

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, December 7, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on December 5, 2023, at 8:34 A.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

Councillor Dominguez was recorded as absent.

Council President Stott presided.

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

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

Councillor Morsillo requested and received suspension of the rules for the swearing in of Fire Fighters.

PUBLIC TESTIMONY

1. Jim Mulloy, 9 Barton Square, Salem – Specialized code
2. Christopher Patzke, 224 Lafayette St., Salem – Ponkagoag Tribe & Historical Commission Appointment, Councillor Watson-Felt
3. Christin Madore, 20 Federal St., Salem – 1st Passage of Inclusionary Housing Zoning
4. Robert Bonney, 9 Barton Square, Salem – Specialized code
5. Judith Reilly, 20 West Ave., Salem – 1st Passage of Inclusionary Housing Zoning and Specialized code
6. Justin Whittier, 10 River St., Salem – Ponkagoag tribe

#578 – TAX CLASSIFICATION FY 2024

Public Hearing on the issue of allocating the local property tax levy among the four (4) property classes for the fiscal year 2024, and the residential, open space, and small commercial exemption options.

Present are: Mayor Pangallo, Finance Director, City Assessor, Assistant Assessors, Board of Assessors Members, Tina Zeno, and Robert Millerick

President Stott then turned the Public Hearing over to the Director of Assessing for a presentation on FY2024 Tax Classification. (full presentation can be found in the City Clerk's office during normal business hours)

Mayor Pangallo gave his remarks. He informed the Council that fixed costs have increased by \$2.2 Million and an additional \$1.6 Million is needed for past Police and Fire contracts. Leveraging our free cash, receiving grants and our receipts reserved helped us more than other communities.

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Then, the Director of Assessing gave his presentation. The slide show included the purpose of this hearing, definitions, graphs, analysis, FY24 values by class and percentage of each, new growth, determining the tax levy, minimum residential factor, increase of the average bill for the different classes, tax levy calculations, and additional options.

Councillor Cohen mentioned that solar panels do not affect the assessed value of the home and asked if the lower rate for commercial properties is meant to encourage more businesses to come to Salem?

Mayor responded – There is an incentive, 10% new growth in commercial so encouraging because using 7%.

Councillor McClain asked what constitutes personal property?

Stephen Cortes responded it is some of the equipment in your store, telephone poles, conduits, electrical (new conduits increase assessed value)

Councillor Morsillo wanted to stress there is one tax rate, because always receives questions why do single family homes go up more than condos.

Stephen Cortes confirmed there is one tax rate for residential and one rate for commercial. We show this information because it is used by the DOR to show change.

Councillor McCarthy highlighted the information that the city decided not to tax to the full amount. Salem's five-year average is lower than other communities. We could spend more but being fiscally responsible.

Councillor McClain asked what is the median tax rate or median change?

Stephen Cortes stated it was \$265.00.

Stephen Cortes stated it is recommended that the Council adopt a minimum residential factor of .858484 for FY2024 and to not adopt the other discount and exemptions.

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

#579 – (#572) – NATIONAL GRID TO INSTALL A JOINTLY OWNED POLE ON CONGRESS STREET

The request from National Grid to Install 1 Jointly Owned Pole (#673) on Congress St. was withdrawn by National Grid.

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#580 – (#571) – NATIONAL GRID TO INSTALL A POLE ON FLINT STREET

A public hearing was held on the Order from National Grid to Install 1 Pole (#666-50) on Flint St (Intersection of Oak St. and Flint St.).

Appearing in favor was Sabitah Mahabier-Sheehy – Representative for National Grid, 44 River St. Beverly. This is needed for feeder monitoring.

No one appeared opposed.

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

Counillor Watson-Felt moved that this be granted. It was so voted.

#581 – (#573) – NATIONAL GRID TO INSTALL A POLE ON BRIDGE STREET

A public hearing was held on the Order from National Grid Install 1 Pole (#597) on Bridge St. (Intersection Bridge St at Flint St.)

Appearing in favor was Sabitah Mahabier-Sheehy – Representative for National Grid, 44 River St. Beverly. This is replacing one of the previous poles needed for feeder monitoring.

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

Councillor Watson-Felt moved that this be granted. It was so voted.

(#549 & #550) – APPOINTMENTS TO THE PUBLIC ARTS & TRAFFIC AND PARKING COMMISSION

Held from the last meeting the Mayor's appointments of the following with terms to expire were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent.

