

City of Salem, Massachusetts
Office of the City Clerk

Ilene Simons
City Clerk



Room 1
City Hall

December 5, 2023

MEETING NOTICE AND AGENDA

The Salem City Council will hold its regular meeting in-person on Thursday, December 7, 2023, at 7:00 P.M. in the Council Chambers, 93 Washington Street, 2nd floor for the purpose of discussing any and all business including the public hearing for the Fiscal Year 2024 Tax Rate.

In-Person shall be the primary method of public access to such meetings. A secondary method of public access may be provided, if technologically feasible through Salem Access Television, and/or remotely through Zoom. See below for remote access and SATV information.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81913869813?pwd=RWxQekYwY1h0TGxXVHY2M1lrTmo4dz09>
Password: 963760

Go to the website link <https://zoom.us/join>. Enter Webinar ID: 819 1386 9813 followed by the meeting password noted above in necessary.

Or by Telephone: Participants can dial a toll-free number at 877-853-5257 (Toll Free) or 888-475-4499 (Toll Free). When prompted, enter meeting/webinar ID#: 819 1386 9813 follow the instructions to join the meeting. For those dialing in, you may press *9 to raise your hand to speak if signed up for public testimony or to participate in the public hearing portion of the agenda (if applicable).

The public may also watch the meeting live on SATV on Channel 22.

Please note that it is the intent of the City Council that its meetings be available to the public in person, remotely and through Salem Access Television.

Very truly yours,

ATTEST:

ILENE SIMONS
CITY CLERK

“When in person, individuals requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator at (978-619-5630) as soon as possible and no less than 2 business days before the meeting, program, or event.” Assistive Listening System is available for City Council Meetings. Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk’s Office at 978-745-9595 ext. 41200 or isimons@salem.com.

“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

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

Councillors absent:

Council President Stott presided.

Councillor moved to dispense with the reading of the record of the previous meeting. **VOTED**

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

PUBLIC TESTIMONY

Public Testimony not to exceed 15 minutes. Public Testimony is not a public hearing or question and answer period. Sign up must occur 30 minutes prior to meeting. The President shall, depending on the number of speakers, set a time limit, not to exceed three minutes, which each individual presenting testimony must abide.

How to Sign Up:

You may participate in Public Testimony in-person or remotely, if technologically feasible.

You may sign up to speak using the following two (2) methods:

1. On-line form by using the link below:

<https://records.salem.com/Forms/PublicMeetingSpeaker>

This form is available beginning 6:30 P.M. on the Tuesday before the Thursday meeting and remains open until 6:30 P.M. on the day of the Council Meeting. This form requests information such as your name, address, and whether you will attend in person or remotely. If the on-line form is not available due to technology issues, you must use option #2. In addition, if you plan have signed up to speak on zoom, we will allow you to speak as long as it is technologically feasible.

2. You may also sign the roster in the City Clerk's Office, no later than 6:30 P.M. on the date of the meeting.

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

HEARINGS

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

Present are: Mayor Pangallo, Finance Director, City Assessor, and Board of Assessors

President Stott then turned the Public Hearing over to the Mayor, Director of Assessor and the Board of Assessor for discussion and presentation.

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Action Contemplated

Councillor McCarthy

Moved to close the Public Hearing

Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

HEARINGS

Request from National Grid to Install 1 Jointly Owned Pole (#673) on Congress St.

(WITHDRAWN by National Grid)

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Action Contemplated

Councillor: McCarthy Moved to Closed the Public Hearing Voted

Councillor McCarthy Moved Adopted Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

HEARINGS

Request from National Grid to Install 1 Pole (#666-50) on Flint St (Intersection of Oak St. and Flint St.)

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Action Contemplated

| | | |
|-------------------------|------------------------------------|-------|
| Councillor: Watson-Felt | Moved to Closed the Public Hearing | Voted |
|-------------------------|------------------------------------|-------|

| | | |
|------------------------|---------------|-------|
| Councillor Watson-Felt | Moved Adopted | Voted |
|------------------------|---------------|-------|

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

HEARINGS

Request from National Grid Install 1 Pole (#597) on Bridge St. (Intersection Bridge St at Flint St.)

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Action Contemplated

Councillor: Stott

Moved to Closed the Public Hearing

Voted

Councillor Stott

Moved Adopted

Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting the Mayor's appointments of the following with terms to expire:

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

Action Contemplated

| | | | | |
|---------------------|--------------------------|------|------|-----|
| Councillor Hapworth | Move Confirmation by RCV | Yeas | Nays | Abs |
|---------------------|--------------------------|------|------|-----|

The Mayor's appointment of the following with a term to expire:

| <u>Name</u> | <u>Adress</u> | <u>Board</u> | <u>Term to Expire</u> |
|--------------------|----------------------|------------------------|------------------------------|
| Jeremy Mele | 4 Ropes St. #3 | Community Preservation | December 7, 2026 |

| | | | |
|------------|-------------------------|------------|--------|
| Councillor | Suspension of the Rules | Councillor | Object |
|------------|-------------------------|------------|--------|

Action Contemplated

| | | |
|---------------------|----------------------|-------|
| Councillor Hapworth | Held Under the Rules | Voted |
|---------------------|----------------------|-------|

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

The Mayor's Re-Appointments with the following terms to expire:

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

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

Councillor Suspension of the Rules Councillor Object

Action Contemplated

Councillor Hapworth Held Under the Rules Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

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

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

Councillor McClain Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McClain Refer to Admin. & Finance Voted
OR
Moved Adoption

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

Councillor McClain Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McClain Refer to Admin. & Finance Voted
OR
Moved Adoption

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

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

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

Councillor McClain Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McClain Refer to Admin. & Finance Voted

OR

Moved Adoption

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

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

Councillor McClain Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McClain Refer to Admin. & Finance Voted

OR

Moved Adoption

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

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

| Name | Department | Amount |
|---------------------|------------------------|--------------------|
| Antonio Marfongelli | Fire Department | \$70,661.82 |
| Ellen Dubinsky | Engineering Department | \$ 8,872.77 |
| | | \$79,534.59 |

Councillor McClain Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McClain Refer to Admin. & Finance Voted
OR
Moved Adoption

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

Action Contemplated

Councillor McClain Moved Adoption Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

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

Action Contemplated

Councillor McClain

Moved Adoption

Voted

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Council hereby allocates \$809,826.94 to implement the project, to be reimbursed up to a maximum amount of \$500,000.00 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and
4. That Salem Willows is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EEA's announcement of the awarding of said PARC Grant and be null and void in the event no grant is awarded.

Action Contemplated

| | | | | |
|---------------------|-----------------------|------|------|-----|
| Councillor McCarthy | Moved Adoption by RCV | Yeas | Nays | Abs |
|---------------------|-----------------------|------|------|-----|

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

Letter from the Mayor with his recommendation of the setting of the current fiscal year tax rate. (See below for letter in full)

Dear Councillors:

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

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

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

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

*Proposed, not voted on yet.

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

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

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

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

We always strive to manage the overall tax burden on our City's property owners. We look for efficiency in operations and opportunities for regionalization or streamlining services. Technology and performance improvement strategies help us reduce the cost of doing business. We shift the cost of government off property taxpayers by pursuing grant opportunities and by looking to revenue options that shift those costs to visitors, whenever possible.

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

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

I hope you share our collective vision for a vibrant, thriving City that delivers quality public services in as efficient and affordable a manner as possible. Previous Councils and the previous administration worked collaboratively over the years to eliminate prior deficits, improve city finances, and balance our books with an eye on both the needs of today and our aspirations for the future. It was not always easy, but whatever

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MAYOR’S INFORMATIONAL PAGE

the cause of our challenges, we weathered them and are today still resiliently positioned for success, with strong growth, a declining unemployment rate, record bond ratings, and award-winning balanced budgets. This legacy is validation that Salem’s fiscal policies are of the highest standard and that the path we have set for ourselves is the correct one for our community.

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

Sincerely,
Dominick Pangallo
Mayor
City of Salem

Action Contemplated

Councillor McClain

Received and Filed

Voted



CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

RESIDENTIAL FACTOR

Determination of the percentage of total taxes to be borne by the four (4) classes of property

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

Action Contemplated

Councillor McClain Moved Adopted by RCV YEAS NAYS ABS

Councillor McClain Moved for Immediate Reconsideration in hopes it would not prevail
DENIED

OPEN SPACE EXEMPTION

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

Action Contemplated

Councillor McClain Moved Adopted by RCV YEAS NAYS ABS

Councillor McClain Moved for Immediate Reconsideration in hopes it would not prevail
DENIED

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

RESIDENTIAL EXEMPTION

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

Action Contemplated

Councillor McClain Moved Adopted by RCV YEAS NAYS ABS

Councillor McClain Moved for Immediate Reconsideration in hopes it would not prevail

DENIED

SMALL COMMERCIAL EXEMPTION

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

Action Contemplated

Councillor McClain Moved Adopted by RCV YEAS NAYS ABS

Councillor McClain Moved for Immediate Reconsideration in hopes it would not prevail

DENIED

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

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

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

Action Contemplated

Councillor Cohen

Moved adopted for first passage

Voted

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

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

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

Action Contemplated

Councillor Stott

Moved adopted for first passage

Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

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

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

Action Contemplated

| | | | | |
|-------------------------|-----------------------|------|------|-----|
| Councillor Cohen/Varela | Moved adoption by RCV | Yeas | Nays | Abs |
|-------------------------|-----------------------|------|------|-----|

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMITTEE REPORTS

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Establishing an Outdoor Dining Policy, has considered said matter and would recommend (Action unknown meeting held after agenda deadline.)

| | |
|--------------------------|-------|
| Accept the Report | Voted |
| Adopt the Recommendation | Voted |

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend (Action unknown meeting held after agenda deadline) (if carrying any matters forward than the committee report shall state that rule 29B be suspended so the matters may be carried over into the new year of 2024)

| | |
|--------------------------|-------|
| Accept the Report | Voted |
| Adopt the Recommendation | Voted |

Councillor Stott offered the following report for the Committee of the to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend (Action unknown meeting held after agenda deadline) (if carrying any matters forward than the committee report shall state that rule 29B be suspended so the matters may be carried over into the new year of 2024)

| | |
|--------------------------|-------|
| Accept the Report | Voted |
| Adopt the Recommendation | Voted |

Councillor Prosniewski offered the following report for the Committee on Government Services to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend (Action unknown meeting held after agenda deadline) (if carrying any matters forward than the committee report shall state that rule 29B be suspended so the matters may be carried over into the new year of 2024)

| | |
|--------------------------|-------|
| Accept the Report | Voted |
| Adopt the Recommendation | Voted |

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMITTEE REPORTS

Councillor Hapworth offered the following report for the Committee on Community & Economic Development to whom was referred the matter of Carrying Matters Forward has considered said matter and would recommend (Action unknown meeting held after agenda deadline) (if carrying any matters forward than the committee report shall state that rule 29B be suspended so the matters may be carried over into the new year of 2024)

| | |
|-------------------|-------|
| Accept the Report | Voted |
|-------------------|-------|

| | |
|--------------------------|-------|
| Adopt the Recommendation | Voted |
|--------------------------|-------|

Councillor Varela offered the following report for the Committee on Public Health, Safety and Environment to whom was referred the matter of adopting the Specialized Opt-In Code (Specialized Code), has considered said matter and would recommend: Adoption

| | |
|-------------------|-------|
| Accept the Report | Voted |
|-------------------|-------|

| | |
|--------------------------|-------|
| Adopt the Recommendation | Voted |
|--------------------------|-------|

Councillor Varela offered the following report for the Committee on Community & Economic Development to whom was referred the matter of Carrying over Matters in Committee, has considered said matter and would recommend: Matters be carried into the new year of 2024:

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

#21 Creating a Composting Ordinance.

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

#505 Use, Sale and Distribution of Balloons.

| | |
|-------------------|-------|
| Accept the Report | Voted |
|-------------------|-------|

| | |
|--------------------------|-------|
| Adopt the Recommendation | Voted |
|--------------------------|-------|

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

Report of the Planning Board to the City Council relative to Inclusionary Housing Ordinance.

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

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

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

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

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

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

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

Action Contemplated

| | | |
|---------------------|--------------------------|-------|
| Councillor Morsillo | Moved Received and Filed | Voted |
|---------------------|--------------------------|-------|

Inclusionary Housing Zoning Ordinance (see backup for full text)

Action Contemplated

| | | |
|---------------------|---|--------------------------------|
| Councillor Morsillo | Moved Adoption for first passage by RCV OR Refer to Comm. on Ord. Lic. & Legal Affairs co-posted with C.O.W. | Yeas Nays Abs Voted |
|---------------------|---|--------------------------------|

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING
PETITIONS

Petition from Comcast to Install Conduits at the corner of North St and Federal St. (for service at 36 Federal St.).

HEARING ORDERED January 11, 2024

The Following License Applications:

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

(2024 Licenses)

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

Action Contemplated

Councillor Morsillo

Moved Granted

Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

PETITIONS

The Following License Applications:

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

SECONDHAND CLOTHNG: Boston Street Resale 134 1/2 Boston St. Salem

Action Contemplated

Councillor Morsillo Moved Refer Comm. on Ord., Lic & Legal Affairs Voted

The Following Claim:

Richard Purcell 21 Ravenna Ave Salem

Action Contemplated

Councillor Morsillo Moved referred Comm. on Ord., Lic. & Legal Affairs Voted

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING
UNFINISHED BUSINESS

Second Passage of an Ordinance relative to Sidewalk Permits

In the year Two Thousand and Twenty-Three

An Ordinance to amend an Ordinance relative to Sidewalk Permits.

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

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

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

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

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

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING
UNFINISHED BUSINESS

for seating within a public street within the urban renewal districts, however, must receive both redevelopment authority and city council approval.”

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

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

Action Contemplated

Councillor Morsillo

Adoption for Second and Final Passage

Voted

Second Passage of a BOND ORDER in the amount of \$2,000,000.00 for a feasibility study regarding a potential new school building at the existing SHS site.

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

Action Contemplated

Councillor McClain

Moved Adoption for Second Passage by RCV

Yeas Nays Abs

CITY OF SALEM
DECEMBER 7, 2023
REGULAR MEETING

UNFINISHED BUSINESS

Second Passage of a Traffic Ordinance relative to Resident Sticker Parking

In the year Two Thousand and Twenty-Three

An Ordinance Relative to Traffic

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

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

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

And inserting:

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

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

Action Contemplated

Councillor Watson-Felt Moved Adoption for second and final passage Voted

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