



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Carly Dwyer of 7 Winter Street #6 to the Public Art Commission for a term of two years to expire September 15, 2024.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Dwyer for her continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



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Kimberley Driscoll  
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Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, John Wathne of 34 Boardman Street to the Bicycling Advisory Committee for a term of three years to expire September 15, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Mr. Wathne for his continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



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Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Cynthia Nina-Soto of 6 Laurent Road to the Scholarship and Education Committee for a term of three years to expire September 15, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Nina-Soto for her continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



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Kimberley Driscoll  
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Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Kimberly Parkinson of 16 Phelps Street to the Beautification Committee for a three-year term to expire September 15, 2025.

Ms. Parkinson is a senior manager at Talent Acquisition in Boston and has worked in the fields of recruitment, sales, and business management since 2009, when she graduated from Bryan University with a Bachelor's degree in Business Administration. Ms. Parkinson is eager to give back to our community and with her expertise in projects management would be a great asset to committee. She has advanced skills with technology and social media and is eager to put those skills to work to help grow the committee's online presence and volunteer recruitment efforts.

I strongly recommend confirmation of Ms. Parkinson's appointment to the Committee. We are fortunate that she is willing to serve our community in this important role and lend her dedication to the Committee and its efforts to improve our city.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



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Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Henry Mehmet Gulergun of 190 Bridge Street to the Beautification Committee for a three-year term to expire September 15, 2025.

Mr. Gulergun is a content producer for Prodigies Music and prior to that worked as a project manager for Boston Cares. Before his time with Boston Cares, Mr. Gulergun worked in landscaping and, for three years, as an employee of his hometown's Parks and Recreation Department. A lover of the outdoors, Mr. Gulergun holds a Bachelor's degree in history from SUNY Binghamton. As a professional media content producer now, Mr. Gulergun is eager to help the committee enhance its efforts to communicate and share information about the important work that it undertakes for our community.

I strongly recommend confirmation of Mr. Gulergun's appointment to the Committee. We are fortunate that he is willing to serve our community in this important role and lend his dedication to the Committee and its efforts to improve our city.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



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Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Zachary Schaad of 65 Federal Street #2 to the Beautification Committee for a three year term to expire September 15, 2025.

Mr. Schaad is a downtown resident who is passionate about improving his community and beautifying our community. He currently works as operations supervisor for the Office of Clerk Magistrate at the Boston Trial Court. Previous to that he served as a child support enforcement specialist for the Department of Revenue. Mr. Schaad is eager to expand his public service through volunteering with the Beautification Committee here in Salem, and has indicated he would like to help the committee grow its community engagement efforts. Mr. Schaad holds a Bachelor's degree from the University of North Florida, a Masters of Public Administration from Columbia Southern University, and a Masters in Criminal Justice from Arizona State University.

I strongly recommend confirmation of Mr. Schaad's appointment to the Committee. We are fortunate that he is willing to serve our community in this important role and lend his dedication to the Committee and its efforts to improve our community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", is written over a light blue horizontal line.

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Ashley Judge of 354 Essex Street to the Board of Trust Fund Commissioners to complete the remainder of a 12-year term to expire on March 1, 2026. Ms. Judge will be taking the seat previously held by Joe McEvoy, who has stepped down from the board. Please join me in thanking Mr. McEvoy for his dedicated service to the Trust Funds and to our community.

Ms. Judge is the CEO of Always Fits, an online retailing company that she founded in 2010. Prior to becoming an entrepreneur, Ms. Judge was the External Affairs Manager for Ambassador Swanee Hunt, where she organized symposiums and events, provided strategic guidance and counsel to the Ambassador, and crafted communications. Ms. Judge got her start in organizing and planning as part of the advance logistics staff for John Kerry for President in 2004.

I strongly recommend confirmation of Ms. Judge for the Board of Trust Fund Commissioners. We are fortunate that she is willing to serve our community in this important role and lend her expertise and passion to the Board and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



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Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Gwendolyn Rosemond of 11 North Pine Street #6 to the Public Art Commission to complete the remainder of a 2-year term to expire on January 11, 2024. Ms. Rosemond will be taking the seat previously held by Thu Ngan Han, who has stepped down from the Commission. Please join me in thanking her for her dedicated service the Commission and to our community.

Ms. Rosemond is a retired professor of English from Salem State University where she also served as Assistant Director of Minority Affairs and, ultimately before retiring, an Assistant Dean. Prior to her time at Salem State, Ms. Rosemond was a professor of English at Morris College and Director of the Black Resource Center for Ohio University. Ms. Rosemond is on the Board of Director at Hamilton Hall and served on the City's Race Equity Task Force. Previously she served on the Board for HAWC and the North Shore CDC. Ms. Rosemond is an accomplished and creative writer, storyteller, and teacher.

I strongly recommend confirmation of Ms. Rosemond's appointment for the Public Art Commission. We are fortunate that she is willing to serve our community in this important role and lend her expertise, passion, and perspective to the Commission and its work.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", is written over a light blue horizontal line.

Kimberley Driscoll  
Mayor  
City of Salem





## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Jonathan Berk of 51 Lafayette Street #504 to the Salem Planning Board to complete the remainder of a five-year term to expire on March 1, 2024. Attorney Berk will be taking the seat previously held by Noah Koretz, who has stepped down from the board. Please join me in thanking Mr. Koretz for his dedicated service to the Planning Board and to our community.

Attorney Berk is currently the Vice President for Patronicity, one of the leading organizations engaged in placemaking, community development, and crowdfunding for public improvements, and leads BuildingBOS, his own urban development consultancy. Before that Attorney Berk was a commercial development consultant for City Retail and an attorney at Kreindler and Kreindler LLP. He holds a Bachelor's degree from Quinnipiac University and a J.D. from the New England School of Law. Attorney Berk volunteers as a board member for Abundant Housing Massachusetts and on the global advisory board for Leading Cities, an international organization that promotes collaboration and innovation in sustainability, technology, and growth.

I strongly recommend confirmation of Attorney Berk to the Planning Board. We are fortunate that he is willing to serve our community in this important role and lend his expertise and time to the Board and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Josh Turiel of 238 Lafayette Street to the Salem Planning Board to complete the remainder of a five-year term to expire on May 24, 2023. Mr. Turiel will be taking the seat previously held by Todd Waller, who has stepped down from the board. Please join me in thanking Mr. Waller for his dedicated service to the Planning Board and to our community.

