

City of Salem, Massachusetts
Office of the City Clerk

Ilene Simons
City Clerk



Room 1
City Hall

October 10, 2023

MEETING NOTICE AND AGENDA

The Salem City Council will hold its regular meeting in-person on Thursday, October 12, 2023, 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/84573661721?pwd=RDFIUjFYWGFBZnV6SXdtWmpkaGYrZz09>

Password: 045853

Go to the website link <https://zoom.us/join>. Enter Webinar ID: 845 7366 1721 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#: 845 7366 1721 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).

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
OCTOBER 12, 2023
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, October 12, 2023, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on October 10, 2023, at 1:04 P.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.

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
OCTOBER 12, 2023
REGULAR MEETING

HEARINGS

Held from the last meeting:

ORDERED: National Grid and Verizon to install 1 jointly owned pole on Boston at Fowler St.

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Action Contemplated

Councillor Watson-Felt Moved to close the Public Hearing Voted

Councillor Watson-Felt Moved Adopted Voted

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

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

Christopher Dunn Jr Redevelopment Authority April 13, 2027
 Jason Leese Affordable Housing Trust Fund Board January 14, 2024
 Liza Ruano-Lucey Affordable Housing Trust Fund Board May 26, 2024

Action Contemplated

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

Held from the last meeting the Mayor's re-appointment of Gabriel Yeager to the Scholarship and Education Committee with a term to expire September 10, 2026.

Action Contemplated

Councillor Morsillo	Move Confirmation by RCV	Yeas	Nays	Abs
---------------------	--------------------------	------	------	-----

The Mayor's appointment of William Winn to the Sustainability, Energy and Resiliency Committee with a term to expire October 26, 2026.

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

Action Contemplated

Councillor McCarthy	Held Under the Rules		Voted
---------------------	----------------------	--	-------

The Mayors re-appointment of Christopher Malstrom and Lynda Fairbanks-Atkins to the Affordable Housing Trust Fund Board with a term to expire October 26, 2025.

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

Action Contemplated

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

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

NONE

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Ordered: That the street set forth below, with limited resident permit parking, shall be designated as temporary resident permit parking only streets from October 1 to November 1, 2023, during the hours of 5:00 P.M. to 7:00 A.M., Monday through Friday, and 12:00 P.M. to 7:00 A.M. Saturday through Sunday.

Temporary Resident Permit Parking Only Streets

1. Chestnut Street from Cambridge Street to Flint Street

Action Contemplated

Councillor Watson-Felt

Moved Adopted

Voted

In the year Two Thousand and Twenty-Three

An Ordinance relative to store fortunetelling licenses

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

Section 1. Chapter 14, Division 2, Sec. 14-73. - *Licensing board authorized to license is hereby amended by deleting sub-section b) in its entirety and replacing it with the following:*

“b) Store licenses. The licensing board may issue store licenses. Only one store license may be issued per business address or in the case of a multi-unit building, only one store license may be issued per unit. A store license shall license the owner of an establishment to employ, in addition to the store owner, up to ten employees to engage in the enterprise of fortunetelling, upon the premises of the licensed store. The employee shall be considered a sublicensee and shall only be considered licensed so long as the employee is employed by the holder of the store license. Only five sublicensees may be employed within the store on the same day and time. Upon the discontinuance of employment at the licensed store, the employee shall no longer hold a valid fortunetelling license. Licenses shall be framed and prominently displayed in the store and made available for inspection. Sublicensees shall be considered employees of the store unless they qualify as a contractor pursuant to M.G.L. Chapter 149, Section 148B.”

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

Action Contemplated

Councillor Watson-Felt

Moved Adoption for first passage

Voted

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

ORDERED: That the November and December meetings be held on November 16, 2023 and December 7, 2023

Action Contemplated

Councillor McCarthy

Moved Adopted

Voted

ORDERED: That the Public Health, Safety and Environment committee discuss the following ordinance amendment to be adding a new section 31 to Chapter 24 – OFFENSES AND MISCELLANEOUS PROVISIONS:

No person shall sell, use or distribute any type of balloon (including, and not limited to, plastic, latex or Mylar balloons) inflated with any type gas including air (including, and not limited to, helium gas). No person shall dispose of any balloon in any manner, including by release into the air, other than being contained in a plastic trash bag and transported to the cities contracted trash service. and that hot air balloons and balloons used for scientific purposes by a scientific or government entity are exempt. Any person violating this bylaw shall be fined noncriminal disposition at \$50 per offense. This bylaw may be enforced by any police officer of the City of Salem.

Action Contemplated

Councillor Varela

Moved Adopted

Voted

ORDERED: That the following conditions be placed on the Utility Companies grant of locations:

“Conditions: No construction allowed until required permits are obtained. Complete application for the Street Opening & Trench Permit must be submitted at least 7 days prior to proposed start-of-work date. Refer to “Street Opening Rules & Regulations” for complete requirements through the City Engineer’s Information for Drainlayers page. Requirements include that all structures installed within public right of way shall be AASHTO H20 rated, and that sidewalks must be replaced in kind.”

Action Contemplated

Councillor Morsillo

Moved Adopted

Voted

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

COMMITTEE REPORTS

Councillor McClain offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of an Order to Approve the Certified Project application for 38 Norman St. QOZB, LLC and to authorize a TIE (Tax Increment Exemption) Agreement 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 co-posted with the Committee of the Whole to whom was referred the matter of Code of Ordinances Ch. 2 Secs 1001 (Composition) & Sec1002 (Appointments of trustees; term; vacancies) and to discuss the composition and number of trustees appointed relative to the Affordable Housing Trust Fund Board has considered said matter and would recommend: Action unknown meeting held after agenda deadline.

Accept the Report	Voted
Adopt the Recommendation	Voted

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The following order was submitted by the City Solicitor:

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Erin van de Stadt has met the requirements for exemption as set forth in this Section and may be retained as a Summer Playground Supervisor and Special Event Assistant by the Park, Recreation and Community Services Department, not to exceed 500 hours in this calendar year.

Action contemplated

Councillor Prosniewski

Moved adoption by RCV

Yea Nay Abs

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

PETITIONS

A Petition from National Grid and Verizon to install 1 jointly owned pole (#1907-50) on Derby St.

HEARING ORDERED OCTOBER 26, 2023

A Petition from National Grid and Verizon to relocate 1 jointly owned pole (#561) on Boston St.

HEARING ORDERED OCTOBER 26, 2023

Request from the residents of Chestnut St. to hold a Block Party on October 31, 2023, from 5PM – 8PM.

Action Contemplated

Councillor Watson-Felt	Moved Granted	Voted
------------------------	---------------	-------

The Following License Applications:

- PUBLIC GUIDES:** Sarah Abt 18 Wigglesworth Somerville
 Sean Dixon-Gumm 10 Hersey St Salem
 Stephen Gordon 21 Cory Lane Reading
 Johanna Hartford 3 D Fletcher Way Salem
 Arianna Meshesha 296 Washington St Salem
 Christine Morton 8 Rim St Enfield Ct
 Karen Powers 25 Ploushore Ln Greenfield, Nh
 Aaron Ross 394 Essex St Salem
 Carmen Villalobos 4 Raymond St Gloucester
 Jessica Lieb 36 Pearl St Middleboro
 Eden Tomaszewski 394 Essex St Salem
 John Rodas 19 Esquire Dr Peabody
 Michael Shine 32 Ashworth Ave Hampton, Nh

VEHICLE FOR HIRE OPERATORS ONLY: Daniel Kerrigan – K Day Operations

Action Contemplated

Councillor Morsillo	Moved Granted	Voted
---------------------	---------------	-------

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

UNFINISHED BUSINESS

Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 75 – 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 inserting the following:

Broadway – Parking Prohibitions Towing Zone (Resident Sticker) - Zone E Color Orange – southwesterly side starting at the intersection with Tulip Street and ending at the intersection with Lily Street

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

Action Contemplated

Councillor Cohen

Moved Adopted for second passage

Voted

Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 50B – Handicapped Parking

In the year Two Thousand and Twenty-three

An Ordinance to amend an Ordinance relative to Traffic, Ch. 42 Sec. 50B

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

Section 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

UNFINISHED BUSINESS

Forrester Street – along the side of 36 Forrester Street, beginning 116 feet northwest from Essex Street, running in a northwesterly direction for twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

Action Contemplated

Councillor McCarthy Moved Adopted for second passage

Voted

Second Passage of an Ordinance amending an Ordinance relative to traffic – Ch. 42 Sec. 50B – Handicapped Parking

In the year Two Thousand and Twenty-three

An Ordinance to amend an Ordinance relative to Traffic, Ch. 42 Sec. 50B

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

Section 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

Essex Street – in front of 356 Essex Street, running in an easterly direction for twenty (20) feet, “Handicap Parking, Limited Time, Tow Zone”

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

Action Contemplated

Councillor Watson-Felt

Moved Adopted for second passage

Voted

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

UNFINISHED BUSINESS

Second Passage of an Ordinance relative to Wage Theft ordinance (see back up for complete ordinance – Summary listed below)

Wage Theft Prevention Summary

Purpose. To protect workers wage theft, the improper withholding of payment from employees and failing to pay them according to required schedules; ensure City vendors comply with wage laws and that City resources are not used to support vendors responsible for wage law violations; and ensure that potential and current recipients of tax relief agreements and licenses issued to restaurants do not violate the wage laws.

Wage Theft Compliance Process. The City Solicitor's Office shall create an online complaint form that affected employees may use to report complaints and violations. The reports shall be filed with appropriate agencies and city officials.

Requirements for Contractors.

Every bid issued by the City shall notify bidders/proposers that they have an affirmative duty to report any judgment or debarment for wage within the five (5) years prior to bid submission and may not contract with the City if they have been either voluntarily or involuntarily debarred for wage theft unless the case is resolved, fees paid, and a bond posted. City contractor shall properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of prevailing wages and overtime, workers' compensation insurance coverage, taxes. If a Contractor is found to be in violation, the City may revoke, suspend or condition the contract.

Requirements for Tax Relief Agreements

Each Tax Relief Agreement entered into between the City shall require recipients 1) certify that they shall not engage any entity to perform work on the project who is subject to any debarment for wage theft and other labor laws, including workmen's compensation, with past five years; 2) maintain appropriate industrial accident insurance; and 3) properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. If the recipient is found to violate the wage laws, the City may seek to terminate the agreement.

Requirements for Licensees and Prospective Licensees.

Any application filed with Salem Licensing Board for a c. 138 or c. 140 license may be denied if there is a judgment or debarment from a violation of laws regulating the payment of wages.

CITY OF SALEM
OCTOBER 12, 2023
REGULAR MEETING

UNFINISHED BUSINESS

License issued by the Salem Licensing Board may be modified, suspended or revoked if the licensee has been found to have violations of laws regulating the payment of wages.

Employers granted a License or Permit that have disclosed a judgment or debarment resulting from a wage law may be required to obtain a wage bond or other form of suitable insurance.

Action Contemplated

Councillor Cohen

Moved Adopted for second passage

Voted

TABLED FROM THE LAST MEETING

Councillor Cohen motion to take from the table.

Councillor _____ seconded the motion.

ORDERED: That Fire Chief Dionne update the Council about the delivery of vehicles we and other North Shore communities salvaged and donated to US Ambulances for Ukraine to serve the remainder of their useful life in Ukraine's Military and Fire Services.

Action Contemplated

Councillor Cohen

Moved Received & Filed

Voted

On the motion of Councillor McCarthy the meeting adjourned at

P.M.