

City of Salem, Massachusetts
Office of the City Clerk

Ilene Simons
City Clerk



Room 1
City Hall

April 9, 2024

MEETING NOTICE AND AGENDA

The Salem City Council will hold its regular meeting in-person on Thursday, April 11, 2024, at 7:00 P.M. in the Council Chambers, 93 Washington Street, 2nd 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/81045040573?pwd=U3p5UFU2U2wvL2lJcXNoVEVLSmJTQT09>

Password: 207775

Go to the website link <https://zoom.us/join>. Enter **Webinar ID: 810 4504 0573** 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: 810 4504 0573** 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
APRIL 11, 2024
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, April 11, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 9, 2024, at 11:16 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 Massachusetts Tribe lived and passed through for centuries.

We acknowledge that this is unceded Indigenous land and also acknowledge the Massachusetts 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:

1. 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 the Tuesday before the 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.

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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.

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HEARINGS

NONE

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APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor’s appointment of Justin Bates, 313 Essex Street to serve on the Conservation Commission for a term to expire on March 28, 2027

Action Contemplated

Councillor Watson-Felt Confirmation by RCV Yeas Nays Abs

The Mayor’s reappointments of the following with terms to expire:

Name	Board/Commission	Term Length	Term Expiration
Joy Livramento-Bryant	Community Preservation Committee	2 years	5/10/2026
Brendan Casey	Traffic & Parking Commission	3 years	5/11/2027
Aaron Paternoster	Salem Housing Authority	5 years	3/28/2029

Councillor Varela Suspension of the Rules Councillor Object

Action Contemplated

Councillor Varela Held Under the Rules Voted

Mayor’s re-appointment of Steven Havey to serve as a Constable with a term to expire on March 18, 2027.

Action Contemplated

Councillor Morsillo Moved Received and Filed Voted

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COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Sixty Thousand Dollars (\$60,000.00) 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 enhanced security at Salem Public Library and CLC in accordance with the recommendation of His Honor the Mayor.

Description	Amount
20002422-5846HO	\$60,000.00
Total	\$60,000.00

Councillor Merkl	Sus. of the Rules	Councillor	Obj.
Action Contemplated			
Councillor Merkl	Refer to the Comm. on Admin. & Finance		Voted
	OR		
	Moved Adoption		Voted

ORDERED: That the sum of Fifty-One Thousand Five Hundred Fifty-Two Dollars and Eighty-Seven Cents (\$51,552.87) 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
Bernard Szczechowicz	Fire Department	\$51,552.87
		\$51,552.87

Councillor Merkl	Sus. of the Rules	Councillor	Obj.
Action Contemplated			
Councillor Merkl	Refer to the Comm. on Admin. & Finance		Voted
	OR		
	Moved Adoption		Voted

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COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Fifteen Thousand Four Hundred Sixty-Two Dollars and Zero Cents (\$15,462.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec – Golf Course "Contracted Services" account 16512-5320 for costs associated with a temporary golf cart lease in accordance with the recommendation of His Honor the Mayor.

Description	Amount
Receipts Reserved – Golf Course	\$ 15,462.00
Total	\$ 15,462.00

Councillor Merkl	Sus. of the Rules	Councillor	Obj.
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Action Contemplated

Councillor Merkl	Refer to the Comm. on Admin. & Finance	Voted
	OR	
	Moved Adoption	Voted

ORDERED: To accept the donation from Biff Michaud in the amount of Nineteen Thousand Five Hundred Dollars (\$19,500) to the Salem Police Department to purchase drones. These funds will be deposited into the Police Donation Fund 24111-4830 in accordance with the recommendation of His Honor the Mayor.

Action Contemplated

Councillor Merkl	Moved Adoption	Voted
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COMMUNICATIONS FROM THE MAYOR

An Ordinance to amend an ordinance relative public guides

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

Section 1. Chapter 40, Section 40-27 *Application requirements; exemptions* is hereby amended by deleting this section in its entirety and replacing it with the following:

“Sec. 40-27. Application requirements; exemption.

- (a) Each applicant who applies for a public guide license shall be at least 18 years of age and submit to and clear a criminal background investigation through the Massachusetts Criminal Offender Record Information (CORI) process.
- (b) Any person while acting as teacher employed by a public or private school may function as a public guide for students enrolled in such school without first applying for a public guide license.
- (c) For licenses effective January 1, 2025 and thereafter, applicants may apply for one of three license types, tours of up to 10 participants, tours of up to 29 participants or a tours with a maximum of 40 participants, not including the guide, for a fee set forth in Sec.14-38 of this Code.
- (d) Public guides not utilizing any form of amplification after January , 2025 shall be eligible for a fee discount as provided in section 14-38 of this Code.”

Section 2. Chapter 40, Section 40-28. *Contents; badge of licensee* is hereby amended by adding the following new paragraph at the end of this section:

“Effective January 1, 2025, each public guide shall also display a badge, placard or decal issued by the city indicating the permitted tour size.”

Section 3. Chapter 40, Sec. 40-30. *Prohibitions* is hereby amended by adding the following new prohibitions:

- “(11) Stop a tour to point out or impart information if within twenty-five feet of another stopped tour;
- (12) Conduct a tour with more than forty participants; or
- (13) Conduct a tour without having obtained a one-time safety and compliance briefing offered by the Salem Police Department.”

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COMMUNICATIONS FROM THE MAYOR

Section 4. Amend section 40-31 Revocation; penalty by adding a new sentence at the end of this section:

“Any public guide receiving three notices of violation during a licensed period shall be immediately referred to the City Council for a revocation of license hearing. Unless otherwise voted by the City Council, license revocations shall be effective for the current licensed period and one additional licensed period.

Section 5. This Ordinance shall take effect as provided by City Charter.

Action Contemplated

Councillor Morsillo	Moved Referred to the Comm. on Ord., Lic. & Legal Affairs OR Moved Adopted for first passage	Voted
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An Ordinance to amend an ordinance relative to the fee schedule.

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

Section 1. Chapter 14, Section 14-38 Fee Schedule is hereby amended by deleting the following:

- “Guide public 10.00” and
- “Public guide examination fee:
 - One time examination passing30.00
 - First re-examination0.00
 - Second and subsequent re-examinations30.00”

And inserting the following new fees:

- “Public guide fee, annual
- 2024
- \$10.00 new applicant; \$20 late renewal
- 2025 and thereafter
- Permitted group size 10 of less: 150
- Permitted group size 11-29: 250

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COMMUNICATIONS FROM THE MAYOR

Permitted group size 30-40: 350

Wireless communication system discount: 50”

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

Action Contemplated

Councillor Morsillo	Moved Referred to the Comm. on Ord., Lic. & Legal Affairs OR Moved Adopted for first passage	Voted
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An Ordinance to amend an ordinance relative to non-criminal disposition of ordinance violations

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

Section 1. Chapter 1-10 Non-criminal Disposition of Ordinance Violations is hereby amended by deleting penalties for violations of section 40-26, Public guide licenses in its entirety and replacing it with the following:

“ [Section 40-26](#), Public guide licenses.

Penalty:

First offense\$100.00

Second offense \$200.00

Third and subsequent \$300.00

Subsequent offense may result in license suspension or revocation per Sec. 40-31

Enforcing persons: Police, licensing inspector, and fire, health and building inspectors.”

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

Action Contemplated

Councillor Morsillo	Moved Referred to the Comm. on Ord., Lic. & Legal Affairs OR Moved Adopted for first passage	Voted
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CITY OF SALEM
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COMMUNICATIONS FROM THE MAYOR

An Ordinance to amend an Ordinance relative to Water and Sewers

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

SECTION I: Chapter 46. Sec. 46-35. Meters is hereby amended by deleting paragraph (d) *Estimates of use of water* in its entirety and replacing it with the following paragraph:

“(d) Water Usage Estimates: In instances when an actual read is not being received due to reasons such as meter or MIU malfunction, but not excluding other causes, the water taker shall be billed based on the historical average. For commercial or industrial water takers, the water registrar will estimate the daily volume for billing purposes. In cases where actual readings are not available for the main meter but a deduct meter is getting actual reads, the estimate will be calculated based on the actual reads of the deduct meter and historical variances between the two meters.”

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

Action Contemplated

Councillor Morsillo	Moved Referred to the Comm. on Ord., Lic. & Legal Affairs OR Moved Adopted for first passage	Voted
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ORDERED: That the City Council hereby approves the submittal of the City of Salem’s Application for Federal Assistance to the United States Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds for the period of July 1, 2024 through June 30, 2025 in the amount determined by HUD’s formula entitlement allocation estimated at (\$1,050,00.00).

Action Contemplated

Councillor Merkl	Moved Adopted	Voted
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MAYOR’S INFORMATIONAL PAGE

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

This letter is being submitted to you for informational purposes to request the Council convene a meeting of the Committee of the Whole in early May for the purposes of hearing a presentation from the Department of Planning and Community Development regarding Smart Growth Zoning Overlay Districts (M.G.L. Chapter 40R) and the Housing Development Incentive Program.

Both of these tools exist to help create additional housing and we anticipate one or more projects in Salem intend to pursue them in this calendar year. Therefore, we are requesting the opportunity to provide briefing to Councillors and the public, and answer questions that you may have regarding these programs. The purpose of this meeting is to educate Councillors and the public about these programs generally and will not touch on specific projects.

Additional information about both programs can be found online at <https://www.mass.gov/info-details/chapter-40r> and <https://www.mass.gov/info-details/housing-development-incentive-program-hdip>.

We look forward to the opportunity to speak with Councillors about these two programs and how we might be able to leverage them to help us meet our community’s housing needs.

Sincerely,

Dominick Pangallo
Mayor, City of Salem

Action Contemplated

Councillor Hapworth

Moved referred to the Committee
of the Whole

Voted



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MOTIONS, ORDERS AND RESOLUTIONS

NONE

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COMMITTEE REPORTS

COMMITTEE REPORTS

NONE

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COMMUNICATIONS FROM CITY OFFICIALS

The City Solicitor submitted the following Order relative to Outdoor Dining.

ORDERED: In accordance with City Ordinance Chapter 38 and the City of Salem Outdoor Dining Policy, the City Council hereby authorizes the City Solicitor to prepare a license agreement to allow the businesses set forth below to occupy city property for outdoor dining. Such approval is subject to any limitations or conditions required of the Disability Commission, Redevelopment Authority, Design Review Board and Licensing Board.

BUSINESS	ADDRESS	LICENSED SPACE
Couch Dog Brewing Co., LLC	76 Lafayette St.	320 s.f. Street
O'Neill's Irish Pub	120 Washington St.	320 s.f. Street
Bella Verona	107 Essex St. Unit UR	517 s.f. Street

Action Contemplated

Councillor Cohen

Moved Adopted

Voted

The City Planner submitted the following Order relative to Special Municipal Employees

ORDERED: That the environmental consultants of Beals & Thomas, Inc., 144 Turnpike Road, Southborough, MA are hereby designated as Special Municipal Employees so they may provide temporary consultant services to support the administration of the Salem Conservation Commission.

Action Contemplated

Councillor Varela

Moved Adopted

Voted

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REGULAR MEETING

PETITIONS

The Following License Applications:

PUBLIC GUIDES:

- Janie M. Balistreri 66 Cottage Street Apt 2, Everett, Ma
- John Wendler, 2 Derby Square #306, Salem, Ma
- Melissa Nierman 7 Crombie Street #13 Salem, Ma
- Thomas O'brien Vallor, 18 Boardman St Apt 3, Salem, Ma
- Mollie Stewart, 1 Gerrish Place Apt. 2, Salem, Ma
- Jodi Brandbury, 102 Derby St. Salem, Ma
- Stephanie Clements, 12 Hawthorne Blvd, Salem, Ma

Action Contemplated

Councillor Morsillo	Moved Granted	Voted
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The Following License Applications:

- | | |
|------------------------|---|
| SECOND HAND CLOTHING: | To Do Ta Done, 3 Pleasant St, Salem, Ma |
| SSECOND HAND VALUABLE: | To Do Ta Done, 3 Pleasant St, Salem, Ma |

Action Contemplated

Councillor Morsillo	Moved Referred to the Comm. on Ord., Lic. & Legal Affairs	Voted
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PETITIONS

Request from Camilo Divanne to hold a hearing on his denial of his taxi operator license

Action Contemplated

Councillor Morsillo	Moved Referred to the Comm. on Ord., Lic. & Legal Affairs to hold a hearing (Executive Session if necessary)	Voted
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The Following Claims:

Jacqueline Johnson 11 Aycliffe Road Swampscott, Ma
Mathew Butman 131 Ocean St. Apt 70, Lynn, Ma

Action Contemplated

Councillor Morsillo	Moved referred Comm. on Ord., Lic. & Legal Affairs	Voted
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The Following Drainlayer/Contractor Operator License Applications:

Brennan Construction, Inc 57 Rear Grove Street, Salem, MA
S.J Olson General Contractors LLC 177 Essex Street, Lynnfield, MA
P V Barone Corp 18 Central Street Winthrop, MA

Action Contemplated

Councillor Morsillo	Moved Granted	Voted
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The following Bonds:

DRAINLAYER: S.J Olson General Contractors LLC 177 Essex St, Lynnfield, MA

Action Contemplated

Councillor Morsillo	Moved referred Comm. on Ord., Lic. & Legal Affairs & Returned Approved	Voted
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UNFINISHED BUSINESS

Second Passage of an ordinance to amend an ordinance relative to short-term rentals

In the year Two Thousand and Twenty-Four

An Ordinance to amend an ordinance relative to short term rentals.

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

Section 1. Chapter 15 Short-Term Residential Rentals is hereby amended by

- a) deleting the words “utility bill” or “deed” as they appear in the Section 15.2 Definition of “primary residence”;
- b) replacing the word “units” in the title of section 15.5 with the word “uses “
- c) inserting the following new sentence at the end of Section 15.5(c) Residential units contracted for hospital stays: “This exemption shall only apply when a unit is occupied for the use specified in this section.”
- d) Amending Section 15-4 - Ineligible residential units by adding the following new section: “(6) Effective April 12, 2024, more than two units in any one building.”

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

Action Contemplated

Councillor Morsillo

Moved Adoption for Second Passage

Voted

Second Passage of an ordinance to amend an ordinance relative to certificates of fitness

In the year Two Thousand and Twenty-Four

An Ordinance to amend an ordinance relative to certificates of fitness.

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

Section 1. Section 2-705. *Certificate of fitness of rented dwelling unit, apartment or tenement* of Chapter 2, Division 3. Board of Health is hereby amended by adding the following new paragraph:

“(m) *Subpoena Power for Investigative Purposes.* The Salem Board of Health is hereby authorized to issue subpoenas requiring the attendance of witnesses, or the production of records, documents, and other pertinent evidence, in relation to its

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investigations for potential non-compliance with the provisions set forth in this ordinance. Upon the failure of any person to comply with a subpoena issued pursuant to these regulations and not vacated or modified, the Commission may apply to the Superior Court for an order requiring compliance.”

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

Action Contemplated

Councillor Morsillo Moved Adoption for Second Passage Voted

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 51 of Article V be amended by inserting the following:

Lafayette Street – Parking Prohibited on Certain Streets – Westerly side, from intersection with Raymond Avenue, extending northward for forty (40) feet.

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

Action Contemplated

Councillor Varela Moved Adoption for Second Passage Voted

On the motion of Councillor Prosniewski the meeting adjourned at

P.M.