<u>Name</u>	<u>Adress</u>	<u>Board</u>	<u>Term to Expire</u>
Rebecca Fisher	6 Orne Sq.	Public Arts Comm.	November 15, 2024
Erin Turowski	63 Palmer St.	Traffic & Parking Comm.	November 16, 2024

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

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#582 – APPOINTMENT OF JEREMY MELE TO THE COMMUNITY PRESERVATION COMMITTEE

The Mayor's appointment of Jeremy Mele, 4 Ropes St. #3, to the Community Preservation Committee with a term to expire on December 7, 2026 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent under suspension of the rules.

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

#583 – RE-APPOINTMENTS TO VARIOUS BOARDS

The Mayor's Re-Appointments with the following terms to expire was held under the rules.

(These appointments were confirmed 12/6/2022 for 1 Year with the condition that when expire in December of 2023 their term to expire reverts back to their original termination date.

<u>Name</u>	<u>Board</u>	<u>Term Length</u>	<u>Term Expiration</u>
Mary Ellen Halliwell	Beautification Committee	3 Years	March 1, 2026
Colleen Downie	Bicycling & Shared Path Committee	3 Years	February 27, 2026
Robert Millerick	Board of Assessors	3 Years	March 1, 2026
Paul Kirby	Board of Health	3 Years	March 1, 2026
Sara Moore	Board of Health	3 Years	March 26, 2026
Darren Black	Commission on Disabilities	3 Years	April 23, 2026
Rebecca Christie	Commission on Disabilities	3 Years	April 13, 2026
Debra Lobsitz	Commission on Disabilities	3 Years	March 1, 2026
Eliud Alcala	Council on Aging Board	3 Years	March 1, 2026
Abigail Butt	Council on Aging Board	3 Years	March 1, 2026
Kristin Macek	Council on Aging Board	3 Years	February 27, 2026
Kathy Winn	Salem Harbor Port Authority	3 Years	January 12, 2026
Vijay Joyce	Historical Commission	3 Years	March 12, 2026
Rosa Ordaz	Zoning Board of Appeals	3 Years	May 1, 2026

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#584 – APPROPRIATION OF \$4,998,765.15 TO SPECIAL REVENUE FUNDS

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

ORDER: That the sum of Four Million, Nine Hundred Ninety-Eight Thousand, Seven Hundred Sixty-Five Dollars and Fifteen Cents (\$4,998,765.15) is hereby appropriated from General Fund Balance Reserved for Free Cash to the following special revenue funds. The amount of free cash to be transferred is per the City's Financial Policies and in accordance with the recommendation of His Honor the Mayor.

Description	Amount
Stabilization Fund (8301) 10%	1,110,836.70
Capital Improvement Fund (2000) 30%	3,332,510.10
Other Post Employ Benefits (OPEB) (8313) 5%	555,418.35
Total	4,998,765.15

Councillor McClain requested and received suspension of the rules for our Finance Director to speak.

Anna Freedman stated that the Department of Revenue (DOR) certified free cash in the amount of \$11,180,367.00. Free cash is the annual surplus at the end of the year. Per our financial policy we appropriate certain percentages to these three funds. This also helps with our positive bond rating to see that we have money put away for a rainy day. The OPEB is an unfunded liability i.e. retiree insurance.

#585 – APPROPRIATION OF \$3,189,010.00 FOR FY24 TRASH ENTERPRISE FUND EXPENSE SUBSIDY

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

ORDER: That the sum of Three Million, One Hundred Eighty-Nine Thousand, Ten Dollars (\$3,189,010.00) shall be Raised and Appropriated from the City of Salem General Fund for the purpose of supporting the fiscal year 2024 Trash Enterprise Fund Expense Subsidy, which represents the amount to be raised less operational expenses, in accordance with the recommendation of His Honor the Mayor.

Councillor McClain explained this is a procedural vote for the last several years. The state requires a separate vote.

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586 – APPROPRIATION OF \$1,995,611.00 FROM RECEIPTS RESERVED TO REDUCE THE TAX RATE AMOUNT TO BE RAISED BY TAXATION FOR FY24

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

ORDER: That the sum of One Million, Nine Hundred Ninety-Five Thousand, Six Hundred Eleven Dollars (\$1,995,611.00) is hereby appropriated from the following “Receipts Reserved for Appropriation” accounts to reduce the tax rate amount to be raised by taxation when the Fiscal Year 2024 tax rate is set in accordance with the recommendation of His Honor the Mayor.

