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

llene Simons City Clerk



Room 1 City Hall

November 16, 2021

### **MEETING NOTICE AND AGENDA**

The Salem City Council will meet remotely on Thursday, November 18, 2021, at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business via remote participation in accordance with Chapter 20 of the Acts of 2021. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the city's website, at <u>www.salem.com</u>. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the city's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

For this meeting, members of the public who wish to watch, listen or provide comment (if applicable) during the meeting may do so in the following manner:

Please click the link below to join the webinar: <u>https://us02web.zoom.us/j/89162431043?pwd=amZQWGhYUm5vOWVKMzdkOHlySkpZZz09</u> Password: 875986

Go to the website link <u>https://zoom.us/join</u>. Enter meeting/webinar ID# 891 6243 1043 Followed by the meeting password above if directed to do so.

Or 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#: 891 6243 1043 and 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)

Watch meeting live on SATV on Channel 22.

Members of the public wishing to speak on the agenda items must follow the "How to Sign Up for Public Testimony" outlined on the agenda below.

Members of the public wishing to speak during hearings designated as public hearings may do so by following how to participate noted above.

Very truly yours,

ILENE SIMONS CITY CLERK

ATTEST:

"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 remotely via zoom on Thursday, November 18, 2021, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on November 16, 2021, at 9:23 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Madore presided.

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

VOTED

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

### PUBLIC TESTIMONY

# Public Testimony not to exceed 15 minutes Name must be on roster 30 minutes prior to meeting Agenda items only

Public Testimony not to exceed 15 minutes. Public Testimony is not a public hearing or question and answer period. Public Testimony shall only pertain to Agenda items. Sign up must occur 30 minutes prior to meeting.

### How to Sign Up:

Due to Chapter 20 of the Acts of 2021, anyone wishing to present testimony at a City Council meeting regarding a matter on the agenda, may sign up until the date of the meeting by 6:30 P.M. by email. Please email <u>isimons@salem.com</u> and include your name, address, subject matter you wish to speak about, phone number, email address and screen name in which you will be using that evening. If you are able you may participate in Public Testimony remotely or the Council President will read your comment into the record if emailed.

### **HEARINGS**

Held from the last meeting of October 28, 2021

ORDER: National Grid & Verizon to install 1 Jointly Owned Pole at 310 Lafayette St.

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Councillor Turiel	Moved Public Hearing be Closed by RCV			
		Yeas	Nays	Absent
Councillor Turiel	Moved Granted by RCV	Yeas	Nays	Absent

### **HEARINGS**

ORDER: National Grid to relocate 1 pole on Naumkeag St.

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Councillor McCarthy	Moved Public Hearing be Closed by RCV			
		Yeas	Nays	Absent
Councillor McCarthy	Moved Granted by RCV	Yeas	Nays	Absent

### **HEARINGS**

ORDER: National Grid to install cable replacements on Bridge St., Waite St.& Pierce Ave.

APPEARING IN FAVOR:

**APPEARING IN OPPOSITION:** 

Councillor Hapworth	Moved Public Hearing be Closed by RCV			
·		Yeas	Nays	Absent
Councillor Hapworth	Moved Granted by RCV	Yeas	Nays	Absent

### **APPOINTMENTS AND REAPPOINTMENTS**

Held from the last meeting, The Mayor's appointment James Willis 18 Pingree St to the Affordable Housing Trust Fund Board with terms to expire October 28, 2022.

Action Contemplated

Councillor McCarthy	Confirmation by RCV	Yeas	Nays	Abs
Councillor McCartry	Commation by RCV	reas	mays	ADS

The Mayor's re-appointments of the following with terms to expire:

NAME BOARD		TERM TO EXPIRE				
Ezekiel Holt Deborah Greel Cynthia Nina-Soto John Russell Alice Williams John Hayes Phillip Koch Richard Nye	Commission on Disabilities Licensing Board Redevelopment Authority Council on Aging Council on Aging Sustainability, Energy & Resiliency Sustainability, Energy & Resiliency Sustainability, Energy & Resiliency	November 15, 2024 December 3, 2027 December 8, 2026 November 15, 2024 November 15, 2024 November 15, 2024 November 15, 2024				
Action Contemplated						
Councillor Flynn	Confirmation by RCV	Yeas Nays Abs				

#### **COMMUNICATIONS FROM THE MAYOR**

ORDERED: That the sum of One Hundred Fifty-Nine Thousand, Eighty-Seven Dollars and Forty-Nine Cents (\$159,087.49) is hereby appropriated from General Stabilization to the "Human Resources Retro Wages Account" (11521-5161) for the FY2021 and FY2022 retroactive wages for the pay increases for the fiscal year 2021 contract settlement reached with the Salem Police Patrolmen's Association in accordance with the recommendation of Her Honor the Mayor.