Mr. Turiel served as the Ward 5 City Councillor from 2012 to 2021, including a term as Council President in 2016, a year as Chair of the Community and Economic Development Committee, and five years as Chair of the Administration and Finance Committee. A small business owner, Mr. Turiel has spent the last nearly two decades running his own technology consulting firm supporting small and medium businesses and residential clients, primarily in the Boston and North Shore areas. Prior to that he was the Network Services Manager for Holyoke Mutual Insurance of Salem. Mr. Turiel is a member of the Institute of Electrical and Electronics Engineers and former president of the Greater Boston Network Users Group.

I strongly recommend confirmation of Mr. Turiel to the Planning Board. We are fortunate that he is willing to serve our community in this important role and lend his perspective and time to the Board and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Nina Vyedin of 41 Felt Street to the Zoning Board of Appeals as an alternate member for a two year term to expire September 15, 2024.

Ms. Vyedin has been deeply engaged in planning, urban development, and zoning discussions as a member of the public, both here in Salem and Somerville, where she lived previously. She currently works as engineering manager for the financial technology firm Own Up and, previous to that, was a product manager and senior software engineer for Microsoft. Ms. Vyedin is deeply analytical and thoughtful, and will bring a technical mindset to the ZBA and its work. She earned a Bachelor's degree from Vassar College and is a graduate of the Aspen Tech Policy Hub at the Aspen Institute.

I strongly recommend confirmation of Ms. Vyedin to the Board. We are fortunate that she is willing to serve our community in this important role and lend her dedication and time to the Board and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Brian Eiermann of 7 Mayflower Lane to the Scholarship and Education Committee to complete the remainder of a three-year term to expire March 28, 2025. Mr. Eiermann will fill the seat previously held by Ms. Tayla Rose, who has stepped down from the Committee. Please join me in thanking Ms. Rose for her dedicated service to our community and the Committee.

Mr. Eiermann currently serves as the Associate Director of Financial Aid at Simmons University and has worked in the Financial Aid office at Simmons since 2018. Prior that he was a counselor with Bottom Line Boston, a nonprofit that partners with degree-aspiring students of color from under-resourced communities to help them get into and through college, helped direct mentoring outreach at Enroot Cambridge, a nonprofit supporting students in need, and worked as an admissions officer at the University of Delaware. Mr. Eiermann has expertise in higher education financial aid and student assistance, as well as fundraising and development. He holds a Bachelor's degree from the University of Delaware and a Graduate Certificate in Nonprofit Leadership from Wheelock College. Prior to moving to Salem, Mr. Eiermann volunteered with the Boston Area Rape Crisis Center and as a GLBT Commissioner in the City of Cambridge.

I strongly recommend confirmation of Mr. Eiermann's appointment to the Committee. We are fortunate that he is willing to serve our community in this important role and lend his expertise and dedication to the Committee and its efforts to support Salem students.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint the following Salem residents to serve as the first members of the City's new Race Equity Commission. We were so fortunate to have dozens of applicants for these four seats and, in the hope of keeping as many of these individuals engaged as possible, we have requested, under separate cover, an ordinance amendment to expand the membership of the Commission from four to eight residents. Once adopted I will submit the four additional appointments for your consideration and, once all eight appointees have been confirmed, the Commission will commence meeting and its important work. The four initial appointments are submitted here, each to a three-year term to expire September 15, 2025.

**Rosa Alvarado** of 22 Boston Street #2 is a legislative aide to State Representative Paul Tucker. Prior to that, Rosa was a case manager for the young parent support program at Children, Friends & Family Services, a social worker at Brooksby Village, and a case manager for the Malden YMCA. A licensed social worker, Ms. Alvarado is a board member of North Shore Community Action Programs and has served on the Diversity, Equity, and Inclusion Task Force at LEAP for Education and on the Diversity Advisory Group for the Justice Resource Institute. She earned both her Bachelor and master's degrees in social work from Salem State University.

**Shantel Alix Fernandez** of 96 Lafayette Street is the Community Engagement Manager for the North Shore CDC, where she oversees several programs, including the family success and financial literacy programs, and ESL, citizenship, and first-time homebuyer classes. Prior to her time in this role Ms. Fernandez was the AmeriCorps LISC Family Stability Coordinator for the CDC and the Activities Director for Care One. A certified financial counselor, Ms. Fernandez earned her degree in advanced computer technology from Salem State University. She serves on the board of the Salem Food Pantry and Project Out and is a co-founder of Massachusetts Trans Women in Leadership.

**Nicole McLaughlin** of 4 Roosevelt Road is the Executive Director at Plummer Youth Promise here in Salem where she has helped grow the reputation and scope of services for this 160-year old youth service organization. Prior to being the Executive Director, Ms. McLaughlin was the development director at Plummer, a nonprofit attorney at Harmon, Curran, Spielberg & Eisenberg, and a staff attorney for the National Abortion Rights Action League. Ms. McLaughlin earned her Bachelor's degree from Wellesley College and her J.D. from Northeastern University School of Law.

**Alphonse Wright** of 12 Hancock Street #2 co-chairs the Salem Human Rights Coalition and works as an independent consultant specializing in accessibility and inclusion strategy for public and private clients. In his consulting work he has worked with the U.S. Department of Labor and the Massachusetts Association for the Blind and Visually Impaired. Prior to his consulting, Mr. Wright was an operations associate for O'Connor Professional Group's Behavior Health Navigation and an administrative coordinator at Arbour Hospitals in Jamaica Plain.

I strongly recommend confirmation of these first four members of the Race Equity Commission. We are fortunate that they are each willing to serve our community in this important new role and to lend their dedication, expertise, time, and passion to the Commission and its work.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", written in a cursive style.

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Please accept this letter for informational purposes. The Salem Redevelopment Authority has appointed Sarah Tarbet to the Design Review Board, to complete the remainder of a term expiring March 1, 2023, previously held by Helen Sides, who is stepping down from the DRB.

Ms. Tarbet is a registered architect and associate for Jones Architecture here in Salem. She will bring considerable experience and expertise to the DRB and its work given her background. Her work has spanned institutional, public, and private projects, with a focus on accessible and inclusive design. She has a particular interest in the renovation and restoration of mid-century architecture. Locally Ms. Tarbet worked as the project designer for Espacio for the North Shore CDC and currently serves on the Salem Planning Board.

