTMENT OF JEFF SWARTZ TO THE TRAFFIC AND PARKING COMMISSION**

Mayor's re-appointment of Jeff Swartz 23 High St., Salem to the Traffic and Parking Commission with terms to expire September 29, 2025 was confirmed by a unanimous roll call.

**#596 – APPOINTMENT OF MICHELE MCHUGH TO THE COUNCIL ON AGING**

Councillor McCarthy Moved Suspension of the Rules to allow the matter to come before Council due to the late file (Rule Sec. 28A). There was no objection

The Mayor's appointment of Michele McHugh of 17 Central St. to the Council on Aging Board with a term to expire on November 15, 2024 was held under the rules.

**#597 – APPROPRIATION OF \$89,479.88 TO THE SCHOOL DEPARTMENT FOR REIMBURSEMENT TO THE U.S. TREASURY RELATIVE TO A 2010 PROCUREMENT ISSUE**

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

ORDERED: That the sum of Eighty-Nine Thousand Four Hundred Seventy-Nine Dollars and Eighty-Eight Cents (\$89,479.88) is hereby appropriated from General Stabilization to the School Department for reimbursement required to be paid to the United States Treasury pursuant to a demand received in response to a 2010 procurement issue associated with the district's "E-Rate" reimbursement for technology services in accordance with the recommendation of Her Honor the Mayor.

Councillor McCarthy explained this has been in litigation for over ten (10) years. In 2010 the city submitted forms relative to the above and the government questioned the accuracy of these forms. The City stated that we did it right, so it went into litigation. The bill is now due, and it came in front of the Finance Director. We need to resolve this matter now. Since we haven't certified free cash, yet we are requesting this money from the Stabilization fund. Once free cash is certified then the money will be put back. We need to pay this so the school can receive their rates.

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**#598 – APPROPRIATION OF \$86,596.57 FOR RETIREMENT BUYBACK FOR FIRE DEPARTMENT EMPLOYEES**

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

ORDERED: That the sum of Eighty-Six Thousand, Five Hundred Ninety-Six Dollars and Fifty-Seven Cents (\$86,596.57) 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.

<b>Name</b>	<b>Department</b>	<b>Amount</b>
Raymond Cooke	Salem Fire Department	\$49,492.50
Paul Michaud	Salem Fire Department	\$37,104.07
		<b>\$86,596.57</b>

**#599 – APPROPRIATION OF \$80,000.00 TO THE ENGINEERING DEPARTMENT FOR LOCAL SHARE OF THE MUNICIPAL VULNERABILITY PREPAREDNESS GRANT**

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

ORDERED: That the sum of Eighty Thousand Dollars (\$80,000.00) is hereby appropriated within the “Capital Outlay” account (20002329-5846FO) to be expended by the Engineering Department for the local share of a Municipal Vulnerability Preparedness (“MVP”) grant for the Collins Cove to Willows area for a study of vulnerability and risk assessment related to sea-level rise, storm surge, and precipitation-based floodings in accordance with the recommendation of Her Honor the Mayor.

**#600 – CITY COUNCIL MEETINGS FOR THE MONTH OF OCTOBER**

The following Order was introduced by Councillor McCarthy. The motion was to adopt the meetings to be held on October 13, 2022 and October 20, 2022.

ORDERED: That the Regular City Council Meetings in the month of October be held on October 13, 2022 and October 20, 2022 or October 6, 2022 and October 13, 2022 due to Early Voting.

There was discussion on why back to back meetings again in October. Some Councillors stated that this Council is a very busy Council, and it was difficult to get their work done with this schedule. Suspension of the rules were requested and received to allow the City Clerk to speak.

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The City Clerk explained although October 27<sup>th</sup> was one date for the meeting it is the processing time of one meeting that can take up to week or more which would be difficult to do in a timely manner with the November election based on the rules of the ordinance. That while trying to get the matters processed for the Mayor for the following Monday which is Halloween on 10/31, there are two weekend days of Early Voting and that there would be 2 sites this weekend to avoid voters having to come downtown to vote early vote in person, leaving no extra time to work on council matters over the weekend. The Mayor then has up to 10 days to sign and return these matters, which could be anywhere from 10/31 to November 9<sup>th</sup>. During this time we are trying to finish up in person early voting, process thousands of vote by mail ballots, test voting equipment and prepare for election day. Also, Since October 6<sup>th</sup> is the Halloween parade in which the Councillors partake in, that took 10/6 and 10/13 off the table.