Councillor Turiel	Suspension of the Rules	Councillor	Ob	ojection
Action Contemplated				
Councillor Turiel	Refer to the Comm. on Adm OR Moved Adoption by F		Yeas Na	ys Abs

ORDERED: That the sum of Eighty-One Thousand Three Hundred Twelve Dollars and Four Cents (\$81,312.04) 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	
Carolyn Townsend	Salem Public Schools	\$34,234.40	
Heidi Smith	Salem Public Schools	\$36,219.20	
Jeffrey Bachmann	Fire Department	\$10,858.44	
		\$81,312.04	
Councillor Turiel	Suspension of the Rules	Councillor	Objection
Action Contemplated	I		
Councillor Turiel	Refer to the Comm. on Adr OR Moved Adoption by		Nays Abs

#### **COMMUNICATIONS FROM THE MAYOR**

ORDERED: That the sum of Fifty Thousand Dollars (\$50,000.00) is hereby transferred from the Finance Department's "FT Salaries" account (11351-5111) to the Finance Department's "Contracted Services" account as provided below to cover payment associated with temporary contract accounting services for FY2022 due to department vacancies in accordance with the recommendation of Her Honor the Mayor.

Description	Fund		Amount
Contracted Services	11352-5308		
		\$	50,000.00
		\$	50,000.00
Councillor Turiel	Suspension of the Rules	Councillor	Objection
Action Contemplated	I		
Councillor Turiel	OR	fer to the Comm. on Admin. & Finance OR Moved Adoption by RCV	

ORDERED: 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 Four Hundred Twenty-Nine Dollars and Twenty-Five Cents (\$429.25) of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2022 Electrical Department budget as listed below in accordance with the recommendation of Her Honor the Mayor.

Department	Vendor	Amount	
Electrical	Delande Lighting Dagle Rexel <b>Total</b>	\$ 44.70 \$279.96 \$104.59 <b>\$429.25</b>	
Councillor Turiel	Suspension of the Rules	Councillor	Objection
Action Contemplated	I		
Councillor Turiel	Refer to the Comm. O Ol Moved Adopt (2/3 vote requ	R ion by RCV Yea	as Nays Abs

#### **COMMUNICATIONS FROM THE MAYOR**

ORDERED: To accept the donation from Salem Saves Animals in the amount of One Thousand Dollars (\$1,000.00) for the K9 program at the Salem Police Department. These funds will be deposited into the K9 Donation Account - Fund (2412) account number 24121-4830 in accordance with the recommendation of Her Honor the Mayor.

Action Contemplated

### **Resolution: Expressing Support for Commonwealth Wind**

**WHEREAS**: The Commonwealth of Massachusetts 83C III Solicitation represents a transformative opportunity to invest in and create substantial renewable power for Massachusetts, reduce our carbon footprint, expand and grow our tax base, and create hundreds of green energy jobs; and,

<u>WHEREAS</u>: The Commonwealth Wind partnership between Crowley Maritime, Vineyard Wind, and the City of Salem stands as a strong complement to New Bedford's Marine Commerce Terminal, enabling Massachusetts to expand its overall port capacity and retain the Commonwealth's position as a national and even global leader in offshore wind development; and,

<u>WHEREAS</u>: Salem's deep-water port provides sufficient upland area, a federally maintained navigation channel, and no height or width limitations, making it one of only a few ports in the northeast United States with the physical characteristics necessary for floating turbines; and,

<u>WHEREAS</u>: Locally, the Commonwealth Wind project would leverage substantial private funding to carry out an estimated \$150 million in critical improvements to Salem's aging port infrastructure and bring an immediate and enduring positive economic and social benefit to the entire North Shore region through jobs and growth; and,

<u>WHEREAS</u>: Salem itself has a storied and proud history of looking to the sea to ensure a prosperous and vibrant future for our community, and the Commonwealth Wind project builds on and continues that legacy.

**NOW THEREFORE BE IT RESOLVED**: That the Mayor of the City of Salem and the Salem City Council expresses its strongest possible support for the Commonwealth Wind project proposed in response to the Commonwealth of Massachusetts's current 83C III Solicitation.

#### **COMMUNICATIONS FROM THE MAYOR**

**AND BE IT FURTHER RESOLVED**: That a copy of this Resolution be submitted to the 83C Solicitation Evaluation Committee and the Office of the Governor of the Commonwealth of Massachusetts.

**Action Contemplated** 

Councillor Riccardi	Moved Adoption by RCV	Yeas	Nays	Abs

ORDERED: Upon payment of an unpaid parking fine and the donation of two non-perishable items or canned goods to be donated to local food pantries, the City Collector shall waive, from December 1, 2021 – December 23, 2021, up to thirty dollars in late fees added to an unpaid parking fine, as provided in Section 17A of the City of Salem Traffic Code. The Collector shall not waive any surcharge imposed by the Massachusetts Registry of Motor Vehicles if the Collector has notified the Registry of Motor Vehicles of an unpaid fine and a nonrenewal of license and/or registration has been recorded by the Registry of Motor Vehicles.

Action Contemplated

Councillor Morsillo	Moved Adoption by RCV	Yeas	Nays	Abs	
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ORDERED: Parking at all City owned lots, garages, and on-street spaces shall be free of charge on the following days:

- 1. Friday, November 26
- 2. Saturday, November 27
- 3. Sunday, November 28
- 4. Thursday, December 23
- 5. Friday, December 24
- 6. Saturday, December 25
- 7. Sunday, December 26

Councillor Hapworth	Moved Adoption by RCV	Yeas	Nays	Abs

## **MAYOR'S INFORMATIONAL PAGE**

<u>NONE</u>

#### MOTIONS, ORDERS AND RESOLUTIONS

#### Councillor Madore

ORDERED that the Committee on Ordinances, Licenses, and Legal Affairs co-posted with Committee of the Whole meet to deliberate and edit where necessary the following zoning ordinance amendment relative to home occupations and return to the full Council with a recommendation.

An Ordinance to amend an ordinance relative to home occupations.

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

**Section 1.** The City of Salem Zoning Ordinance Section 3. Table of Principal and Accessory Use Regulations, Section E. Accessory Uses, Home Occupation is hereby amended as follows:

E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Home occupation	Υ	Y	Y	Y	Ν	Ν	Ν	Y	Ν	Ν	Y

**Section 2.** 3.2.2 Home Occupations is hereby amended by deleting in its entirety and be replaced as follows:

**3.2.2 Home Occupations.** Professional offices and other home occupations involving the use of a room or rooms in a dwelling to carry on activities in which goods, wares or merchandise are not commercially created or handled are allowed by right, provided that any such home occupation:

- 1. Shall be operated entirely within a dwelling unit, with no display visible from the street.
- 2. Shall be operated only by the residents of the dwelling unit.
- 3. Shall utilize not more than twenty-five (25) percent of the gross floor area of the dwelling unit.
- 4. Shall display not more than one (1) non-electric announcement sign of an area not greater than one and one-half (1.5) square feet and attached against the building and not protruding therefrom.

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

Councillor Madore	Moved Adopted by RCV	Yeas	Nays	Abs
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#### MOTIONS, ORDERS AND RESOLUTIONS

#### Councillor Madore

ORDERED That the Committee on Ordinances, Licenses, and Legal Affairs co-posted with Committee of the Whole meet to deliberate and edit as necessary the following ordinance amendment relative to bicycle safety and return to the full Council with a recommendation, and that the Mayor or their designee, Traffic & Parking Director or their designee, Chairs of the Traffic and Parking Commission & Bicycle Advisory Committee or their designees, and the Director of Public Services or their designee be invited.

An Ordinance to amend an ordinance relative to bicycle safety

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

Section 1. The City of Salem's Code of Ordinances is hereby amended to insert:

Chapter 50. Bicycle Safety

#### 1. Purpose

To eliminate fatalities and injuries on City streets in accordance with the City's transportation guiding principles through safety improvements and the construction of a connected network of permanent separated bicycle lanes across the City as recommended in Salem Bicycle Master Plan adopted in October 2018.

#### 2. Definitions

- a) "Salem Bicycle Master Plan" shall mean the plan adopted by the City of Salem in October 2018 to create a framework for developing a network of complete streets.
- b) "Adequate Directionality" shall mean (1) a two-way street with a separated bicycle lane or lanes that allow bicycle travel in both directions, or (2) a one-way street with a separated bicycle lane or lanes that allow bicycle travel either in the direction of the flow of vehicular traffic or in both directions.
- c) "Connectivity" shall mean the provision of a Permanent Separated Bicycle Lane network that reflects desired routes between all major origins and destinations in the City.
- d) "Improvements" shall mean the construction of new City-owned streets, or the reconstruction of an existing City-owned street, including but not limited to full depth reconstruction, expansion, and/or alteration of a roadway or intersection. Improvements shall not include routine maintenance, repairs, restriping of the road surface, or emergency repairs to the surface of a roadway (collectively "Maintenance"), provided that existing bicycle lanes will be restored to existing conditions or better.
- e) "Separated Network" shall mean the proposed set of bicycle facilities identified in the Salem Bicycle Master Plan (Map 3), or any plan superseding it, provided, however, that any such plan shall maintain Connectivity.
- f) "Permanent Separated Bicycle Lane" shall mean a bicycle lane separated from motor vehicle traffic by a permanent vertical barrier that shall remain in place year-round, including but not limited to granite or concrete barriers and raised curbs, provided, however, that the bicycle lane need not be separated from motor vehicle traffic by a permanent vertical barrier for short stretches to accommodate crosswalks, curb cuts,

#### MOTIONS, ORDERS AND RESOLUTIONS

accessible parking and accessible loading, intersections, and Public Transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.

- g) "Public Transportation" shall mean bus and shuttle stops for the Massachusetts Bay Transportation Authority (MBTA).
- h) "Quick-Build Separated Bicycle Lane" shall mean a bicycle lane separated from motor vehicle traffic by flexible delineator posts, or a similar separator, that shall remain in place year-round, provided, however, that the bicycle lane need not be separated from motor vehicle traffic for short stretches to accommodate crosswalks, curb cuts, accessible parking and accessible loading, intersections, and Public Transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.
- i) "Temporary Traffic Control Device Separated Bicycle Lane" shall mean a bicycle lane with painted lines separated from motor vehicle traffic by traffic cones, traffic barrels, non-permanent flex posts, or a similar bicycle lane separator, that shall remain in place year-round except during significant snow events, but shall be reinstalled as quickly as is feasible following significant snow events, provided, however, that the Temporary Traffic Control Device Separated Bicycle Lane need not be separated from motor vehicle traffic for short stretches to accommodate crosswalks, curb cuts, accessible parking and accessible loading, intersections, and Public Transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.
- 3. Requirements
- a) Whenever Improvements are made to a City-owned street, the Mayor shall cause such Improvements to comply with recommendations as outlined from page 17 through 27 of the Salem Bicycle Master Plan, or any plan superseding it; provided, that if Improvements are made to a segment of the Separated Network, a Permanent Separated Bicycle Lane with Adequate Directionality shall be installed along that segment.
- b) Full compliance with the provisions of section 3(a) above is not required where the Mayor can demonstrate through a written alternatives analysis, to be made public, why it is impractical to comply with the provisions of section 3(a) above, and where there will be a loss of Connectivity if the provisions of 3(a) are not complied with, how Connectivity could be otherwise advanced, if possible.

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

Action Contemplated

Councillor Madore

Moved for first passage by RCV OR Refer to Ord., Lic. & Legal Affairs Yea Nay Abs

#### **COMMITTEE REPORTS**

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 Home Rule Petition Tax Exemptions for ADU rental properties, has considered said matter and would recommend adoption by Roll Call Vote

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Home Rule Petition for Electric Bicycles has considered said matter and would recommend adoption as amended by Roll Call Vote

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Council Rules and Orders Sec. 28c has considered said matter and would recommend (Action unknown, meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Naming of Streets in Strongwater Crossing Subdivision (Osborne Hill Dr., Amanda Way, Chanelle & Strongwater Dr.) has considered said matter and would recommend (Action unknown, meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

#### **COMMUNICATIONS FROM CITY OFFICIALS**

The following Order submitted by City Planner, Tom Daniel, to amend two items in the Cooperation Agreement between the City Council and the SRA dated February 27, 2019, regarding the disposition of the parcel at 252 Bridge Street (crescent shape lot) relative to certain dates and language clarification.

**Ordered:** The Cooperation Agreement between the City Council and the Salem Redevelopment Authority dated February 27, 2019 regarding the disposition of the parcel at 252 Bridge Street, commonly known as the Crescent Lot, hereinafter the "Agreement," is hereby amended by replacing the phrase within Section 1.1 of the Agreement as set forth below:

The SRA shall use all its lawful authority to acquire and designate a developer for the Premises in a manner consistent with its authority, the provisions of Chapter 121B and this Agreement within eighteen (18) months from the date of this Agreement.

with the following:

The SRA shall use all its lawful authority to acquire and designate a developer for the Premises in a manner consistent with its authority, the provisions of Chapter 121B and this Agreement by November 30, 2020.

**Be it Further Ordered** that the Agreement is further amended by replacing the phrase within Section 1.2 of the Agreement as set forth below:

(ii) execute land disposition agreements with such parties to conduct and complete such redevelopment in a manner consistent with the goals and objectives expressed by the Council within an eighteen (18) month timeframe.

with the following:

(ii) execute a purchase and sale agreement with such parties by December 31, 2021, to conduct and complete such redevelopment in a manner consistent with the goals and objectives expressed by the Council.

Councillor Morsillo/Riccardi	Moved adoption by RCV	Yeas	Nays	Abs
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### PETITIONS

Communication from Ed Colbert, Salem Little League President, thanking the City Council for their support and approval of a tag day to raise funds for the Jimmy Fund.

Action Contemplated

Councillor Sargent	Moved Received & Filed	Voted
Petition from Peter Vallis regardi	ng property on Tinkers Island	
Action Contemplated		
Councillor Morsillo/McCarthy	Moved referred to Ord., Lic. & Legal Affairs	Voted

The Following License Applications:

TAXI OPERATORS	: Yudelks Matos Rosario 104 Lafayette St., Salem Oscar Garcia 4 First St., Salem Pedro Sanchez 3 Harbor St., Salem				
LIMOS:	Americab 92 Jackson St. (2 Liveries) Salem Taxi 30 Federal St. (1 Livery)				
Action Contemplated					
Councillor Morsillo	Moved Granted	Voted			

## **PETITIONS**

The Following License Applications:

JUNK DEALERS:	15 Robinson Rd LLC, 15 Robinson Rd., Salem			
SECOND HAND VALUABLES:	Game Zone 270 Essex St., Salem			
Action Contemplated				
Councillor Morsillo	Refer to Comm. on Ord., Lic. & Voted Legal Affairs	1		
The Following Claims:				
	Larry Albert 4 Stone Ridge Rd., Beverly Kathryn Entner 3 Rice St., Salem Jurgen Kedesdy 8 Beachmont Rd., Salem Matthew Palumbo 18 Bluejay Rd., Lynnfield Jared Perkins 13 Preston Rd., Salem Jean Sacco 1 Riverway Rd., Salem			
Action Contemplated				
Councillor Morsillo	Moved referred to the Comm. on Ord., Lic. & Legal Affairs	Voted		

#### **UNFINISHED BUSINESS**

Second Passage of an ordinance amending a traffic ordinance relative to Ch. 42 Sec. 49, Stop Sign, Moulton Avenue

Councillor Riccardi

In the year Two Thousand and Twenty One

An Ordinance to amend an Ordinance relative to Traffic Ch. 42, Sec. 49, "Stop Sign"

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

**Section I.** Amending Chapter 42, Section 49 – "Stop Sign" is hereby amended by adding the following:

Moulton Avenue – South bound traffic on Moulton Avenue at Franklin Street

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

Action Contemplated

Councillor Riccardi Moved Adoption for Second passage by RCV Yeas Nays Abs

the meeting adjourned at P.M.