Description	Amount
Receipts Reserved – Witch House	700,000.00
Receipts Reserved – Golf Course	803,611.00
Receipts Reserved – Harbormaster	230,000.00
Receipts Reserved – Charter Street	250,000.00
Receipts Reserved – Forest River	12,000.00
Total	1,995,611.00

#587 APPROPRIATION OF \$1,250,000.00 FROM FREE CASH TO REDUCE THE TAX RATE AMOUNT TO BE RAISED BY TAXATION FOR FY24

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

ORDER: That the sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) is hereby appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” account to reduce the tax rate amount to be raised by taxation when the Fiscal Year 2024 tax rate is set in accordance with the recommendation of His Honor the Mayor.

Councillor McClain requested and received suspension of the rules for our Finance Director to speak.

Councillor McClain asked what is the function of free cash and how is the dollar amount determined?

Anna Freedman responded that free cash can come from revenues received that were higher than we anticipated for the budget and any unexpended salaries or expenses from departments all roll together. If this was not done then our average tax bill could n \$400.00. The function is to use this for a project that was not anticipated i.e. boiler breaks down.

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#588 – APPROPRIATION OF \$400,000.00 FROM FREE CASH TO CAPITAL IMPROVEMENT FOR REDESIGN OF FORT AVENUE

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

ORDER: That the sum of Four Hundred Thousand Dollars (\$400,000.00) is hereby transferred from the General Fund Balance Reserved for Free Cash and appropriated to the following account in the Capital Improvement Fund (2000) below for the costs associated with the redesign of Fort Avenue at Winter Island Road, Columbus Avenue, and Columbus Square in accordance with the recommendation of His Honor the Mayor.

Description	Amount
20002418-5846L	\$400,000.00
Total	\$400,000.00

#589 – APPROPRIATION OF \$300,000.00 FROM RETAINED EARNINGS TO THE WILLOW AVE BEACH SEWER PIPE IMPROVEMENTS

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

ORDER: That the sum of Three Hundred Thousand Dollars (\$300,000.00) is hereby appropriated from the “Retained Earnings – Water/Sewer Fund” account (6000-3120) to the following account for the FY2024 capital project as listed below in accordance with the recommendation of His Honor the Mayor.

FY2024 Capital Project-Funded from Water/Sewer Fund Retained Earnings		
Sewer – 600132-5881	Willow Ave Beach Sewer Pipe Improvements	\$ 300,000.00
Total:		\$ 300,000.00

Councillor Prosniewski is happy to see this come forward. He and Councillor Cohen take regular tours every week. Dionne’s boat yard is not in season and the yard is used to create a bypass. If large boat hits the pipe or even severe weather could break the pipe and the homes in that area would be in danger. It was built in 1904. When it is low tide, you can see the pipe. Glad to see the city is taking steps for a contingency plan to be able to do something as funding is found to fix this.

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#590 – APPROPRIATION OF \$79,534.59 FOR RETIRMENT BUYBACK FOR FIRE DEPT. AND ENGINEERING DEPT. EMPLOYEES

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

ORDER: That the sum of Seventy-Nine Thousand Five Hundred Thirty-Four Dollars and Fifty-Nine Cents (\$79,534.59) be approved within the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the contractual buyback(s) listed below in accordance with the recommendation of His Honor the Mayor.

Name	Department	Amount
Antonio Marfongelli	Fire Department	\$70,661.82
Ellen Dubinsky	Engineering Department	\$ 8,872.77
		<u>\$79,534.59</u>

#591 – DONATION OF \$1,200.00 TO PARKS AND RECREATION

The following order submitted by the Mayor was adopted.

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

#592 – ACCEPT THE PROVISION OF SEC. 4, CH. 73 OF THE ACTS OF 1986 FOR FY 2024

The following order submitted by the Mayor was adopted.

ORDERED: That the Mayor and the City Council accept the provisions of Section 4, Chapter 73 of the Acts of 1986 for Fiscal Year 2024, and that such additional exemptions granted be 100% of the statutory exemption amounts, provided all other qualifications specified in said Section 4, Chapter 73 of the Acts of 1986 are met.

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#593 – RESOLUTION FOR PARC PROGRAM PHASE II IMPROVEMENTS TO THE SALEM WILLOWS

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

RESOLUTION: FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARC PROGRAM FOR PHASE II IMPROVEMENTS TO SALEM WILLOWS

Whereas: Salem Willows is a community wide asset and the preservation and improvements to this park are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: Salem Willows Phase II renovation will greatly enhance this park by upgrading the pedestrian pathways to meet ADA standards, reducing pavement, and adding greenspace for recreation, trees, and bioretention basins, etc.;

Whereas: This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of parks through the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program; and

Whereas: The project will cost a total of \$809,826.94

NOW, THEREFORE, BE IT

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Council hereby allocates \$809,826.94 to implement the project, to be reimbursed up to a maximum amount of \$500,000.00 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and

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4. That Salem Willows is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EEA's announcement of the awarding of said PARC Grant and be null and void in the event no grant is awarded.

Councillor McCarthy explained that last year or two we applied for this grant, but the timing did not align with the Willows Pier project. We had to give money back, but we were reassured if we reapply then we would get our money back. The pier project is going out to bid in conjunction with fishing and game on December 14th and due back the middle of January. Hopefully, the pier project will go forward and a fishing pier that is ADA compliant. Fish and Game agency has agreed that after the pier is done and has funds, they will allow a Gangway and a float to be installed.

#594 – MAYOR'S LETTER AND RECOMMENDATION FOR THE FISCAL YEAR TAX RATE

The letter from the Mayor with his recommendation of the setting of the current fiscal year tax rate was received and filed. *(See below for letter in full)*

Dear Councillors:

Each year the City Council must vote to set the residential tax factor and thereby set the tax rate for the fiscal year. In Massachusetts, Proposition 2 ½ caps new property taxes at no more than 2.5% of the previous year's levy plus new growth. This year, the tax rate – \$11.62 for residential, a reduction in the residential tax rate by 7.1%, and \$23.69 for commercial, a reduction in the commercial tax rate by 6.2% – is once again under the City's allowable levy limit and represents only a 2.6% increase in the overall levy. Excess levy capacity stands at \$8,316,157, a 17.5% increase over last year's amount and the largest dollar figure for our levy capacity ever, which is a strong validation of our City's responsible approach to budgeting and managing public finances. We continue to maintain a generally low tax bill increase over time, as well, with the average increase over the last five years for the average single-family taxpayer in Salem coming in at a reasonable 2.9% per year.

Based on the rates above, the change in the average single-family tax bill will be \$285 (4.4%), the average condominium unit change will be \$169 (3.5%), the average two-family change will be \$235 (3.3%) or \$117.50 per unit, and the average three-family change will be \$294 (3.5%) or \$98 per unit. The average apartment building tax bill will decrease \$1,165 (-4.6%). The average commercial property tax bill change will decrease \$600 (-2.9%). The discrepancy between commercial and residential rate impacts is due in large measure to the rapid growth of residential values in Salem, which is occurring at a much faster pace than commercial value growth, especially with single-family homes.

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In comparison to other communities Salem's tax bill change this year is highly competitive:

Municipality	Average Single-Family Tax Bill Increase
Marblehead*	\$473 (66% more than Salem)
Gloucester	\$470 (65% more than Salem)
Salisbury	\$419 (47% more than Salem)
Beverly	\$399 (40% more than Salem)
North Andover	\$368 (29% more than Salem)
Danvers	\$325 (14% more than Salem)
Ipswich*	\$304 (7% more than Salem)
North Reading	\$298 (5% more than Salem)
Burlington	\$291 (2% more than Salem)
Salem*	\$285
Saugus*	\$218 (23% less than Salem)
Revere*	\$205 (28% less than Salem)
Lynnfield	\$187 (34% less than Salem)
Lynn*	\$165 (42% less than Salem)

*Proposed, not voted on yet.

Appropriation orders submitted separately apply \$1.25 million in free cash and \$2 million in receipts reserved to help hold down the increase in property taxes. The total receipts reserved being applied to the tax rate is \$313,475 (18.6%) more than the amount applied last year. Together, these measures reduce the total amount raised by taxation and will save Salem property owners an additional \$3.25 million.

One of the biggest challenges we continue to face is pressure from increases in fixed costs. Fixed costs for FY2024, such as state charges, health insurance costs, Medicare, worker's compensation, debt payments, and municipal insurance, increased by nearly \$2.2 million over last year. For every \$3 of spending in our budget, \$1 of that goes to fixed costs. The next largest driver of our property tax increases this year is the \$1.6 million increase in police and fire personnel costs this fiscal year, due to the settlement of contracts with those collective bargaining units. For comparison, the percentage increase in police and fire salaries this fiscal year increased by twice as much (7.8%) as the total budget increased (3.9%). Taken together, fixed costs and public safety salary increases accounted for more than half of the increase in the FY2024 budget.

Despite these increases in costs and the increases in home values, we have managed to keep tax increases relatively low compared to other municipalities. This is a clear demonstration of why growth matters. As we grow our tax base, we distribute the burden of funding critical local services to more taxpayers, alleviating the burden on existing property owners. This is why – in addition to the housing need and the desire to create good, local jobs – it is so important we consider new growth opportunities with an open mind and a strategic approach. We cannot cut our way to stabilized taxes or better services; we can, however, broaden the size of the base that funds our local government, thereby stabilizing taxes and improving services.

We always strive to manage the overall tax burden on our City's property owners. We look for efficiency in operations and opportunities for regionalization or streamlining services. Technology and performance improvement strategies help us reduce the cost of doing business. We shift the cost of government off

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property taxpayers by pursuing grant opportunities and by looking to revenue options that shift those costs to visitors, whenever possible.

The most powerful tool at our disposal, however, is responsible, sensible development that adds to our tax base. The appropriate redevelopment of sites such as the former courthouses, the power plant property, and other under-utilized and vacant former industrial parcels makes this growth possible. I am extremely pleased that certified new growth this fiscal year is a very strong \$1,181,552, exceeding our anticipated new growth amount by \$181,552. Even more notable this year, 10% of our new growth value is commercial property, exceeding the 7% share of commercial property in our total citywide value. This is an indicator of solid growth in our commercial tax base, which is critical for our local economy, for good jobs, and for evening out our tax burden on homeowners, many of whom are on fixed incomes as seniors and retirees.

As we set our tax rate for the current fiscal year, the recommendation is to adjust the CIP split to 1.75, making the residential factor 0.858484.

I hope you share our collective vision for a vibrant, thriving City that delivers quality public services in as efficient and affordable a manner as possible. Previous Councils and the previous administration worked collaboratively over the years to eliminate prior deficits, improve city finances, and balance our books with an eye on both the needs of today and our aspirations for the future. It was not always easy, but whatever the cause of our challenges, we weathered them and are today still resiliently positioned for success, with strong growth, a declining unemployment rate, record bond ratings, and award-winning balanced budgets. This legacy is validation that Salem's fiscal policies are of the highest standard and that the path we have set for ourselves is the correct one for our community.

I am grateful for our partnership in securing a healthy fiscal foundation and recommend adoption of the proposed residential factor, which will enable us to finalize property tax rates for this fiscal year. I look forward to discussing this recommendation with you at the December 7th tax classification hearing.

Sincerely,
Dominick Pangallo
Mayor
City of Salem

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#595 – RESIDENTIAL FACTOR FOR FY2024

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

ORDERED: That the City of Salem adopt a Residential Factor of 85.8484% for fiscal year 2024.

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

#596 – OPEN SPACE EXEMPTION FOR FY2024

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

ORDERED: That the City of Salem NOT adopt An Open Space Exemption for fiscal year 2024.

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

597 - RESIDENTIAL EXEMPTION FOR FY2024

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

ORDERED: That the City of Salem NOT adopt a Residential Exemption for fiscal year 2024.

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

#598 - SMALL COMMERCIAL EXEMPTION FOR FY2024

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

ORDERED: That the City of Salem NOT adopt a Small Commercial Exemption for fiscal year 2024.

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

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#599 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 49 – STOP SIGNS – HARBOR STREET

The following order introduced by Councillor Cohen was adopted for first passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

Section 1. Section 49 of Article IV be amended by inserting the following:

Harbor Street – Obedience to Isolated Stop Signs – westerly bound traffic on Harbor Street at Washington Street.

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

#600 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC 50B – HANDICAP PARKING – BEAVER STREET

The following order introduced by Councillor Merkl was adopted for first passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

Section 1. Section 50B Handicapped Zones limited time by adding the following:

Beaver Street – in front of #36 Beaver Street, running northwest for twenty (20) feet.

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

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#601 – SPECIALIZED ENERGY CODE

The following order introduced by Councillor Cohen was referred to the Committee on Public, Health, Safety and the Environment co-posted with the Committee of the Whole and that rule 29B be suspended to carry over into the new year (2024). This was sent to committee instead of the motion to adopt, since the PHSE committee report was referred back committee. (See #607 below).

ORDERED: That the City Council adopt the Specialized Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024; and

That the Building Inspector and Sustainability & Resiliency Director be requested to work with the City Solicitor to ensure the adoption of the code meets state requirements, and work with all relevant departments to ensure that all residents, organizations, and relevant entities are aware of the Specialized Code as soon as possible.

602 – (#235 & #565) – OUTDOOR DINING POLICY

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

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Establishing an Outdoor Dining Policy, has considered said matter and would recommend that the policy be adopted as amended.

#603 – CARRYING MATTERS FORWARD – PUBLIC HEALTH, SAFETY & THE ENVIRONMENT

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

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend that rule 29B be suspended so the following matters may be carried over into the new year of 2024.

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#462 – Ordinance to amend Greenlawn Cemetery – Form of deed for sale of new lots

#437 – No turn on right report from traffic

#604 – CARRYING MATTERS FORWARD – COMMITTEE OF THE WHOLE

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

The Committee of the Whole to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend that rule 29B be suspended so the following matters may be carried over into the new year of 2024.

#271 – Arpa Funds

#22 – SEDS Pilot Program

#559 – Massachusetts Tribe Flag to be displayed in Chamber

#605 – CARRYING MATTERS FORWARD – COMMITTEE ON GOVERNMENT SERVICES

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

The Committee on Government Services to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend that rule 29B be suspended so the following matters may be carried over into the new year of 2024.

#231 – Rank Choice Voting

#606 – CARRYING MATTERS FORWARD – COMMITTEE ON COMMUNITY AND ECONOMIC DEVELOPMENT

Councillor Hapworth offered the following report for the Committee on Community & Economic Development. It was voted to accept the report and adopt the recommendation.

The Committee on Community and Economic Development to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend that rule 29B be suspended so the following matters may be carried over into the new year of 2024.

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#77 – Meet with Planning Department and Community Impact Unit to discuss single room occupancy

#391 – Creating a Zoning Overlay District for Food Trucks

#560 – 2023 Haunted Happenings Debriefing

#607 – (#20) – SPECIALIZED CODE

Councillor Varela offered the following report for the Committee on Public Health, Safety and Environment. It was voted to accept the report.

The Committee on Public Health, Safety and Environment to whom was referred the matter of adopting the Specialized Opt-In Code (Specialized Code), has considered said matter and would recommend adoption.

Councillor Varela stated that thirty communities have already adopted this. It is only for new construction as of July 1, 2024. This will be a small step forward for future measures. If we do not adopt, we will lose out on funding.

The Green Building ordinance in conflict with the Stretch Code.

Councillor Prosniewski still has questions on this and how will it exactly work. Since the meeting was not co-posted he was unable to attend.

Councillor Prosniewski made a motion to have this matter remain in committee. Councillor McCarthy seconded the motion.

Councillor Cohen stated that materials were made available since it was not co-posted. We can suspend the rules to allow Mr. Duffy to speak.

Councillor Morsillo said she was torn on this one. She had questions and asked them today. But she still has questions. Doesn't understand why the hurry.

Councillor McClain has questions. How does this work? Can we carry this over?

Councillor Merkl doesn't see why everything has to be co-posted. We can suspend the rules to allow Neil Duffy to speak.

Councillor Hapworth said he would like to see this pass if there is an urgency then will vote for it, but if ok to go back to committee then prefers to see this go back.

Councillor Prosniewski motioned to send it back and co-post it with Committee of the Whole and suspend rule 29B to carry it further. The matter carries.

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#606 – CARRYING MATTERS FORWARD – COMMITTEE ON PUBLIC HEALTH, SAFETY & THE ENVIRONMENT

Councillor Varela offered the following report for the Committee on Public Health, Safety & The Environment. It was voted to accept the report and adopt the recommendation. (#20 was referred back to committee see #605)

The Committee on Public Health, Safety & The Environment to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend that rule 29B be suspended so the following matters may be carried over into the new year of 2024.

#461 Noise Pollution (car stereos & motorcycles) and any potential actions to help mitigate.

#21 Creating a Composting Ordinance.

#366 Mayor's Office and Engineering hire a consultant to audit our current Solid Waste Contract in preparation of the FY25 contract.

#505 Use, Sale, and Distribution of Balloons.

#609 – PLANNING BOARD RECOMMENDATION RELATIVE TO INCLUSIONARY HOUSING ORDINANCE

The report from the Planning Board to the City Council relative to Inclusionary Housing Ordinance was received and filed.

Report of the Planning Board to City Council Re: Inclusionary Housing Ordinance

At its meeting on December 4, 2023, the Planning Board discussed the proposed Inclusionary Housing ordinance which would amend Section 5.4 of the City of Salem Zoning Ordinance as described in the related legal advertisement.

This item was referred to the Planning Board for its recommendation from the November 20, 2023, joint public hearing with the City Council.

The Planning Board voted eight (8) (Chair Bill Griset, Kirt Rieder, Zach Caunter, Sarah Tarbet, Helen Sides, Tom Furey, Jonathan Berk, and Josh Turiel) in favor, and zero (0) opposed to recommend that the City Council adopt the ordinance with the following recommendation:

- For purposes of determining the half-mile distance from a commuter rail station, the recommendation of the Planning Board is the measurement that yields the most expansive inclusionary envelope.

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If you have questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

William Griset, Chair of the Planning Board
CC: Ilene Simons, City Clerk

(#537) - INCLUSIONARY HOUSING ZONING ORDINANCE

The Inclusionary Housing Zoning Ordinance was adopted for first passage as amended by a roll call vote of 10 yeas, 0 nays and 1 absent. (full text can be found in the City Clerk's office during normal business hours)

The amendments made were relative to how to measure the ½ mile distance and to clarify the use of historic restoration versus adaptive reuse.

The Planning Department submitted responses to questions from the November 20, 2023 Joint Public Hearing.

The first question was relative on how to measure the ½ mile from a commuter rail station. The Planning Department submitted two options on how to measure and provided a map to show the area and the parcels.

Councillor Morsillo made a motion to adopt option two as an amendment for measuring the half mile find in section 5.4.4 (2)a. Councillor McCarthy seconded the motion. It was so voted.

The second question was relative to how an adaptive reuse project and a historic renovation project are defined. The staff proposed new language for Sec. 5.4.4 (2) c adaptive reuse projects. The Planning Department staff consulted with the Preservation Planner regarding historic renovation projects. In Section 5.4.4.(2) the wording "historic renovation projects were deleted and replaced with "adaptive reuse projects.

Councillor Morsillo made a motion to accept the revisions made to the adaptive reuse projects. Councillor Watson-Felt seconded the motion. It was so voted.

The Inclusionary Housing Zoning ordinance was adopted for first passage as amended by a roll call vote of 10 yeas, 0 nays and 1 absent.

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#610 – PETITION FROM COMCAST TO INSTALL CONDUITS ON THE CORNER OF NORTH ST. AND FEDERAL

A hearing was ordered for January 11, 2024 on a petition from Comcast to Install Conduits at the corner of North St and Federal St. (for service at 36 Federal St.)

#611 - #612 – PUBLICE GUIDE LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES: Edward Gannon 57C Wharf St. Salem **(2023 License)**

(2024 Licenses)

Giovanni “John” Alabiso 2 Buxton St. Peabody
 Joseph Amato 78 Marshall St Medford
 Stephen Busby 9 Hillside Ave Marblehead
 Allan Dorrington 64 Porter Terr Lowell
 Stanley Dziezeski 74 Statler Rd Peabody
 Amber Mercer-Emslie 19 Hazle St Salem
 James Morfis-Gass 10 Ames St Salem
 Henry Gilbert 141 Washington St. Salem
 Anne Harrington 6 Steele St Stoneham
 Tammy Harrington 48 Federal St Beverly
 Richard Hite 140 Humboldt Ave Providence RI
 Richard Jacobson 72 Country Club Way Ipswich
 Vijay Joyce 107 Preston Pl Beverly
 Stacy Kilb 39 Northend Ave Salem
 Seth Mascolo 40 English St Salem
 Michael Metzger 6 Bell Dr Whitman
 Susan Metzger 25 Shepard St Marblehead
 Rory O’Brien 20 West Ave Salem
 Beth O’Grady 27 Williams St Salem
 William Sano 35 Daniels St Salem
 Nancy Sweeter 60 Burley St Danvers
 Leo Ward 31 Crescent Ave Beverly
 Robert Kieran, 14 Tremont St., Salem
 Bridgette Perkins, 100 Wharf St., Salem

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#613 - #614 – LICENSE APPLICATIONS

The Following License Applications were referred to the Committee on Ordinances, Licenses and Legal Affairs and that rule 29B be suspended to carry these licenses over to the new year.