**#601 – (#553) – ORDINANCE REGULATING WEAPONS IN CITY BUILDINGS**

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 an Ordinance to regulate weapons in City Buildings New Ordinance Ch. 2, Sec. 1532, has considered said matter and would recommend adoption for second passage as amended to be voted on when it appears under unfinished business at the October 13, 2022 meeting.

The amendments were to add in the first sentence “or the United States” after Commonwealth and “performing official duties” after active duty. And at the very end add “to be recovered through non-criminal disposition in accordance with Chapter 40, Section 21A of the General Laws of Massachusetts.

**#602 – (#503, #505) – CITY COUNCIL APPOINTMENTS TO THE COMMUNITY PRESERVATION COMMITTEE AND THE TREE COMMISSION**

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation. The three appointees were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Government Services co-posted with the Committee of the Whole to whom it was referred the matter of discussing Applicants interested in an appointment to the Community Preservation Committee or the Tree Commission, has considered said matter and would recommend that the following be confirmed by roll call vote.

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<b><u>Name</u></b>	<b><u>Board Description</u></b>	<b><u>Term to Expire</u></b>
Kate Martin	Community Preservation Committee	May 23, 2025
Cady Goldfield	Tree Commission – Member of General Public	June 27, 2025
Jane Rumrill	Tree Commission - Alternate Member of General Public	June 27, 2025

Councillor McCarthy wanted to thank Ed Moriarty for his years of service. He was one of the first people on the board.

Councillor Hapworth requested that a City Seal and letter of thanks be sent to Mr. Moriarty. It was so voted.

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

**#603 – APPLICATION TO HOLD A KIDS FUN FEST ON THE SALEM COMMON**

A Request from the Salem Common Neighborhood Association to hold a Kids Fun Fest on the Salem Common, October 22, 23, 29 and 30, 2022 10:00 A.M – 6:00 P.M was granted with conditions set forth by the Police and Fire Chiefs.

**#604 – PUBLIC GUIDE LICENSE APPLICATIONS**

The Following License Applications were granted.

PUBLIC GUIDES: Christine Whitehair 7 Juniper St., Beverly  
 Stacy Wasser Boehr 9 Palmer Hill Ave., Reading  
 Samantha Jane Mahoney 13 Central St., Salem  
 Mikayla Boyle 72 Nahant St., Lynn  
 Carrie Lyn Dahl 71 Gilman St., Somerville  
 Joseph Robert Steele 23 Wallis St., Beverly  
 Amber Jo Mercer Emslie 19 Hazel St., Salem  
 Danielle McMullen 28 Teele Rd., Bolton



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**#605 - CLAIMS**

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

Tara McKenna 107 Bridge St., Salem

**(#387) – ZONING ORDINANCE RELATIVE TO HALLOWEEN PARKING OVERLAY DISTRICT**

The Second Passage of Zoning Ordinance relative to a Halloween Parking Overlay District was taken up. It was adopted by a roll call vote of 8 yeas, 3 nays and 0 absent. Councillors Cohen, Dominguez, McCarthy, McClain, Prosniewski, Riccardi, Varela, and Morsillo were recorded in the affirmative. Councillors Hapworth, Merkl and Watson-Felt were recorded in the negative.

*In the year Two Thousand and Twenty-two*

**An Ordinance** to amend an ordinance relative to special district regulations.

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

**Section 1.** The City of Salem Zoning Ordinance Section 8.0 – Special District Regulations is hereby amended by adding a new sub-section as follows:

**“8.7 – HALLOWEEN PARKING OVERLAY DISTRICT**

**8.7.1 Purpose**

The purpose of the Halloween Parking Overlay District (“HPOD”) is to augment the underlying zoning regulations in the overlay district to allow for additional necessary off-street parking during periods of peak demand associated with the Halloween season.

**8.7.2 Establishment of Halloween Parking Overlay District**

The Halloween Parking Overlay District is hereby established and consists of the area(s) shown on the Map entitled “Halloween Parking Overlay District” on file with the City Clerk, as it may, from time to time, be amended.

**8.7.3 Permitted Uses**

1. Any use permitted in the underlying zoning district shall be a permitted use in the HPOD.
2. In addition, each year during the period beginning on the Friday preceding October 1 and ending on the first Monday after October 31, Lots in the HPOD lawfully in use for non-residential purposes may be used for independent public parking as follows:

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- a. Parking on any Lot shall only be permitted in spaces that are lawfully existing off-street parking and
- b. Subject to any regulation adopted by the Traffic and Parking Commission which may include, but not limited to, an application and fee.”

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

On the motion of Councillor McCarthy the meeting adjourned at 8:43 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK