## City of Salem, Massachusetts Office of the City Clerk

Ilene Simons City Clerk



Room 1 City Hall

February 8, 2024

#### MEETING NOTICE AND AGENDA

## (ORIGINALLY TO BE HELD ON THURSDAY, FEBRUARY 8, 2024 – DUE TO TECHNICAL ISSUES WITH WEBSITE POSTPONED UNTIL FEBRUARY 12, 2024)

The Salem City Council will hold its regular meeting in-person on **Monday, February 12, 2024**, at 7:00 P.M. in the Council Chambers, 93 Washington Street, 2<sup>nd</sup> floor for the purpose of discussing any and all business.

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/81327457094?pwd=aFVhSnFDbHNJUFJOZnlDUklPTy84Zz09

Password: 814491

Go to the website link <a href="https://zoom.us/join">https://zoom.us/join</a>. Enter **Webinar ID: 813 2745 7094** 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 **Webinar ID**: **813 2745 7094** 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."

A Regular Meeting of the City Council was held in-person on Monday, February 12, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 8, 2024, at 9:16 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 Hapworth presided.

Councillor moved to dispense with the reading of the record of the previous

meeting. **VOTED** 

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

### Salem City Council Land Acknowledgment

The Salem City Council honors that this land is Naumkeag, or fishing place, where generations of Naumkeag people from the Pawtucket band of the Massachusett Tribe lived and passed through for centuries.

We acknowledge that this is unceded Indigenous land and also acknowledge the Massachusett Tribe, who continue to honor and hold this land into the present.

Salem's City Council is committed to having ongoing meaningful dialogue with the indigenous peoples who have presence in Salem in order to dismantle the legacies of oppression and inequities that persist today.

#### **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 by either of the following two methods:

 On-line form by using the link below: https://records.salem.com/Forms/PublicMeetingSpeaker

This form will be available beginning 6:30 P.M. on Thursday, February 8, 2024, 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.

## **HEARINGS**

ORDERED: Comcast to install	conduits on Central St. for service at 311 Derby St	t.
APPEARING IN FAVOR:		
APPEARING IN OPPOSITION	<b>1</b> :	
Action Contemplated		
Councillor Jerzylo	Moved to close the Public Hearing	Voted
Councillor Jerzylo	Moved Granted	Voted

## **HEARINGS**

ORDERED: Comcast to install co	onduits on Church St. for service at 71 Washing	ton St.
APPEARING IN FAVOR:		
APPEARING IN OPPOSITION:		
Action Contemplated		
Councillor Watson-Felt	Moved to close the Public Hearing	Voted
Councillor Watson-Felt	Moved Granted	Voted

## **HEARINGS**

ORDERED: Centerline Communications to install telecommunications attachments/conduit in
the Public Right of Way 252R Bridge St

g ,	<b>G</b>	
APPEARING IN FAVOR:		
APPEARING IN OPPOSITION	N:	
Action Contemplated		
Councillor Stott	Moved to close the Public Hearing	Voted
	Moved to close the Public Hearing	Voted
Councillor Stott	Moved Granted	Voted

### <u>APPOINTMENTS AND REAPPOINTMENTS</u>

Held from January 11, 2024, meeting the Mayor's Re-Appointments with the following terms to expire:

Name	Board	Term Length	Term Expiration
Jason Sydoriak	Affordable Housing Trust Fund Board	2 years	January 25, 2026
Jason Leese	Affordable Housing Trust Fund Board	2 years	January 14, 2026
Patrcia Small	Council on Aging Board	3 years	January 14, 2027
Gwendolyn Rosemond	Public Art Commission	2 years	January 11, 2026
Norene Gachignard	Public Art Commission	2 years	January 11, 2026

**Action Contemplated** 

Councillor Varela Confirmation by RCV Yeas Nays Abs

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

Name Adress **Board** Term to Expire 1 Geneva St **Zoning Board of Appeals** September 15, 2024 Ellen Simpson Hannah Osthoff 15 Roslyn St Zoning Board of Appeals May 1, 2026 Paul Carson 4 Parker Ct. Bicycling & Shared Path Comm. February 14, 2025

**Action Contemplated** 

Councillor Varela Confirmation by RCV Yeas Nays Abs

The Mayor's appointment of Yamilis Cruz of 190 Bridge St., to the Scholarship and Education Committee with a term to expire on April 11, 2025.

Councillor Varela Suspension of the Rules Councillor Object

Action Contemplated

Councillor Varela Held Under the Rules Voted

## **APPOINTMENTS AND REAPPOINTMENTS**

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

			<u>Term</u>
<u>Name</u>	<b>Board</b>	<b>Term Length</b>	<b>Expiration</b>
Sam (Sara) Fiore	Beautification Committee	3 years	2/22/2027
Tina Zelano	Board of Assessors	3 Years	2/22/2027
Tom Campbell	Conservation Commission	3 Years	2/22/2027
Bart Hoskins	Conservation Commission	3 Years	2/22/2027
George Barbuzzi	Council on Aging	3 Years	2/22/2027
Dr. Jeremy Schiller	Board of Heath	3 Years	2/22/2027
Richard Lobsitz	Board of Trust Fund Commissioners	12 years	4/1/2036

Councillor Varela Suspension of the Rules Councillor Object

**Action Contemplated** 

Councillor Varela Held Under the Rules Voted

### COMMUNICATIONS FROM THE MAYOR

**ORDERED:** That the sum of Seventy-Six Thousand, Four Hundred Twenty Dollars and Eighty-Nine Cents (\$76,420.89) 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	
Thomas Bucher	Salem School Department	\$21,600.00	
	·	***	
Judith Borden	Salem School Department	\$35,100.00	
Patricia Mento	Salem School Department	\$19,720.89	
		\$76,420.89	
ıncillor Merkl	Sus. of the Rules	Councillor	Objectio
on Contemplated			
ıncillor Merkl	Refer to the Comm. on Adm	in. & Finance	
	OR Moved Adoption		Vote
			. 0

**ORDERED:** To accept the donation of Three Thousand Five Hundred Dollars (\$3,500.00) from Breanna Stead. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) in accordance with the recommendation of His Honor the Mayor.

**Action Contemplated** 

Councillor Merkl Moved Adoption Voted

### **COMMUNICATIONS FROM THE MAYOR**

RESOLUTION: A Tax Increment Finance (T.I.F) Request For Chambers Property Holdings, LLC to build out a restaurant to be located at 65 Washington Street

**WHEREAS**, Chambers Property Holdings, LLC (hereinafter "Owner") has purchased the commercial condominium unit at 65 Washington Street, Salem, MA, known as City of Salem Assessor's Parcel ID 35-0600-801 (hereinafter the "Property"); and

**WHEREAS**, the Owner intends to build out the 3,212 square foot space into a 76-seat restaurant with commercial kitchen, restroom facilities, and back-of-house storage and office space (hereinafter "the Project"); and

**WHEREAS**, the Owner shall enter into a lease agreement with the Chambers Restaurant Group, LLC (hereinafter "Operator") for the purposes of operating and managing the Project once completed and creating 27 new employment opportunities; and

**WHEREAS**, the City of Salem (hereafter "City") is willing to grant tax concessions in return for a guarantee of the realization of the Project;

### NOW, THEREFORE, BE IT RESOLVED that the Salem City Council hereby

- Incorporates the whereas clauses herein; and
- Endorses the use of Tax Increment Financing as a tool to encourage economic development at the Property; and
- Provides for a tax exemption at the Property for a period of five (5) years, beginning
  the first full fiscal tax year after Certificate of Occupancy is issued for the Property in
  accordance with the schedule below:

Term	Exemption %
1	100%
2	100%
3	75%
4	50%
5	25%

Said exemption being in accordance with M.G.L. Chapter 23A, Section3E, Chapter 40, Section 59, Section 5.

### COMMUNICATIONS FROM THE MAYOR

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized, on behalf of the City, to enter into a Tax Increment Financing Agreement, a copy of which is attached hereto, with the Owner and the Operator.

**BE IT FURTHER RESOLVED** that the City of Salem is hereby authorized to apply to the Economic Assistance Coordinating Council (EACC) for approval of the Tax Increment Financing Agreement.

**Action Contemplated** 

Councillor Merkl Refer to the Comm. on Admin. & Finance

Co-posted with Comm. of the Whole

OR

Moved Adoption by RCV Yea Nay Abs

Tax Increment Finance Agreement between the City of Salem and Chambers Restaurant Group, LLC for a restaurant located at 65 Washington Street (See Back-up for complete text of Agreement)

**Action Contemplated** 

Councillor Merkl Refer to the Comm. on Admin. & Finance

Co-posted with Comm. of the Whole

OR

Moved Adoption by RCV Yea Nay Abs

Voted

Voted

## **MAYOR'S INFORMATIONAL PAGE**

## **NONE**

## <u>CITY OF SALEM</u> <u>FEBRUARY 12, 2024</u> REGULAR MEETING

### MOTIONS, ORDERS AND RESOLUTIONS

Ordinance amending Traffic Ch. 42 Sec. 51B -Parking Prohibited at Certain Times on Certain Streets and 57A – Parking Time Limited: Unmetered Zones – Pleasant Street

In the year Two Thousand and Twenty-Four

An Ordinance Relative to Traffic

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

**Section 1.** Section 51B of Article V be amended by repealing the following:

Pleasant Street – Parking Prohibited at Certain Times on Certain Streets - on the easterly side, beginning thirty-eight (38) feet from the intersection of Pleasant Street and Webb Street and proceeding southerly for a distance of one hundred twenty-five (125) feet. Fifteen (15) minute parking limit. (4/13/87)

**Section 2.** Section 57A of Article V be amended by repealing the following:

Pleasant Street – Parking Time Limited: Unmetered Zones - easterly side, starting at a point fifty-nine (59) feet from the intersection of Bridge Street in a southerly direction for a distance of eighty-four (84) feet. Two hour parking. (12/5/80 DPW 5-1905)

And inserting the following:

Pleasant Street – Parking Time Limited: Unmetered Zones - easterly side, beginning forty-five (45) feet south of the intersection with Bridge Street and extending in a southerly direction for fifty (50) feet, thirty (30) minute parking limit, Monday through Sunday, 8:00 A.M. to 6:00 P.M.

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

**Action Contemplated** 

Councillor Watson-Felt

Moved Adoption for first passage

Voted

## **MOTIONS, ORDERS AND RESOLUTIONS**

**ORDERED:** That the Committee on Public, Health, Safety and Environment co-posted with the Committee of the Whole meet to discuss the encampment on the South Harbor Walkway on issues relating to but not limited to health-related concerns, public nuisance matters, public safety for all and the well-being of the people staying in that area.

Action Contemplated		
Councillor Jerzylo	Moved Adopted	Voted

### **COMMITTEE REPORTS**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Granting of Certain Licenses Secondhand Valuables: Record Exchange 256 Washington St., Witch City Consignment 301 Essex St., EcoATM (Shaws) 11 Traders Way, EcoATM (Walmart) 450 Highland Ave. has considered said matter and would recommend these licenses be granted.

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Meeting to introduce a study and discussion of right-on-red ordinances and State laws for all traffic lights in the City of Salem. This meeting will introduce the data provided by the Traffic and Parking Department with additional data provided by the Police Department Traffic Division. We will also review the Federal Highway Administration's Manual on Uniform Traffic Control Devices guidance on right-on-red. Subsequent meetings will drill down on the data in three sections, to be determined at this meeting. The backup material contains a map of all traffic lights and the data provided, as well as a list of articles related to right-on-red, has considered said matter and would recommend the matter remain in Committee.

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Varela offered the following report for the Committee on Government Services coposted with the Committee of the Whole to whom was referred the matter of Creating an Election Commission and the process involved, has considered said matter and would recommend the matter remain in Committee.

Accept the Report Voted

Adopt the Recommendation Voted

## **COMMITTEE REPORTS**

Councillor Varela offered the following report for the Committee on Government Services coposted with the Committee of the Whole to whom was referred the matter of a request from Eagle Scout Colin Bowker for his Eagle Scout Project to move the existing memorial of Benjamin Pierce at the rotary of Church St. and St. Peter's St., to the center island on Church St. alongside a new plaque dedicated to Major General Stephen Abbot, has considered said matter and would recommend Adoption.

Accept the Report Voted

Adopt the Recommendation Voted

### **COMMUNICATIONS FROM CITY OFFICIALS**

The following order was submitted by the City Solicitor relative to the exemption of MGL Ch. 268A, Sec. 20 (b)

**ORDERED:** In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that the following have met the requirements for exemption as set forth in this Section and may be retained through the Senior Citizen Tax Work Off Abatement Program by the Community Life Center, not to exceed 500 hours in this calendar year:

Participant	Title	Department
Susan Burton	P/T Poll worker–Elections	City Clerk
Marie Brescia	P/T Poll worker–Elections	City Clerk
Constance Fabello	P/T Poll worker–Elections	City Clerk
Kathleen	Part time Receptionist at	Park, Recreation and
Fitzgerald	the CLC	Community Services
Joyce Greer	P/T Poll worker–Elections	City Clerk
John Henkelman	Seasonal/part-time worker	Park, Recreation and
	at Winter Island	Community Services
Patricia Kasprzyk	P/T Poll worker–Elections	City Clerk
Margaret MacNeil	P/T Seasonal worker at	Park, Recreation and
	Winter Island	Community Services
Elaine	P/T Seasonal worker at	Park, Recreation and
McCormack	Winter Island	Community Services
Wendy Meigs	P/T Poll worker–Elections	City Clerk
Barbara Osika	P/T Receptionist at CLC &	Park, Recreation and
	P/T Poll worker–Elections	Community
		Services/City Clerk
Nancy Roney	P/T File Clerk in Finance	Finance Department
	Department & P/T Poll	and City Clerk
	worker - Elections	
Pamela Shelton	P/T Poll worker–Elections &	City Clerk/ Park,
	P/T Charter Street	Recreation and
	Cemetery	Community Services
Madeline von	P/T Library Aide	Public Library
Jaeger		
David Wolfenden	P/T Seasonal worker at	Park, Recreation and
	Winter Island	Community Services

**Action Contemplated** 

Councillor Morsillo Moved Adoption by RCV Yeas Nays Abs

## <u>CITY OF SALEM</u> <u>FEBRUARY 12, 2024</u> REGULAR MEETING

### **COMMUNICATIONS FROM CITY OFFICIALS**

The following order was submitted by the City Clerk relative to the Election Order for the March 5, 2024 Presidential Primary

ORDERED: That the meetings of the qualified voters of the City of Salem be held in the several voting precincts in the City at the polling places designated hereinafter on **Tuesday**, **March 5**, **2024**, for the purpose of casting votes in the Presidential Primary Officers for the election of candidates of political parties for the following office:

ORDENO: Que las reuniones de los votantes calificados de la Ciudad de Salem se celebren en los varios recintos electorales de la Ciudad en los lugares de votacion designados a continuacion el martes 3 de marzo de 2024, con el proposito de emitir votos en las primarias presidenciales para los candidatos de los partidos politicos para los siguientes cargos:

PRESIDENTIAL PREFERENCE.....FOR THIS COMMONWEALTH PREFERENCIA PRESIDENCIAL.... POR ESTA MANCOMUNIDAD

STATE COMMITTEE MAN.....SECOND ESSEX DISTRICT COMISIONADO ESTATAL.....DISTRITO SEGUNDO DE ESSEX

STATE COMMITTEE WOMAN......SECOND ESSEX DISTRICT COMISIONDA ESTATAL......DISTRITO SEGUNDO DE ESSEX

WARD COMMITTEE......CITY OF SALEM COMITE DISTRITAL.....CIUDAD DE SALEM

AND BE IT FURTHER ORDERED: That the following places be and hereby are designated as polling places for said meetings:

Y SE ORDENE ADEMÁS: Que los siguientes lugares sean y por la presente sean designados como lugares de votación para dichas reuniones:

### **WARD ONE / DISTRITITO UNO**

PRECINCT 1 Bentley Academy, 25 Memorial Drive

RECINTO 1 Gimnasio, Escuela Bentley Academy, 25 Memorial Drive

PRECINCT 2 Community Room, 135 Lafayette Street Sala Comunitaria, 135 Lafayette Street

#### WARD TWO / DISTRITITO DOS

PRECINCT 1 & 2 Community Life Center, 401 Bridge Street
RECINTO 1 & 2 Centro De Vida Comunitaria, 401 Bridge Street

### **COMMUNICATIONS FROM CITY OFFICIALS**

#### **WARD THREE / DISTRITO TRES**

	WARD THIRLE / BIGTRITO TREG
PRECINCT 1 & 2 RECINTO 1 & 2	Salem High School Auditorium, 77 Willson Street Auditorio, Salem High School, 77 Willson Street
	, taanone, calem ingin conces, in trimoon calest
	WARD FOUR / DISTRITO CUATRO
PRECINCT 1 & 2 RECINTO 1 & 2	Witchcraft Heights School Gymnasium, 1 Frederick Street Gimnasio, Escuela Witchcraft Heights, 1 Frederick Street
	WARD FIVE / DISTRITO CINCO
PRECINCT 1 & 2	Saltonstall School Auditorium, 211 Lafayette Street
RECINTO 1 & 2	Auditorio, Escuela Saltonstall School, 211 Lafayette Street
	WARD SIX / DISTRITO SEIS
PRECINCT 1 & 2	Bates School Gymnasium, 53 Liberty Hill Avenue
RECINTO 1 & 2	Gimnasio, Escuela Bates School, 53 Liberty Hill Avenue
	WARD SEVEN / DISTRITO SIETE
PRECINCT 1 & 2	Salem State Enterprise Center, 121 Loring Avenue
RECINTO 1 & 2	Salem State Enterprise Center, 121 Loring Avenue
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AND BE IT FURTHER ORDERED: That the polls at said meetings be opened at 7:00 a.m. and closed at 8:00 p.m. and that the City Clerk be instructed to post this notice as required by law.

Y SE ORDENE ADEMÁS: Que las urnas en dichas reuniones se abran a las 7:00 a.m. y se cierren a las 8:00 p.m. y que se instruya a la Secretaria de la Municipal para que publique este aviso como lo exige la ley.

**Action Contemplated** 

Councillor Prosniewski Moved Adoption by RCV Yeas Nays Abs

### **PETITIONS**

The Following License Applications:

PUBLIC GUIDES: Lemaris Bell 116 Boston St., Salem

Kimberly Bizjak 40 St. Peter St., Salem Grace Cuplin 202 Jefferson Ave., Salem Julia Finn 1 Ledgewood Way, Peabody Scott Freedman 44 Northridge Rd., Beverly MaryBeth Gardner 204 Jefferson Ave., Salem Joyce Harrington 50 Freedom Hollow, Salem

Brian McCarron 14 Lyman St., Beverly Rebecca Parry 2 Wallace Rd., Marblehead Andrew Pennacchio 17 Coolidge Rd., Melrose

Walter Prince 40 Auburn St., Saugus

Pamela Cyran Swanson 394 Essex St., Salem

Katherine Travers 394 Essex St., Salem Mikhail Trubnikov 10 Hardy St., Salem

TAXI OPERATORS: Yudelka Rosario 104 Lafayette St., Salem

Marino De Los Santos 12 Pope St., Salem

Jose Munoz 16 Cherry St., Salem

Leandro Aristy Cedeno 37 Cook St., Lynn Edward Batista 12 Cherry St., Salem Cristain Vicioso 22 Pingree St., Salem Welfry RV Baez 52 Dow St., Salem

Ramon R Rodriguez-Suazo 100 Lafayette St., Salem

Sandra Rosario 196 Loring Ave., Salem Pedro Sanchez 16 ½ Chase St., Salem

VEHICLE FOR HIRE: OPERATORS ONLY

Victor Antolini 19 Melch Rd., Lynnfield

Councillor Morsillo Moved Granted Voted

The Following License Applications:

SECONDHAND CLOTHING: Re-Find 72 Washington St., Salem

**Action Contemplated** 

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

### **PETITIONS**

The Following Claim: Anthony Marks 22 Kosciusko St., Peabody

**Action Contemplated** 

Councillor Morsillo Moved referred Comm. on

Ord., Lic. & Legal Affairs

Voted

The Following Drainlayer/Contractor Operator Licenses:

Bartlett & Steadman 67R Village St., Marblehead

Caruso Corp. 320 Charger St., Revere

Caruso & McGovern 1 Industrial Way, Georgetown

DUC Residential LLC PO Box 780, Lynnfield

R DiLisio Co.Inc 113 Fayette St., Lynn

Thomas Mackey & Sons 58 Broadway, Salem Meninno Construction 76 Oakville St., Lynn D&M Civil 30 Log Bridge Rd., Middleton Murray Masonry 24 Caller St. Rear, Peabody

Raffaele Construction 233 Burrill St., Swampscott

**Action Contemplated** 

Councillor Morsillo Moved Granted Voted

## **UNFINISHED BUSINESS**

**NONE** 

On the motion of Councillor Prosniewski the meeting adjourned at

P.M.