Please join me in welcoming Ms. Tarbet to the DRB and in thanking Ms. Sides for her nearly 15 years of service to this important local board.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem

CC: Tom Daniel, Director of Planning and Community Development





## CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll  
Mayor

September 15, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Nineteen Thousand Six Hundred Dollars (\$19,600.00) appropriated in the "Receipts Reserved" funds listed below to the "Department of Public Services" Burial Account (14112-5383)

FROM	TO	AMOUNT
2430-4800	R/Res Sale of Lots    DPS Burial	\$15,500.00
2431-4800	R/Res Sale of Vaults   DPS Burial	\$ 4,000.00
	<b>TOTAL:</b>	<b>\$19,600.00</b>

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll  
Mayor





# CITY OF SALEM

In City Council,

**Ordered:**

September 15, 2022

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.

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



# CITY OF SALEM

SALEM, MASSACHUSETTS  
ENGINEERING DEPARTMENT  
98 WASHINGTON STREET, 2<sup>ND</sup> FLOOR  
SALEM, MA 01970  
Phone: (978) 619-5673

**Kimberley Driscoll**  
Mayor

DAVID H. KNOWLTON, P.E.  
CITY ENGINEER/DPS DIRECTOR

September 12, 2022

The Honorable Mayor Kimberly Driscoll  
City of Salem  
93 Washington Street  
Salem, Massachusetts 01970

Subject: Burial Services

Dear Mayor Driscoll,

We respectfully request an appropriation of funds in the amount of \$ <sup>nineteen thousand</sup> six hundred (19,600 )  
From the following accounts:

24301-4800: Sale of Lots - \$ 15,600

24311-4800: Sale of Vaults - \$ 4,000

to be transferred into the Public Services Burial Services line – 14112-5383. This appropriation  
is to allow burial services and operations for Fiscal year 2023.

Very truly yours

David H. Knowlton, PE  
City Engineer/DPS Director

Department

Transfer Request Form

From:

DPS/230

Department

*DASH*

Department Head Authorizing Signature

9/2/22

Date

Budget or R/Res

Transfers

To: 14112-5383

(Org Object)

Desc: Burial Services

Budget Amt: 0

Balance: 0

From: 24301-4800

Desc: Sale of 1015

Balance: 16293

Budget Amt:

(\*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$

Date:

Free Cash or To:

Desc:

Budget Amt:

Balance:

Retained Earnings (W/S) (Org Object)

Raise & Appropriate

Please circle one

Amount Requested:

\$ 15600

Reason (Be Specific)

for Burial Services in fy 23

For Finance Department and Mayor's Use Only:

Budget Transfer

Mayor Approval

City Council Approval

Free Cash Appropriation - City Council Approval - Gen Fund \$

Free Cash Balance

R/E Appropriation -Water \$

R/E Balance

R/E Appropriation Sewer \$

R/E Balance

✓ Receipts Reserve - City Council Approval

\$26,493

R Res Fund Balance

Raise & Appropriate

Other

Recommendation: ✓ Approved \_\_\_\_\_ Denied

*[Signature]*  
Finance Director

Completed: Date:

By:

CO #

Job:

Transfer #:

Department

CITY OF SALEM OFFICE OF THE CITY CLERK

Transfer From: FWA S R/E, R/E 2020 Agt 17 To: FWA S R/E, R/E 2020 Agt 17 Free Ca

From:

DPS/230

Department

*[Signature]*

Department Head Authorizing Signature

Date

9/12/20

Budget or R/Res

Transfers

To:

14112-5383

(Org Object)

Desc:

BURIAL

Services

Budget Amt:

0

Balance:

0

From:

24311-4820

Desc:

Sale of Vault

Balance:

7979.39

Budget Amt:

—

(\*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$

Date:

Free Cash or To:

Desc:

Budget Amt:

Balance:

Retained Earnings (W/S) (Org Object)

Raise & Appropriate

Please circle one

Amount Requested:

\$ 4000

Reason (Be Specific)

for BURIAL SERVICES in fy 23

For Finance Department and Mayor's Use Only:

☐ Budget Transfer

☐ Mayor Approval

☐ City Council Approval

☐ Free Cash Appropriation - City Council Approval - Gen Fund \$

Free Cash Balance

☐ R/E Appropriation - Water \$

R/E Balance

☐ R/E Appropriation Sewer \$

R/E Balance

☒ Receipts Reserve - City Council Approval

\$ 29,476.39

R/Res Fund Balance

☐ Raise & Appropriate

Other

Recommendation: ☒ Approved ☐ Denied

*[Signature]*  
Finance Director

Copy dated: Date: By: CC # JE# Transfer to: ☐



**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

September 15, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Twelve Thousand, Three Hundred Sixty-two Dollars and Fifty Cents (\$12,362.50) appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be paid out for active employees pursuant to collective bargaining agreements with various unions.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll  
Mayor



# CITY OF SALEM

In City Council,

September 15, 2022

**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.



KIMBERLEY L. DRISCOLL  
MAYOR

LISA B. CAMMARATA  
DIRECTOR OF HUMAN  
RESOURCES

*Sent to Anna +*  
*9/16/22*

**CITY OF SALEM MASSACHUSETTS**

HUMAN RESOURCES  
98 WASHINGTON STREET, 3RD FLOOR  
TEL. 978-619-5630

September 7, 2022

Kimberley Driscoll, Mayor  
City of Salem  
93 Washington Street  
Salem, MA 01970

**RE: Retirement Stabilization**

Dear Mayor Driscoll:

I am respectfully requesting the amount of \$12,362.50 be appropriated in the Retirement Stabilization Fund for sick leave buybacks submitted in accordance with collective bargaining agreements with our various unions.

Sick leave buy-back to be paid out under this appropriation request are for active employees, not retirees, who wish to take advantage of contractual language allowing members to buyback certain amounts of unused sick leave, on an annual basis. A lump sum request for this purpose will allow us to process those requests in a more efficient and timely manner.

Thank you for your attention and cooperation with this request, and if you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Lisa B. Cammarata

cc: File



## CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll  
Mayor

September 15, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Thirty-one Thousand, Five Hundred Ten Dollars (\$31,510.00) from the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to fund the retirement buyback costs to be expended for the employee listed below.

NAME	DEPARTMENT	AMOUNT
Victor Ruiz	Salem Police Department	\$31,500.00
	Total:	\$31,500.00

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll  
Mayor





# CITY OF SALEM

In City Council,

September 15, 2022

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
		<b>\$31,510.00</b>



KIMBERLEY L. DRISCOLL  
MAYOR

LISA B. CAMMARATA  
DIRECTOR OF HUMAN  
RESOURCES

## CITY OF SALEM MASSACHUSETTS

HUMAN RESOURCES  
98 WASHINGTON STREET, 3<sup>RD</sup> FLOOR  
SALEM, MASSACHUSETTS 01970  
TEL. 978-619-5630  
FAX 978-745-7298

### MEMORANDUM

TO: Anna Freedman, Director of Finance  
DATE: August 3, 2022  
RE: Retirement Stabilization Fund

\*\*\*\*\*

Attached you will find a retirement buy back for a former employee of the Salem Police Department.

This former employee is entitled to the following amount of sick leave and vacation buyback.

Victor Ruiz

280 vacation hours @ \$31.51 per hour	\$8,822.80
720 sick hours @ \$31.51 per hour	\$22,687.20
Total:	\$31,510.00

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

ILBC

**CITY OF SALEM**  
**APPROVAL-SICK DAYS/VACATION BUY-BACK**

From: Department: 210 Police Date: 7/26/2022

Authorized Signature:   
Department Head/City or Business Manager/School

NAME: Victor Ruiz

**CALCULATION**

						<b><u>TOTALS</u></b>
<b><u>VACATION HOURS</u></b>	#	<u>280</u>	@	<u>\$31.51</u>	=	<u>\$8,822.80 ✓</u>
<b><u>SICK HOURS</u></b>	#	<u>720</u>	@	<u>\$31.51</u>	=	<u>\$22,687.20 ✓</u>
<b><u>PRO-RATED STIPENDS</u></b>	#		@	<u>\$4,150.00</u>	=	<u>\$4,150.00</u>
<b><u>OTHER</u></b>	HOL x 1.0	#	<u>2</u>	@	<u>\$257.86</u>	= <u>\$515.72 ✓</u>
	HOL x 1.5	#	<u>10</u>	@	<u>\$386.79</u>	= <u>\$3,867.90 ✓</u>

**Total Amount Due:** \$40,043.62 ✓

Please attach corresponding PAF or other backup to this sheet.

Reason: Officer Ruiz retired on 7/7/22.

**For Human Resources Use Only:**


- ☒ VACATION HOURS  
☒ SICK HOURS  
☐ PER ACCRUAL REPORT  
☐ OTHER

Org and Object: 83113 - 51416

Recommendation:



Approved

  
HR Director/City or Superintendent/Schools



**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

September 15, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request pursuant to MGL Chapter 44 Section 64 to approve the payment of One Hundred and Sixty-Two Dollars and Ninety-Four cents (\$162.94) for United Site Services for a Fiscal Year 2021 invoice to be paid from Fiscal Year 2023 Mayor's Office contracted services budget (11212-5320).

This invoice was for a portable restroom utilized at one of the City's first COVID-19 testing sites, the drive-up testing location at Salem Willows that was in place from November to December 2020. As explained in the Finance Director's letter, this invoice arrived late due to issues with the mailing address, by which time the City's CARES Act funds had already been expended. Because the invoice is for services that pre-date ARPA, it is not eligible for those funds either.

MGL Chapter 44 Section 64 allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriation by a two-thirds vote of the City Council.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", is written over a light blue horizontal line.

Kimberley Driscoll  
Mayor



# CITY OF SALEM

In City Council,

**Ordered:**

September 15, 2022

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
<b>Total</b>		<b>\$ 162.94</b>



## City of Salem, Massachusetts

Finance Department  
93 Washington Street  
Salem, MA 01970  
www.salem.com

**Kimberley L. Driscoll, Mayor**

**Anna Freedman, Finance Director**

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September 8, 2022

Honorable Salem Mayor Kimberley Driscoll  
Salem City Hall  
Salem, Massachusetts

Dear Honorable Mayor Driscoll:

While closing out COVID-19-related funding items, it came to our attention that the attached invoice dated 11/25/20 for United Sites Services was never paid. We believe this occurred due to address issues on the invoice. We have confirmed that these services (portable, sanitary restrooms at COVID-19 testing site) were rendered, and the invoice should be paid. Unfortunately, our CARES Act funds are expended, and that grant is closed out. Additionally, we may not use ARPA funds to pay this invoice as the expense was incurred prior to the eligibility date for ARPA expenditures. At this time, we do not believe that FEMA will reimburse this expense. Thus, I recommend that we pay this prior year invoice out of FY2023 budget line 11212-5320 (Mayor's Office – Contracted Services). The total invoice is \$162.94. Per municipal finance law, City Council approval is required to pay a prior year invoice with current year funds.

Please let me know if you would like to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anna Freedman", is written over a circular stamp.

Anna Freedman  
Finance Director

**United Site Services Northeast, Inc.**



**Customer Service: 1-800-864-5387**

## INVOICE

Customer ID: USS-927955  
 Invoice No: 114-11287430  
 Terms: Due Upon Receipt  
 P.O. No:  
 Our Order No: 0-2035619  
 Invoice Date: 11/25/20

Bill To: CITY OF SALEM  
 310 1/2 Essex St  
 SALEM, MA 01970

Ship To: COVID TESTING  
 SALEM WILLOWS  
 MEMORIAL DR  
 SALEM, MA 01970

Item / Description	Quantity	Term	From / Thru	Unit Price	Total Price
DXR Deluxe Restroom	1 Each	1	11/21/20 12/20/20	20.00	20.00
REG-DXR Weekly Service	1 Each	1	11/21/20 12/20/20	41.00	41.00
HS Hand Sanitizer	1 Each	1	11/21/20 12/20/20	28.00	28.00
DEL-DXR Delivery, Setup, Removal	1 Each	Misc.	11/21/20 11/21/20	50.00	50.00
MTR Winterization Service					12.95
EEC Environment/Energy/Compliance					10.99

**United Site Services Northeast, Inc.**



**Customer Service: 1-800-864-5387**

# INVOICE

Customer ID: USS-927955  
 Invoice No: 114-11287430  
 Terms: Due Upon Receipt  
 P.O. No:  
 Our Order No: 0-2035619  
 Invoice Date: 11/25/20

Bill To: CITY OF SALEM  
 310 1/2 Essex St  
 SALEM, MA 01970

Ship To: COVID TESTING  
 SALEM WILLOWS  
 MEMORIAL DR  
 SALEM, MA 01970

Total: 162.94

**Pay Your Invoices Online at [www.UnitedSiteServices.com/BillPay](http://www.UnitedSiteServices.com/BillPay)**

**Please detach this coupon and include with your payment in the enclosed envelope.  
 See Reverse for Terms & Conditions, which are part of this Agreement  
 wherein United Site Services Northeast, Inc. is referred to as "Company"**

## CITY OF SALEM

Customer ID: USS-927955  
 Invoice Number: 114-11287430  
 Our Order No: 0-2035619

Subject to Tax	Exempt from Tax
0.00	162.94

Total: 162.94

Please Remit to: United Site Services  
 PO Box 660475  
 Dallas, TX 75266-0475



## Amount Paid:

☐ Check this box if you would like to pay by credit card, change your address or decline damage waiver, and you have completed the necessary form(s) on the reverse.

00000000114-1128743000000162946





## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

At their meeting of August 16, 2022, the Public Art Commission voted to accept the donation of two works of public art into the City's permanent collection. Because the value of these pieces each exceed \$10,000, City Council approval of these donations are required.

"Vertical Water Ogee Wave" by Karin Stanley is a steel sculpture currently on display in the City's Harbor Connector Path Sculpture Garden. The artist has generously offered to donate this work of art to the City. "Sarah Parker Remond" is a framed oil painting of Remond by Jane Fiorentini Steward. The portrait will be publicly displayed here at City Hall.

On behalf of the City, I recommend adoption of the enclosed order so both pieces can be accepted. Please also join me in expressing my deep gratitude to Ms. Stanley and Ms. Steward for their exceptionally generous donations.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



# CITY OF SALEM

In City Council, September 15, 2022

## 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.
- 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.



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

In 2006 the City of Salem formed the Bike Path Committee to help guide and advance our work in developing the City's bike path network. In 2014 the Committee's name was changed to the Bicycling Advisory Committee, to reflect its larger focus on bicycling infrastructure, planning, and programming. Recent work by the Committee includes the 2018 Bicycle Master Plan, the ongoing buildout of our multiuse path network, establishment of the Bluebikes bike share system locally, and achievement of the League of American Bicyclists' designation of Salem as a bronze-level Bike Friendly Community.

This summer, the Committee met and voted unanimously to request a third change in its name, to the Bicycling and Shared Pathway Advisory Committee. They reached this decision after determining that Salem's extensive off-street path network is used responsibly by a wide diversity of users, including walkers, joggers, skateboarders, and non-motored scooter riders. The Committee remains dedicated to advocating for the creation of alternative safe, convenient, fun, and affordable way to travel around Salem. They advise the City on its expansion of bicycle and pedestrian pathway infrastructure, programs, and policies that have a wide range of benefits to Salem and its neighborhoods. Their primary goal remains the careful establishment of safe and convenient car-separated bicycle and pedestrian pathways for use by all.

I recommend adoption of the enclosed Order and invite you to contact Tom Devine in the Planning Department should you have any questions regarding it.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



# CITY OF SALEM

In City Council, September 15, 2022

Ordered: That the name of the City's Bicycling Advisory Committee be changed to the "Bicycling and Shared Pathway Advisory Committee."



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Over the summer the City issued a call for applicants to join the new Race Equity Commission. The response was overwhelming and heartening. We had dozens of interested applicants submit expressions of interest for an appointment, far more than was anticipated. Because of the high quality of the applicant pool, and after consulting with Shawn Newton, who chaired the Race Equity Task Force, we are proposing to increase the number of resident appointees on the Commission from four to eight individuals.

This will enable us to more fully capture the enthusiasm, expertise, and input of the many qualified Salem residents who applied for an appointment. We will also be outreaching to those applicants not selected for an appointment to engage them in the work of one of the Commission's subcommittees, which will help guide the Commission's efforts and provide a greater specialized focus on specific issues of equity and inclusion.

For this week's Council meeting I have submitted four appointees for City Council confirmation to join the Race Equity Commission. To expedite the full complement of the Commission to eight appointed members, I am requesting that the Council take up this enclosed Ordinance amendment for first passage at your meeting of September 15, 2022, so that second and final passage can be completed at the meeting of September 22, 2022, and the four additional appointees can be submitted for your confirmation vote before the end of October.

If you have questions about this matter, please contact our Director of Diversity, Equity, and Inclusion Regina Zaragoza Frey, City Solicitor Beth Rennard, or Chief of Staff Dominick Pangallo.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem

# City of Salem

**In the year Two Thousand and Twenty-Two**

**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.



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance adds language to our Code prohibiting firearms from being carried inside City buildings, except for those carried by law enforcement officers. It is based on similar ordinances in place in other municipalities.

As we continue to work to keep our employees, volunteers, and members of the general public who enter our buildings to conduct business as safe as possible, we see this measure as another important step in those efforts.

I recommend adoption of the enclosed Ordinance and invite you to contact Dominick Pangallo, Chief of Staff, or Vickie Caldwell, Assistant City Solicitor, with any questions you may have regarding it.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem

# City of Salem

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*In the year Two Thousand and Twenty-two*

**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.





## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance codifies protections for those accessing legally protected health care services including reproductive care, abortion, and gender-affirming health care and prohibits the City, its employees and contractors, and any recipient of City funding from assisting any person or jurisdiction in litigation, prosecution, or extradition targeting any person who has received such services. It would be, as far as we can tell, the first such local law of its kind in Massachusetts and possibly in the nation.

With the U.S. Supreme Court's recent rulings eliminating certain federal protections to abortion and reproductive care, it is essential that municipalities and states stand up for these essential rights. The Commonwealth, this summer, adopted a new state law further protecting abortion access and shielding providers from attempts by other jurisdictions to target them with abusive lawsuits and prosecutions. This Ordinance builds on that measure by prohibiting City cooperation with any such actions targeting the recipient or provider of a legally protected health service in Massachusetts, prohibiting local law enforcement from holding or extraditing any person for the same, and affirmatively stating that any health records the City may hold related to such care are presumptively exempt from public records requests.

I know full well the degree of frustration and worry that have befallen so many after the *Dobbs* decision. I'm proud that our Commonwealth acted swiftly and decisively to strengthen our state's abortion laws and I recommend adoption of the enclosed Ordinance to further that effort on the local level. If you have questions about this proposed measure, please contact Chief of Staff Dominick Pangallo or Assistant City Solicitor Vickie Caldwell.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem

## **Ordinance Ensuring Safe Access to Legally-Protected Health Care – Fact Sheet**

### ***What is the purpose of this Ordinance?***

To codify protections for those accessing legally protected health care services including reproductive care, abortion, and gender-affirming health care and to prohibit the City from assisting any person or jurisdiction in litigation, prosecution, or extradition targeting anyone who has received such services.

### ***Definitions***

The definitions for key terms are outlined in this section. These definitions are primarily taken from the state statute, specifically Chapter 127 of the Acts of 2022. The only exception is for “City agent,” which in the ordinance applies to City employees, interns and volunteers, contractors, and recipients of City funding.

#### ***Policy (a)***

Affirmatively declares that information the City or any City agent may possess related to the provision legally protected health care services to any person – including persons who are not Salem residents – is considered by the City to be exempt information from public records requests.

#### ***Policy (b)***

Prohibits City agents from assisting any person or jurisdiction in actions targeting any person for having received legally protected health care services, and for any City resources to be used for the same.

#### ***Policy (c)***

Prohibits City agents from assisting any person or jurisdiction in “abusive litigation,” which is defined as litigation targeting a person who provides or receives legally protected health care services in the Commonwealth, and for any City resources to be used for the same.

#### ***Policy (d)***

Prohibits the Salem Police Department from holding any person, regardless of residency or citizenship, for having accessed or provided any legally protected health care service.

#### ***Policy (e)***

Prohibits the Salem Police Department from extraditing to other jurisdictions any person held in their custody if the extradition is sought for that individual having accessed or provided a legally protected health care service.

### ***Violations***

Depending on the violator, violations are either (a) progressive discipline, if an employee, (b) potential termination of contractor, if a contractor, or (c) cessation and repayment of City funds, if a funding recipient. All violators would also be subject to the regular schedule of fines provided for non-criminal ordinance dispositions (1<sup>st</sup> offense: \$50, 2<sup>nd</sup> offense: \$150, 3<sup>rd</sup> offense: \$300).

# City of Salem

---

*In the year Two Thousand and Twenty-Two*

**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 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.

#### 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 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.



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to present for your consideration the amended Disposition of City Owned Land Ordinance. As land values increase and affordable housing resources remain limited, we must consider a broad range of programs, policies, and tools to improve housing affordability. In the Summer of 2021, the Affordable Housing Trust Fund Board and Planning Department staff studied land disposition best practices to develop the enclosed disposition ordinance.

Surplus public land is a valuable resource. When public land is declared surplus, the City must consider competing pressures for the reuse of that property. There can be many, sometime conflicting goals. The proposed ordinance, has been reviewed and endorsed by the Affordable Housing Trust Fund Board, offers a clear and transparent communication process to identify community needs and opportunities for using publicly owned parcels to meet those goals, while prioritizing affordable housing and aligning our local rules with state procurements requirements.

A significant difference between the current ordinance and the proposal is that the solicitation process would now require the City Council to identify the public purpose to be achieved by the redevelopment of surplus land. Furthermore, it clarifies that affordable housing is specifically identified as a public purpose to be prioritized.

I look forward to discussing this ordinance with you and invite you to contact Amanda Chiancola, Deputy Director of Planning and Community Development, if you have any questions regarding it.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem

## **Disposition of Public Land – Fact Sheet**

### ***What is the purpose of this Ordinance?***

The ordinance amends the existing City ordinance regarding the disposal of surplus City real estate, to create a more clear and transparent process to identify community needs and opportunities for using such property to meet those goals, prioritizing the need for affordable housing. Additionally, the ordinance updates the existing ordinance so that it better aligns local rules with state procurements requirements.

### ***Inventory and Process for Disposal (Section 2-1634 and 2-1635)***

The proposal changes the current inventory and disposal process to streamline it and ensure it reflects the requirements of the state law for dispossession of public land, depending on if it's a tax title parcel or not. In addition to technical changes to the ordinance, the proposal also eliminates the requirement for a listing of all surplus properties and instead establishes that the disposition process applies to individual City-owned parcels as they are identified (section 2-1637 on page 8 of the tracked changes removes the requirement for a biannual inventory of property as that requirement has been cumbersome from a staff and time perspective, and therefore inconsistently met in the past). The proposal also eliminates from the disposal process the payment of a nonrefundable deposit by the purchaser as such a payment is inconsistent with state procurement law.

### ***Valuing a Public Purpose (Section 2-1635 subsection B4 and B5, on pages 5 and 6 of the tracked changes)***

Under the current ordinance, the City Council may vote to sell land for less than the appraised value after receiving bids because the appraised value of a property may exceed the amount that, for example, a nonprofit affordable housing developer might be able to afford. However, that is inconsistent with state procurement law which requires that a public purpose be identified if the City is intending to dispose of property for less than the appraised value.

The proposed ordinance adds language stating that, after declaring a parcel surplus, the City Council shall vote to declare any “public purpose” for which the City would accept a bid less than the appraised value. The prioritized public purpose is then highlighted in the Request For Proposals (RFP). This provision empowers the City Council to prioritize that public purpose – creation of affordable housing – over the revenues possible if the property were sold for its full value and ensures a transparent process for all interested bidders.

### ***Public Purposes (Section 2-1635 subsection B6 on page 6 of the tracked changes)***

The current ordinance only lists two criteria for selected a proposed purchaser of surplus City property: purchase price and “quality of plan [including] the compatibility of such plans with the surrounding neighborhood.” The proposed ordinance amends this section to include and define other criteria that the City may consider in evaluating a proposed purchase against the requirements of the RFP, which will include the “public purpose” identified by the City Council.

The updated ordinance lists the following as potential criteria (in addition to the “quality of plan”): **affordable housing** (highest percentage of affordable housing with a preference for units restricted for extremely low and very low-income families; a new section, 2-1639 on page 9 of the tracked changes,



more specifically defines affordable housing as housing affordable to a household with income at or below 60% of area median income), the **capability of the developer**, **historic preservation** if the property has historic elements or value, and **economic value** (this replaces the pure consideration of purchase price with a more comprehensive look at both purchase price *and* future potential tax revenues).

***Designation Committee (Section 2-1635 subsection B7 and B8 on pages 6 and 7 of the tracked changes)***

The proposed ordinance would require the designation committee to generate a written report on its ranking of responses to an RFP and to provide the report to the City Council before any decision on authorizing the Mayor to dispose of a parcel to a purchaser. If it is being sold for less than the appraised value, a public notice is required specifying the public purpose prioritized and the dollar amount difference between the appraised value and the purchase price, as required by state procurement law

***Guidelines to Evaluate a RFP (Section 2-1636 on pages 7-8 of the tracked changes)***

This new section provides greater detail to the criteria to be used by the City in evaluating the greatest public benefit to be achieved from disposing of any City property. Their findings are required to be reported to the City Council so the Council can make its best judgment in approving a public purpose, as required by the new language in subsection B4, and in authorizing the eventual disposition of the property.

The specific criteria to be included in the report to the City Council consist of a summary of the **consistency** of the property use based on existing restrictions or laws, its **economic value** including the appraisal report for the property, and **fourteen defined evaluations** listed in subsection (3) on page 8 of the tracked changes. Lastly, the report is to include a recommendation of the development objectives, including the public purpose to be achieved if the Council were to accept a bid less than the appraised value.

***Tax Title Foreclosure (Section 2-1638 on page 9 of the tracked changes)***

The current ordinance requires that property acquired by the City through tax title foreclosure be subjected to the same surplus property process as conventional City-owned property, which is inconsistent with state procurement requirements. This change would permit for tax title properties to be exempted from the process and follow the state requirements set forth in Massachusetts General Law Chapter 60, after review and approval by the City solicitor.

PART III - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IX. - PUBLIC PROPERTY  
DIVISION 4. DISPOSITION OF CITY-OWNED LAND

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REDLINED VERSION

*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 citypublicly-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 citypublicly-owned land.~~

~~This divisionchapter 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.~~

~~(Code 1973, § 2-403)~~

**Sec. 2-1632. Purpose**

~~The purpose of this division is to:~~

- ~~(1) Ensure that real property owned by the city of Salem servesperforms 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 shawill be to ensure a public benefit will be provided to the city-of Salem. 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-of Salem, that own surplus and underutilized public lands in Salem to prioritize land uses that accomplish the city's priorities identified in this division-ordinance.~~

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**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-city planner-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.

~~(Code 1973, § 2-404)~~

**~~Sec. 2-1633. Analysis and designation of parcels.~~**

~~Having completed the inventory of all inactive city-owned parcels as provided in section 2-1632, the city planner shall assess the city's needs as they relate to such parcels in both the shortterm and longterm future. Such assessment shall include input from city department heads as well as the city council. Following such analysis, the city planner and the director of public property shall submit the following lists of recommendations:~~

- ~~(1) — Parcels of which the city should retain ownership.~~
- ~~(2) — Parcels undevelopable due to zoning restrictions, which should be sold by sealed bid.~~
- ~~(3) — Developable parcels, which should be sold by public auction.~~
- ~~(4) — Developable parcels, which should be disposed of by the request for proposal process.~~

~~(Code 1973, § 2-404.1)~~

- ~~(1) Sec. 2-1634. Criteria for establishment of designation.~~

~~The following criteria will be used in designating city-owned parcels in a specific category as defined:~~

- ~~(1) — Strategic importance of parcel in both the shortterm and longterm future development of the city.~~

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- ~~(2) Waterfront location.~~
- ~~(3) Zoning restrictions that apply to the parcel.~~
- ~~(4) Limitations of the land parcel for construction.~~
- ~~(5) Existence of easements for city utilities.~~
- ~~(6) Existence of or proximity to wetlands.~~
- ~~(7) Parcel size and potential for major development.~~
- ~~(8) Provisions of the city master plan applicable to the parcel.~~

~~(Code 1973, § 2-404.2)~~

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

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

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~~(a) The process for city-owned parcels of which the city should retain ownership shall be as follows:~~

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- ~~(1) The city planner and the director of public property shall prepare for review and approval of the mayor and city council a listing of all land parcels for which the city has a need over a short and long term.~~
- ~~(2) There will be provided with each such parcel a brief description of the factors that have made such parcel one which the city should retain.~~
- ~~(3) Upon review and approval of the list by the mayor and city council, the city shall retain such parcels for a two-year period, after which the parcels shall be reevaluated for the purpose of potential disposition.~~

~~(b) (A) The process for disposing of city-owned parcels undevelopable due to zoning restrictions shall be as follows:~~

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~~(1) The city planner and director of public property shall consult with city department heads to determine if the city land is underutilized.~~

~~(2) The city council shall vote to declare the land surplus.~~

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~~(1) The city planner and the director of public property shall prepare for review and approval of the mayor and city council a listing of all land parcels that are undevelopable due to zoning restrictions.~~

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~~(2) (3) There will be provided with each such parcel a brief description of the factors that have made such parcel undevelopable.~~

~~(3)(4)~~ Upon review and approval of the ~~list recommendation~~ by the mayor and city council, the director of public property shall advertise ~~each the~~ undevelopable parcel(s) for sale by ~~sealed bid in accordance with Chapter 30B.~~

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~~(4)(5)~~ Such advertisement ~~shall occur in two consecutive weeks in a local newspaper and~~ shall contain the following information:

- a. The lowest acceptable bid amount (equal to the ~~current value on record with the City Assessor assessed value~~); and
- b. The address of the parcel;
- c. ~~Zoning restrictions; and~~
- d. ~~Reasons for the parcel being classified as undevelopable.~~

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~~(6) (5)~~ 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.

~~(7)~~ Upon opening of the ~~sealed proposal bids~~, the director of public property may recommend to ~~the city council that the mayor be authorized to sell 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 ~~sold disposed of but bid again.~~

~~(5)(8)~~ In specific instances, the ~~request for proposal may provide award criteria city may choose to sell dispose~~ a land parcel to an abutter, despite the fact such abutter is not the highest bidder, if the city believes that the ~~sale disposition~~ of such land to an abutter will provide the use most compatible with the surrounding neighborhood.

~~(6) (7)~~ Upon approval of the recommendation by the city council, the prospective purchaser shall be required to pay a nonrefundable deposit equal to the cost of the advertisement for the sale of the land parcel plus ten percent of the price bid for the parcel, and the recommendation shall be referred to the mayor.

~~(7)(9)~~ ~~(8)~~ 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.

~~(eB)~~ The process for disposing of city owned developable parcels that should be sold by public auction shall be as follows:

- ~~(1) The city planner and the director of public property shall prepare for review and approval of the mayor and city council a listing of all land parcels that have been categorized as parcels to be sold by public auction.~~
- ~~(2) There will be provided with each such parcel a brief description of the factors that have made such parcel one which the city shall sell by public auction.~~
- ~~(3) Upon review and approval of the list by the mayor and city council, the director of public property shall then order a short form appraisal completed on each parcel to be disposed of in this manner.~~
- ~~(4) Upon completion of the appraisal on each parcel, the city planner and the director of public property shall advertise each parcel for sale by public auction.~~

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(5) ~~Such advertisement shall occur in two consecutive weeks in the local newspaper and shall contain the following data:~~

- ~~a. The address of the parcel.~~
- ~~b. The lot area.~~
- ~~c. The presence of buildings.~~
- ~~d. Zoning classification.~~
- ~~e. The appraised value as an indicator of the lowest acceptable bid.~~
- ~~f. The date, time and place for the public auction to be presided over by the director of public property.~~

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(6) ~~Following the auction, the director of public property may recommend to the city council that the mayor be authorized to sell the parcel to the highest bidder, provided the bid price equals or exceeds the appraised value. If such bid price does not equal or exceed the appraised value, the parcel shall not be sold, but bid again. In specific instances, the city may choose to sell a land parcel to an abutter, despite the fact that such abutter is not the highest bidder, if the city believes that the sale of such land to an abutter will provide the use most compatible with the surrounding neighborhood.~~

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(7) ~~Upon approval of the recommendation by a two-thirds affirmative vote of the city council, the prospective purchaser shall be required to provide the city with a nonrefundable deposit equal to the cost of the advertisement for the sale of the land parcel, plus ten percent of the price bid for the parcel, and the recommendation shall be referred to the mayor.~~

~~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.~~

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~~(d) Procedures for disposal or leasing of city-owned developable parcels that should be disposed of by the requests for proposal process shall be as follows:~~

~~(1) The city planner and director of public property shall consult with city department heads to determine if the city land is underutilized.~~

~~(2) The city council shall vote to declare the land surplus.~~

~~(3) 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. The city planner and the director of public property shall prepare for review and approval of the mayor and city council a listing of all land parcels that have been categorized as disposable by the request for proposal process.~~

~~(2) There will be provided with each such parcel a brief description of the factors that have made such parcel is one which the city should dispose of by the request for proposal process.~~

~~(3)(4) Upon approval of the list report by the mayor, and city council, 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.~~

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~~(4) The city planner shall then order an appraisal completed on each parcel to be disposed of in such manner.~~

(5) 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. (equal to the appraised value).~~
- ~~a-c. The address of the parcel.~~
- ~~b-d. The lot area.~~
- ~~e. Zoning classification.~~
- ~~e-f. A definition of the scope of the preferred type and density of development.~~
- ~~d-g. The date, time and place for submission of proposals.~~
- ~~e-h. Other information deemed appropriate to the specific parcel.~~

(6) 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 retains the historic character of the structure and clearly demonstrates how the redevelopment will successfully achieve city of Salem Historical Commission approval.
- d. Economic value: Purchase price. Proposals that provide value to the city through direct economic benefits such as increase to tax base and purchase price. The 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.

~~a.—~~

- e. Quality of plan: Proposals with quality plans for development of the parcel and the compatibility of such plans with the surrounding neighborhood.

(7) The purchasing Agent, in concert with the City Planner and Director of Public Property or their designees, hereinafter "designated 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. Upon designation of a purchaser, the city planner designation committee may recommend to the city council that the mayor be authorized to sell/dispose the parcel to such purchaser.

- (8) Prior to taking action on any such recommendation, the city council shall hold a public hearing within 60 days to solicit public input regarding the proposed development and sale.
- (9) Upon approval of the recommendation by the city council, the purchaser will be required to pay a nonrefundable deposit equal to the cost of the advertisement for the sale of the parcel plus ten percent of the offered price for the parcel, and the recommendation shall be referred to the mayor.
- (8) 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 received.
- (9) 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.

(10)–

The city council may waive the provisions contained in subsections (d)(1), (5)a, and (6)a of this section and sell the land at the minimum price required to satisfy all indebtedness incurred by the city in acquiring such land, if any, upon approval by a two-thirds affirmative vote of the city council, for any request for proposal to build affordable, low income, elderly, or veterans' housing in the city.

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(Code 1973, § 2-404.3)

## **Sec. 2-16361636. 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:
- 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;
  - City, state, or federal ordinances, statutes, and regulations.
- (2) Economic Value.
- An appraisal of the property shall be included in the report.

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(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 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.
- a.—

- (4) Potential for consolidation 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.**

~~(a) The inventory and disposition process in this division will take place biannually.~~

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

(Code 1973, § 2-404.4)

**Sec. 2-1637. 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, including land acquired by the city through tax title or land of low value procedures. In no event, shall city-owned land be disposed of without notice being mailed to all abutting land

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(Supp. No. 24, Update 4)

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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.

(Ord. of 9-13-2001, § 1)

**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 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.

**Secs. 2-16~~4038~~—2-1685. Reserved.**

# *City of Salem*

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*In the year Two Thousand and Twenty-Two*

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:

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 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.
  - (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.
- 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 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.

(Code 1973, § 2-404.3)

**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 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.

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**Sec. 2-1638. 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.



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**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 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.

**Secs. 2-1640—2-1685. Reserved.**



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Earlier this year we met with walking tour companies to begin a discussion about revisions to improve the public guide ordinance. While that larger ordinance change is still being developed, there was one change that was relatively easy to accomplish quickly and, I believe, non-controversial. It is enclosed here for your consideration.

The proposed ordinance here expands the scope of which City departments and personnel are authorized to enforce the existing public guide regulations as they appear in our Code. Currently, the Code only authorizes the police department and the Licensing Board investigator to enforce violations. As you know, our police officers and Licensing Board agent are extremely busy during the autumn season. By broadening who has the ability to enforce these rules, we can hopefully better address nuisance behaviors and violations as they occur. The proposed ordinance expands enforcement authority to additionally include agents of the Board of Health, the Licensing Department, the Building Department, and the Fire Department.

If the Council is willing to consider this ordinance for first passage at your meeting of September 15<sup>th</sup>, whether or not you wish to refer it to committee after that, it would enable you to consider it for second passage at a special meeting later in September, thereby allowing it to be in effect before October 1<sup>st</sup>. I am recommending adoption of the ordinance and first passage to do so on September 15<sup>th</sup>. If you have any questions about this measure, please contact my Chief of Staff, Dominick Pangallo, or Assistant Solicitor Sharyn Lubas.

Sincerely,

Kimberley Driscoll

Mayor

City of Salem

*City of Salem*

*In the year Two Thousand and Twenty-Two*

*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.



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

September 15, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Childhood cancer is a pernicious and awful disease that afflicts thousands of children across our country.

September is Childhood Cancer Awareness Month, a nationwide effort to raise public awareness of this terrible disease, while also celebrating the courage and work of those on the front lines of this fight: our medical professionals, the families and caregivers of these children, and, of course, the children themselves.

We are proud to submit the enclosed Resolution commemorating this month and invite all Salem residents, whether they know a child struggling with cancer or not, to reflect and dedicate themselves to do what they can to help those suffering.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem

Patti Morsillo  
City Councillor  
Ward 3 and President

Alice Merkl  
City Councillor  
At-Large

Conrad Prosniewski  
City Councillor  
At-Large

Ty Hapworth  
City Councillor  
At-Large

Jeff Cohen  
City Councillor  
Ward 5

Meg Riccardi  
City Councillor  
Ward 6

Andy Varela  
City Councillor  
Ward 7



## **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-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.**