SEAWORMS: Paul Lynch 28 Anawan Ave Saugus
 Timothy Lynch 28 Anawan Ave Saugus
 Jose Machado 5 Marion Ave Beverly
 Joe Mendonca 22 Spring St Peabody

SECONDHAND CLOTHNG: Boston Street Resale 134 ½ Boston St. Salem

#615 – CLAIMS

The Following Claim was referred to the Committee on Ordinances, Licenses and Legal Affairs and that rule 29B be suspended to carry this claim over to the new year.

Richard Purcell 21 Ravenna Ave Salem

(#234) - SECOND PASSAGE OF AN ORDINANCE RELATIVE TO SIDEWALK PERMITS

The Second Passage of an Ordinance relative to Sidewalk Permits was then taken up. The ordinance relative to sidewalk permits was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance to amend an Ordinance relative to Sidewalk Permits.

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

Section I. Section 38-7 Obstructions of Chapter 38 Streets and Sidewalks is hereby amended by:

1. Adding the words “/Outdoor Seating” within the heading of Sec. 38-7.
2. Deleting paragraph (b) of Section 38-7 in its entirety and replace it with the following:

“(b) No person, other than one employed directly or indirectly by this city or by the commonwealth and while in the performance of necessary duties, shall at any time place or leave in any sidewalk, street or highway any article, material or merchandise or park a vehicle or cart in any sidewalk, street or highway for

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the purpose of displaying merchandise without a permit from the licensing board or other permit granting authority of the City. Further, no person, other than one employed directly or indirectly by this city or by the commonwealth and while in the performance of necessary duties, shall place or leave on any sidewalk, street or highway any outdoor seating, including benches, tables or chairs unless a permit issued by the redevelopment authority and/or city council for city ways, or by the department of public works for state highways, authorizing the use of the sidewalk, street or highway, has been granted and is in effect. An exception shall be made, as necessary, for the reasonable and expeditious loading or unloading of any such article, material, merchandise, cart or vehicle. At all times, any such property shall never be left so as to obstruct the free passage of pedestrians or vehicular travel and such permit maintains pedestrian access along an existing sidewalk not less than 48 inches wide 24 hours per day, seven days per week. A permit to regularly or permanently close an existing sidewalk may only be issued by the city council.

Persons applying for a permit for outdoor seating to support a restaurant shall be eligible for such permit so long as they meet the requirements set forth in the Order of the City Council establishing a City of Salem Outdoor Dining Policy, a copy of which shall be posted on the web page of the City Clerk effective January 1, 2024. A completed application, as set forth in the Order, shall be submitted to the redevelopment authority and/or city council for approval. Outdoor seating on a sidewalk within the city's urban renewal districts shall be the sole jurisdiction of the city's redevelopment authority. Applications for seating within a public street within the urban renewal districts, however, must receive both redevelopment authority and city council approval."

3. Amending paragraph (c) by deleting the words "an officer" after the words "direction of" and inserting the words "a police officer, inspector of buildings or director of public services."

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

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**(#531) – BOND ORDER IN THE AMOUNT OF \$2,000,000.00 TO STUDY A
POTENTIAL NEW SCHOOL BUILDING**

The Second Passage of a BOND ORDER in the amount of \$2,000,000.00 for a feasibility study regarding a potential new school building at the existing SHS site was then taken up. The Bond Order was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent.

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

**(558) SECOND PASSAGE OF A TRAFFIC ORDINANCE RELATIVE TO RESIDENT
STICKER PARKING**

The Second Passage of a Traffic Ordinance relative to Resident Sticker Parking was then taken up. This ordinance was adopted for second and final passage.

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

Lynn Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone C-Color Green-easterly side, from Andover Street to Federal Street. (1/12/87)

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And inserting:

Lynn Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone C-Color Green – from River Street to Federal Street, both sides, except where parking is prohibited.

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

On the motion of Councillor McCarthy the meeting adjourned at 11:03 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK