

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Salem, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 28th day of June, 2023.

All construction under this order shall be in accordance with the following conditions:
Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked - Boston St - Salem - Massachusetts.

June 28, 2023. Filed with this order

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Boston St - National Grid to install 1 JO Pole on Boston St beginning at a point approximately 143 feet northwest of the centerline of the intersection of Boston St and Fowler St. Install new Pole # 352-1 at approximately 42.518294, -70.907212.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of _____
Massachusetts, on the _____ day of _____ 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:
City/Town Clerk

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Salem, Massachusetts

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IT IS HEREBY ORDERED:

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I hereby certify that the foregoing order was adopted at a meeting of the
of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts City/Town Clerk.
20 .

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

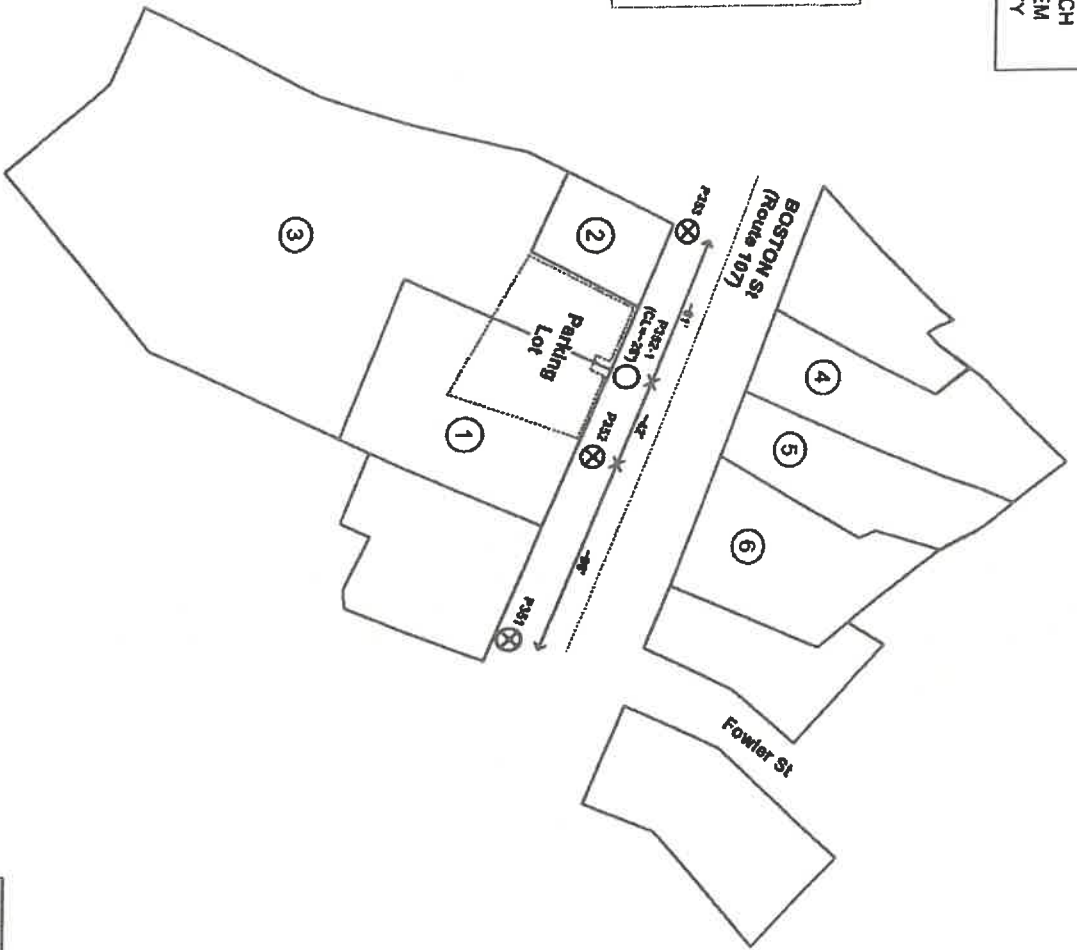
I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the _____ of the City of Massachusetts, on the _____ day of _____, 20____, and recorded with the records of location orders of the said City, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk

PETITION SKETCH
TOWN OF SALEM
ESSEX COUNTY

Legend

- Proposed JO Pole
- ⊗ Existing JO Pole
- Center Line
- Property Line
- Driveway



- 1 19 Boston St
Owner: 19 Boston St, LLC
Property ID: 25-0055-0
Book, Page: 2370, 485
- 2 27 Boston St
Owner: Sam Pinar Aam
Property ID: 25-0094-0
Book, Page: 28442, 123
- 3 25 Boston St
Owner: Lupo, Jeffrey
Property ID: 25-0870-0
Book, Page: 33524, 484
- 4 26 Boston St
Owner: 26 Boston St Realty Trust
Property ID: 25-0077-0
Book, Page: 8228, 284
- 5 24 Boston St
Owner: Finnegan Michael G
Property ID: 25-0078-0
Book, Page: 23200, 391
- 6 20 & 22 Boston St
Owner: Finnegan Michael G
Property ID: 25-0079-0
Book, Page: 23200, 333

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.



Designer: Rob Proude
ControlPoint Technologies, Inc
228 Ludgewood Place, Rockland, MA 02370
781-423-3182

nationalgrid

Petition Sketch for Poles 352-1			
Boston St Salem, MA			
WR#30846075			
Not To Scale Distances are Approximate	Drawn By: RHP	Sketch # 1	DATE 0/27/2023





CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo

Mayor

September 28th, 2023

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint the following individuals to the Salem Redevelopment Authority and Affordable Housing Trust Fund Board, respectively.

Christopher L. Dunn Jr.	91 Orchard Street	Salem Redevelopment Authority
Jason Leese	33 Williams Street	Affordable Housing Trust Fund
Liza Ruano-Lucey	7 Freeman Road	Affordable Housing Trust Fund

Mr. Dunn will complete the remainder of a five-year term previously held by Mr. David Guarino and which expires on April 13th, 2027. Mr. Leese will fill the vacancy left by John Boris for a one-year term which expires on January 14th, 2024. Ms. Ruano-Lucey will fill the vacancy created by Mickey Northcutt's resignation for a two-year term which expires on May 26th, 2024.

I strongly recommend confirmation of Mr. Dunn to the Salem Redevelopment Authority and Mr. Leese and Ms. Liza Ruano-Lucey to the Affordable Housing Trust Fund. We are fortunate that they are willing to serve our community in these important roles and lend their expertise and dedication to these boards and their work.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo

Mayor

September 28th, 2023

Honorable Salem City Council
Salem City Hall
Salem, MA 01970

Ladies and Gentlemen of the Council:

I reappoint, subject to City Council confirmation, Gabriel Yeager, of 205 Highland Avenue #2107, to the Scholarship and Education Committee for a three-year term to expire on September 10th, 2026.

I recommend confirmation of his reappointment to the committee and ask that you join me in thanking Mr. Yeager for his continued dedicated service and commitment to our community.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo

Mayor

October 12, 2023

Honorable Salem City Council
Salem City Hall
Salem, MA 01970

Ladies and Gentlemen of the Council:

I am pleased to appoint William Winn of 83 Essex Street #2 to the Sustainability, Energy and Resiliency Committee to fill a vacant seat for a three-year term to expire October 26, 2026.

I strongly recommend confirmation of Mr. Winn's appointment to the Committee. We are fortunate that he is willing to serve our community in this important role and lend his dedication to the Committee and its efforts to improve our city.

Sincerely,
Dominick Pangallo

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

October 12, 2023

Honorable Salem City Council
Salem City Hall
Salem, MA 01970

Ladies and Gentlemen of the Council:

I reappoint, subject to City Council confirmation, the following members of Affordable Housing Trust Fund to new 2-year terms to expire October 26, 2025.

Name	Address
Christopher Malstrom	45 Essex St #1
Lynda Fairbanks-Atkins	24 Pickman St #B

I recommend confirmation of their reappointments to the committee and ask that you join me in thanking Mr. Malstrom and Ms. Fairbanks-Atkins for their continued dedicated service and commitment to our community.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM

In City Council,

October 12, 2023

Ordered:

That the sum of Fifty-One Thousand One Hundred Three Dollars and Eighty Cents (\$51,103.80) 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
Daniel Saffer	Fire Department	\$51,103.80
		\$51,103.80



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

October 12, 2023

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970


Ladies and Gentlemen of the City Council:

Enclosed herewith is a request for an appropriation of Fifty-One Thousand One Hundred Three Dollars and Eighty Cents (\$51,103.80), be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146). This appropriation is necessary to fund the retirement buybacks of the following employees:

Name	Department	Amount
Daniel Saffer	Fire Department	\$51,103.80

I recommend passage of the enclosed Order and invite you to contact Human Resources Director Lisa Cammarata with any questions that you may have regarding it.

Sincerely,


Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM MASSACHUSETTS
HUMAN RESOURCES
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970
TEL. 978-619-5630

DOMINICK S. PANGALLO
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Anna Freedman, Director of Finance
DATE: September 19, 2023
RE: Retirement Stabilization Fund

 Attached you will find a retirement buyback for a former employee of the Salem Fire Department.

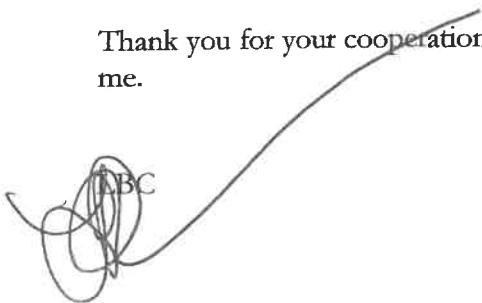
This former employee is entitled to the following amount of sick leave and vacation buyback.

Daniel Saffer

24 vacation tours @ \$365.40 per tour (2023)	\$8,769.60
13 vacation tours @ \$365.40 per tour (2022)	\$4,750.20
90 sick tours @ \$417.60 per tour	\$37,584.00
Total: \$51,103.80	

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.



LBC



CITY OF SALEM

PART A **ENTERED**
09/18/23 *ab*

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED
PERSONNEL ACTION / DATA FORM

DATE 9/13/23

NAME (LAST, FIRST, MIDDLE) Saffer, Daniel		EMPLOYEE NO. 100171	CHECK ALL THAT APPLY <input type="checkbox"/> 1. EMPLOYMENT <input type="checkbox"/> 2. WAGE/SALARY ADJUSTMENT <input type="checkbox"/> 3. TRANSFER <input type="checkbox"/> 4. LEAVE OF ABSENCE <input type="checkbox"/> 5. ADDRESS/NAME CHANGE <input checked="" type="checkbox"/> 6. TERMINATION <input type="checkbox"/> 7. OTHER
JOB TITLE Firefighter		JOB CODE	
DEPARTMENT Fire	DIVISION	DEPT. NO. 1100	

ADDRESS-STREET	CITY	STATE	ZIP CODE	SOCIAL SECURITY NO.	NEW HIRE <input type="checkbox"/>	RE-HIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	Salaried <input type="checkbox"/>				
PERMANENT <input type="checkbox"/>	20 HRS. + Part Time <input type="checkbox"/>	3 Part Time <input type="checkbox"/>	4. TEMP <input type="checkbox"/>	CML SERVICE YES <input type="checkbox"/> NO <input type="checkbox"/>	DATE APPROVED	VETERAN YES <input type="checkbox"/> NO <input type="checkbox"/>	SHIFT	PAY RATE \$	PER	SHIFT PREM.	Grade	Step
TELEPHONE NO.	DATE OF BIRTH	M <input type="checkbox"/> F <input type="checkbox"/>	SEX	ETHNIC CODE	SCHEDULED HOURS	HOURLY RATE	# DEPENDENTS	M <input type="checkbox"/> S <input type="checkbox"/>	OTHER	REQUIRED LICENSE: TYPE(S)		
CLASS		EXPIRATION DATE										

ANNIVERSARY DATE	DATE OF LAST INCREASE	PRESENT RATE PER	PROPOSED RATE PER	NEW HOURLY RATE	GRADE	STEP	EFFECTIVE DATE
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NEW DEPT. & NO.	NEW JOB TITLE	NEW JOB CODE	RATE CHANGE: YES <input type="checkbox"/> NO <input type="checkbox"/>
NEW GRADE	NEW STEP	NEW PAY RATE PER	EFFECTIVE DATE
SHIFT CHANGE: FROM		TO	

FROM	TO	DATE RETURNED
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NEW ADDRESS	STREET	CITY	STATE	ZIP CODE	NEW TELEPHONE NO.	CORRECT NAME TO
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LAST DAY WORKED 9/1/23	DATE HIRED 10/17/87	RECOMMENDED FOR REEMPLOYMENT YES <input type="checkbox"/> NO <input type="checkbox"/>
----------------------------------	-------------------------------	---

RE-SIGNED <input type="checkbox"/>	LAI <input type="checkbox"/>	END OF RE-TEMP <input type="checkbox"/>	DIS-CHARGED <input type="checkbox"/>	EXCEL <input type="checkbox"/>	GOOD <input type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>	EXCEL <input type="checkbox"/>	GOOD <input type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>	EXCEL <input type="checkbox"/>	GOOD <input type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
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NAME	TELEPHONE NO.	RELATIONSHIP
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8. EXPLANATION OF ACTION (for officer action)

FF Saffer has retired from SFD 9/1/23 @ 0800
 Buyback:
 2023 Vaca: 24 tours x 365.40 = \$8769.60
 2022 Vaca: 13 tours x 365.40 = \$4750.20
 Sick: 90 tours x 417.60 = \$37,584.00
 SMV = 242 days x 13.28 = \$3213.76
 Total: \$54,317.56

City Hall and Annex Access Control:
 #0 - ID Badge/No Access. Access only when building is open

Employee's Supervisor

FINANCE DEPARTMENT	DATE
DEPARTMENT HEAD / APPOINTING AUTHORITY	DATE
Alan E. Dionne	9/13/23
PERSONNEL DEPARTMENT	DATE

APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department Fire

Date 9/18/2023

Authorized Signature: _____

Department Head/City or Business Manager/School

NAME: Daniel Saffer 100171

CALCULATION

2023 Tours
VACATION HOURS # 24 @ \$ 365.40 = \$ 8769.60 ✓

Tours
SICK HOURS # 90 @ \$ 417.60 = \$ 37,584.00 ✓

SMV
PRO-RATED STIPENDS # 242 @ \$ 13.28 = \$ 3213.76 ✓

2022 Vacation
OTHER Tours # 13 @ \$ 365.40 = \$ 4750.20 ✓

8,769.60 +
37,584.00 +
3,213.76 +
4,750.20 +
54,317.56 *

Total Amount Due: \$ 54,317.56

Please attach corresponding PAF or other backup to this sheet.

Reason: FF Daniel Saffer has retired from SFD

9/1/2023 @ 0800

For Human Resources's Use Only:

- VACATION HOURS
- SICK HOURS
- PER ACCRUAL REPORT
- OTHER

Org and Object: 83113 - 5146

Recommendation:

Approved

HR Director/City or Superintendent/Schools



CITY OF SALEM

In City Council,

October 12, 2023

Ordered:

To accept the donation of Three Thousand Two Hundred Twelve Dollars and Eighty-Six Cents (\$3,212.86) from Salem Harbor Station. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for the annual Derby Street Mile Road Race in accordance with the recommendation of His Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

October 12, 2023

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed is a request to accept a donation from Salem Harbor Station in the amount of Three Thousand Two Hundred Twelve Dollars and Eighty-Six Cents. These funds will be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) for the annual Derby Street Mile Road Race.

In order to accept the donation approval must be given by both the Mayor and City Council. I ask that the members of the City Council join with me in accepting these funds.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS
PARK, RECREATION & COMMUNITY SERVICES
401 Bridge Street, Salem MA 01970
(978) 744-0924
Fax (978) 219-1665

Dominick Pangallo
MAYOR

Trish O'Brien
SUPERINTENDENT

October 3, 2023

Dear Mayor Pangallo,

I am writing to request the acceptance of a \$3,212.86 donation check written to the City of Salem from the Salem Harbor Station for a donation towards Park, Recreation and Community Services annual Derby Street Mile Road Race. The amount to be deposited into the Park and Recreation Donation account 24061-4830.

Thank You

Sincerely,

Trish O'Brien

Trish O'Brien
Superintendent, City of Salem
Park, Recreation and Community Services
Jean A. Levesque Community Life Center



CITY OF SALEM

In City Council, October 12, 2023

ORDERED: That the streets 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

City of Salem

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.

PART III - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND FEES
ARTICLE II. - LICENSES
DIVISION 2. FORTUNETELLING, ASTROLOGY, ETC.

DIVISION 2. FORTUNETELLING, ASTROLOGY, ETC.¹

Sec. 14-71. Purpose.

The purpose of this legislation is to regulate fortunetellers, psychics, and other similar businesses so that the city can efficiently and thoroughly investigate fraud and deception, protect the public by preventing people who have been charged with deceptive practices from having easy access to persons who may be vulnerable to fraud or confidence games, to ensure that consumers are provided with information regarding services, rates, and complaint procedures, and to foster a positive business environment for legitimate practitioners within this industry.

(Ord. of 6-14-2007, § 1)

Sec. 14-72. Definitions.

- (a) Fortunetelling shall mean the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act.
- (b) A fair is a periodic gathering of fortunetellers, as defined above, in an appointed place. A fair shall not exceed 31 days in any calendar year.
- (c) A store under this division shall mean a business whose revenue from sales and services are predominantly from the telling of fortunes, as defined in (a) above, or the sale of metaphysical products, as defined in (d) below, relating to such service. Any new store license issued pursuant to this division after May 1, 2012 shall be to a business whose revenues are no less than 75 percent from the sales, services and products defined in section 14-72.
- (d) Metaphysical products shall mean ritual tools or materials used in the study or practice of Witchcraft, Wicca, Pagan, New Age, Occult, or other spiritual belief. Products may include crystals, anointing oils, amulets, incense, candles, Tarot Cards, herbs, ritual attire, pentagrams, DVDs and books related to spiritual study or practice.

(Ord. of 6-14-2007, § 1; Ord. of 5-22-2008, § 1; Ord. of 4-26-2012, § 1)

¹Editor's note(s)—Ord. of June 14, 2007, § 1, deleted the former Div. 2, §§ 14-71, 14-72, and enacted a new Div. 2 as set out herein. The former Div. 2 pertained to similar subject matter and derived from Code 1973, §§ 15-31—15-35; Ord. of 2-12-1998, § 1.

State law reference(s)—Obtaining property by trick, pretended fortunetelling, M.G.L.A. c. 266, § 75.

Sec. 14-73. Licensing board authorized to license.

- (a) *Individual licenses.* The licensing board is authorized to issue licenses to individuals for the regulation of the business of palmistry, fortunetelling, phrenology, card reading, astrology or any such enterprise as defined in section 14-72. Individual license holders may operate within their own business. In the event an individual license holder is an employee in a store other than their own or a sublicensee of a fair, the individual must also be properly licensed in accordance with sections (b) and (c) below.
- (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 ~~five~~^{ten} employees ~~or subcontractors~~ to engage in the enterprise of fortunetelling, upon the premises of the licensed store. The employee ~~or subcontractor~~ shall be considered a sublicensee and shall only be considered licensed as 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 ~~or subcontractor~~ 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.
- (c) *Fair licenses.* The licensing board may issue fair licenses upon application thereof. The application for a fair license must include a definite, fixed address for the entire length of the proposed fair. A fair license shall only be issued to a store owner or individual who possesses a valid license as described in subsections (a) and (b) above. Those persons employed or retained by the fair license holder shall be considered a sublicensee and shall only be considered licensed as long as the individual is employed or retained by the holder of the fair license. Upon the close of the fair, the individuals employed or retained by fair applicant shall no longer hold a valid license. No fair license issued under this division shall license more than 20 individual fortunetellers, as defined in section 14-72, but no more than ten licensed fortunetellers may read at any one time on Friday, Saturday, Sunday and federal holidays and no more than five licensed fortunetellers may read at any one time Monday through Thursday.

(Ord. of 6-14-2007, § 1; Ord. of 5-22-2008, § 1; Ord. of 4-26-2012, § 1)

Sec. 14-74. License requirement and qualifications.

- (a) It shall be unlawful for any person to engage in the business of palmistry, fortunetelling, phrenology, card reading, astrology or any like enterprise in the city without a valid license issued by the licensing board.
- (b) Individual and store licenses shall be granted only to applicants who have resided or operated a business selling metaphysical products continuously in the city for at least 12 months immediately preceding the date of the application. Applicants shall be required to provide evidence, in the form of a utility bill or other documentation acceptable to the licensing board, of such residency or business. This section shall not apply to the renewal of licenses or sub-licenses.

(Ord. of 6-14-2007, § 1; Ord. of 4-26-2012, § 1)

Sec. 14-75. Exception.

This division shall not apply:

- (1) To persons solely by reason that the person is engaged in the business of entertaining the public by demonstrations of mindreading, mental telepathy, thought conveyance, magic, giving of horoscopic

Created: 2023-08-18 08:44:11 [EST]

(Supp. No. 26, Update 4)

readings or other fortunetelling at public places and in the presence of and within the hearing of other persons, and where any questions answered as part of such entertainment may be heard by all persons present at such public place.

- (2) To persons conducting or participating in any religious ceremony as a minister, missionary, medium, healer, or clairvoyant, hereinafter collectively referred to as minister, from any bona fide church or religious association that conducts regular services and has a creed or set of religious principles that is recognized by all groups of like faith, provided that the benefit, gain or advantage shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association except that the bona fide church or religious association may pay to its ministers a salary or compensation based upon a percentage only, pursuant to an agreement between the church and the ministers that is embodied in a resolution and transcribed in the minutes of such church or religious association. Upon request, a copy of such resolution and/or minutes of a meeting shall be provided to the licensing board.

(Ord. of 6-14-2007, § 1)

Sec. 14-76. Application for license.

- (a) An applicant for a fortunetelling license shall file with the licensing board, on a form issued by the police department, a written application signed under the penalties of perjury, containing the following information:

- (1) The name of the applicant.
- (2) The address of the applicant (local and permanent home address. PO Box shall not be acceptable).
- (3) The applicant's height, weight, eye and hair color.
- (4) The applicant's Social Security number.
- (5) The length of time for which the right to do business is desired.
- (6) A brief description of the nature of the business and the services to be provided.
- (7) The full true name under which the business will be conducted.
- (8) The present or proposed address where the business will be conducted.
- (9) A photograph of the applicant, which picture shall be submitted by the applicant and shall be two inches by two inches showing the face, head, and shoulders of the applicant in a clear and distinguishing manner.
- (10) A minimum of five-year employment history and educational background.
- (11) A store or fair applicant shall also provide the information required of (a) (1) through (a) (5) and (a) (9) (10) above for all sub-licensees. Fair license applications must be presented to the clerk of the licensing board no later than 45 days prior to the commencement of the fair. No more than 20 sublicensee applications will be accepted per fair.

- (b) At the time of filing the application, the applicant shall pay a fee in accordance with the fee schedule within section 14-38 along with a \$25.00 fee for each application to cover the expense of a criminal history report.

(Ord. of 6-14-2007, § 1; Ord. of 4-26-2012, § 1)

Sec. 14-77. Investigation of application and issuance of license.

- (a) Upon receipt of the application for the license required by this division, the licensing board shall investigate:
- (1) The status of the business in the office of the city clerk and the office of the secretary of state.
 - (2) The existence of consumer complaints against the applicant and/or sub-licensees in the office of the attorney general.
 - (3) The criminal and probationary record of the applicant and/or sub-licensees, either by information volunteered or background information obtained from public records or other legal means.
- (b) After the investigation of the applicant, but within 30 days of the filing of the application, the licensing board shall endorse on such application their approval or disapproval. Failure of the licensing board to act on the application within 30 days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right of appeal to the city council in writing within seven days of the denial by the licensing board. The city council must act upon the appeal at its next two regularly scheduled meetings. Failure to so act shall be deemed approval.
- (c) Such license when issued shall contain the signature of the licensing board or the approval by the city council; shall show the name, address, and photograph of the licensee; and shall show the date of issuance and the length of time the license shall be operative, as well as the license number. The licensing board shall keep a record of all licenses issued for a period of six years. Such licensee is required to display an identifying badge issued by the licensing board, by wearing such badge on an outer garment or displaying such badge in their business at a vantage point visible to the public. Each licensee is required to possess an individual license.

(Ord. of 6-14-2007, § 1)

Sec. 14-78. Enforcement.

The licensing board and the police department shall enforce this division.

(Ord. of 6-14-2007, § 1)

Sec. 14-79. Transferability of license.

No license issued under this division shall be transferred.

(Ord. of 6-14-2007, § 1)

Sec. 14-80. Revocation of license.

The licensing board has the authority, after a hearing on a complaint, to suspend or revoke licenses issued under this division. Any person aggrieved by such suspension or revocation may appeal to the city council within seven business days, and a hearing will be scheduled for one of the next two regularly scheduled meetings of the city council.

(Ord. of 6-14-2007, § 1; Ord. of 4-26-2012, § 1)

Sec. 14-81. Expiration of license.

Unless otherwise specified in this division, each license issued under this division shall continue in force for two years from the date of its issue, unless sooner revoked.

(Ord. of 6-14-2007, § 1)

Sec. 14-82. Renewal of license.

A license issued under this division may be renewed by the licensing board. An individual, store or fair applicant requesting a renewal must apply in person and provide such information as is required to obtain an initial license.

(Ord. of 6-14-2007, § 1)

Sec. 14-83. Penalty for violation of division.

Any person violating any section of this division shall be punished by a fine not to exceed \$100.00 for each and every offense.

(Ord. of 6-14-2007, § 1)

Secs. 14-84—14-100. Reserved.



CITY OF SALEM

In City Council, October 12, 2023

ORDERED: That the Regular Meetings of the City Council for the months of November and December be held on November 16, 2023 and December 7, 2023



CITY OF SALEM

In City Council, October 12, 2023

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.

CITY OF SALEM



In City Council, October 12, 2023

ORDERED: That these conditions are 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.”

City of Salem

In the year Two Thousand and Twenty-Three

An Ordinance *to amend an Ordinance relative to Traffic*

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

Section 1. Chapter 42 Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Margin Street – beginning four (4) feet north of the driveway at 80 Margin Street, running in a northly direction for twenty (20) feet

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



City of Salem, Massachusetts
Office of the City Council
City Hall



REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION

MEMO TO: Lt. David Tucker Police Traffic Division
FROM: Councilor Morsillo DATE: October 9, 2023

In accordance with the Council Rule 32A, I hereby request your recommendation for the following Traffic Ordinance:

NAME OF STREET Margin Street

TYPE OF STREET CHANGE Handicapped Zones, Limited Time

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED Near 76 Margin Street.

COUNCILLOR'S COMMENTS/EXPLANATION A resident of 76 Margin Street, who has a disability, has requested an accessible parking space. The resident has no off-street parking and the on-street parking in the area is heavily used. They often have to park a considerable distance away and have a difficult walk home.

POLICE TRAFFIC DIVISION RECOMMENDATION

The Police Traffic Division hereby submits the following recommendation for the above request:

- APPROVAL
- DENIAL
- TRIAL PERIOD

CHAPTER: 42 SECTION: 50B TITLE: Handicapped Zones, Limited Time

DESCRIPTION: Margin Street – beginning 4 feet north of the driveway at 80 Margin Street, running in a northerly direction for twenty (20) feet.

COMMENTS (IF ANY):

Lt. David Tucker

POLICE TRAFFIC DIVISION

RETURN THIS FORM TO THE CITY CLERK'S OFFICE

City of Salem Clerk's Office, 93 Washington St. Salem Massachusetts 01970

(978) 745-9595 ext 41202 www.salem.com

City of Salem

In the year Two Thousand and Twenty-Three

An Ordinance *to amend an Ordinance relative to Traffic Ch. 42, Sec. 50B – Handicapped Zones, Limited Time*

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

Section 1.

Chapter 42 Section 50B – Handicapped Zones, Limited Time shall be amended by repealing the following:

Repeal Willson Street – in front of #25 Willson Street, for a distance of twenty (20) feet

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



City of Salem, Massachusetts
Office of the City Council
City Hall



REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION

MEMO TO: Lt. David Tucker Police Traffic Division
FROM: Councilor Morsillo DATE: October 9, 2023

In accordance with the Council Rule 32A, I hereby request your recommendation for the following Traffic Ordinance:

NAME OF STREET Willson Street

TYPE OF STREET CHANGE Handicapped Zones, Limited Time

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED In front of 25 Willson Street.

COUNCILLOR'S COMMENTS/EXPLANATION The disabled resident of 25 Willson Street no longer lives there, and the accessible parking space is no longer needed.

POLICE TRAFFIC DIVISION RECOMMENDATION

The Police Traffic Division hereby submits the following recommendation for the above request:

XX APPROVAL
 DENIAL
 TRIAL PERIOD

CHAPTER: 42 SECTION: 50B TITLE: Handicapped Zones, Limited Time

DESCRIPTION: **Repeal:** Willson Street – in front of #25 Willson Street, for a distance of twenty (20) feet.

COMMENTS (IF ANY):

Lt. David Tucker

POLICE TRAFFIC DIVISION

RETURN THIS FORM TO THE CITY CLERK'S OFFICE

City of Salem Clerk's Office, 93 Washington St. Salem Massachusetts 01970

(978) 745-9595 ext 41202 www.salem.com



CITY OF SALEM

In City Council, **October 12, 2023**

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.

ELIZABETH M. RENNARD
CITY SOLICITOR
93 WASHINGTON STREET
SALEM, MA 01970
TEL: 978.619.5633
EMAIL: BRENNARD@SALEM.COM



CITY OF SALEM
DOMINICK PANGALLO, MAYOR
LEGAL DEPARTMENT
93 WASHINGTON STREET
SALEM, MASSACHUSETTS 01970

JAMES F. WELLOCK
ASSISTANT CITY SOLICITOR
TEL: 978.619.5634
EMAIL: JWELLOCK@SALEM.COM

JOANNE M. ROOMEY
PARALEGAL
PUBLIC RECORDS ACCESS OFFICER
TEL: 978.619.5638
EMAIL: JROOMEY@SALEM.COM

October 12, 2023

Salem City Council
City Hall
Salem, MA 01970

Ladies and Gentlemen of the Council:

Enclosed herewith is a proposed Order approving a Massachusetts Conflict of Interest Law exemption for Erin van de Stadt, as provided in General Law c. 268A, § 20(b), to work as a Summer Playground Supervisor and Special Event Assistant for the Park, Recreation and Community Services Department.

The Conflict of Interest Law, specifically General Law c. 268A, § 20(b), requires that because Erin van de Stadt will provide services as a Summer Playground Supervisor and Special Event Assistant to the Park, Recreation and Community Services Department, she must receive City Council approval of a § 20(b) exemption. A copy of the required disclosure forms and instructions are attached for your review.

If you have any questions relative to the proposed Order, please contact me at your earliest convenience. Thank you.

Sincerely,

Elizabeth Rennard

Enclosure

CHAPTER 268A. CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES

Chapter 268A: Section 20. Municipal employees; financial interest in contracts; holding one or more elected positions

Section 20. (a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or (b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section.

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

MUNICIPAL EMPLOYEE INFORMATION	
Name of municipal employee:	Erin van de Stadt
Title/ Position	Part time literacy tutor
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Salem Public School Department – Saltonstall School
Agency Address	211 Lafayette St. Salem MA
Office phone:	978-740-1222
Office e-mail:	
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	September 2023
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee.
Write an X beside your financial interest.	<p><input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee.
	<input type="checkbox"/> STATEMENT # 1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>- OR -</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>City of Salem Park, Recreation and Community Services</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Erin has worked in our Summer Playground Program for the past 6 years. She also works at some of our larger events throughout the school year.</p>
<p>FILL IN THIS BOX OR THE BOX ABOVE</p>	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it.
Date when you acquired a financial interest	
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.
Date when your immediate family acquired a financial interest	
Write an X to confirm each statement.	<p>FOR A CONTRACT FOR PERSONAL SERVICES –</p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	<i>Ernie VanderStaal</i>
Date:	9/27/2023

Attach additional pages if necessary.

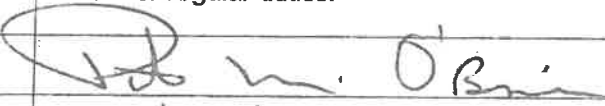
NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	Patricia O'Brien
Title/ Position	Superintendent of Salem Park, Recreation and Community Services
Municipal Agency:	City of Salem – Park, Recreation and Community Services
Agency Address:	401 Bridge St. Salem MA 01970
Office Phone:	978 744-0924
	CERTIFICATION
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	9/29/23

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

	INFORMATION ABOUT APPROVING BODY
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

Questions contact – Alex Mutz 781-423-3068

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Salem, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Derby St - National Grid to install 1 JO Pole on Derby St beginning at a point approximately 80' feet southwest of the centerline of the intersection of Derby St and Fort Ave. Installation of new Pole # 1907-50.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Derby St - Salem – Massachusetts.

No.# 30665819 September 6, 2023

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Bol Coulter*

BY _____

Engineering Department

VERIZON NEW ENGLAND, INC.






BY _____

Manager / Right of Way



PETITION SKETCH
CITY OF SALEM
ESSEX COUNTY

Legend

-  Proposed JO Pole
-  Existing JO Pole
-  Center Line
-  Street
-  Property Line

PD: 41-2584-0
Book / Page: 49248, 134
Lots of VELLARREALLUZ
1 BLOCK HOUSE SQUARE, SALEM 01970

PD: 41-2771-0
Book / Page: 49248, 134
Lots of SALEM HARBOR POWER DEVELOPMENT
26 FORT AVENUE, SALEM 01970

New
P1907-50
(EOP = 5)

PD: 41-0321-0
Book / Page: N/A
Lots of SALEM CITY OF
2 BLOCK HOUSE SQUARE
SALEM 01970

P1907-50

Fort Ave

Derby St

P2740



Designer: Alexander Meitz
ControlPoint Technologies, Inc.
200 Ludgwood Plac. Rockland, MA 02370
781-423-3068

nationalgrid	
Petition Sketch for Pole 1907-50 Derby St, Salem, MA	
Not To Scale Distances are Approximate	Drawn By: ASM
WR # 30865819	DATE 08/10/2023

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof

Questions contact – Sibhita Mahabier 781-258-9169

Petition of the Massachusetts Electric Company d/b/a National Grid
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To City Council of Salem, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked: Boston St - Salem - Massachusetts.

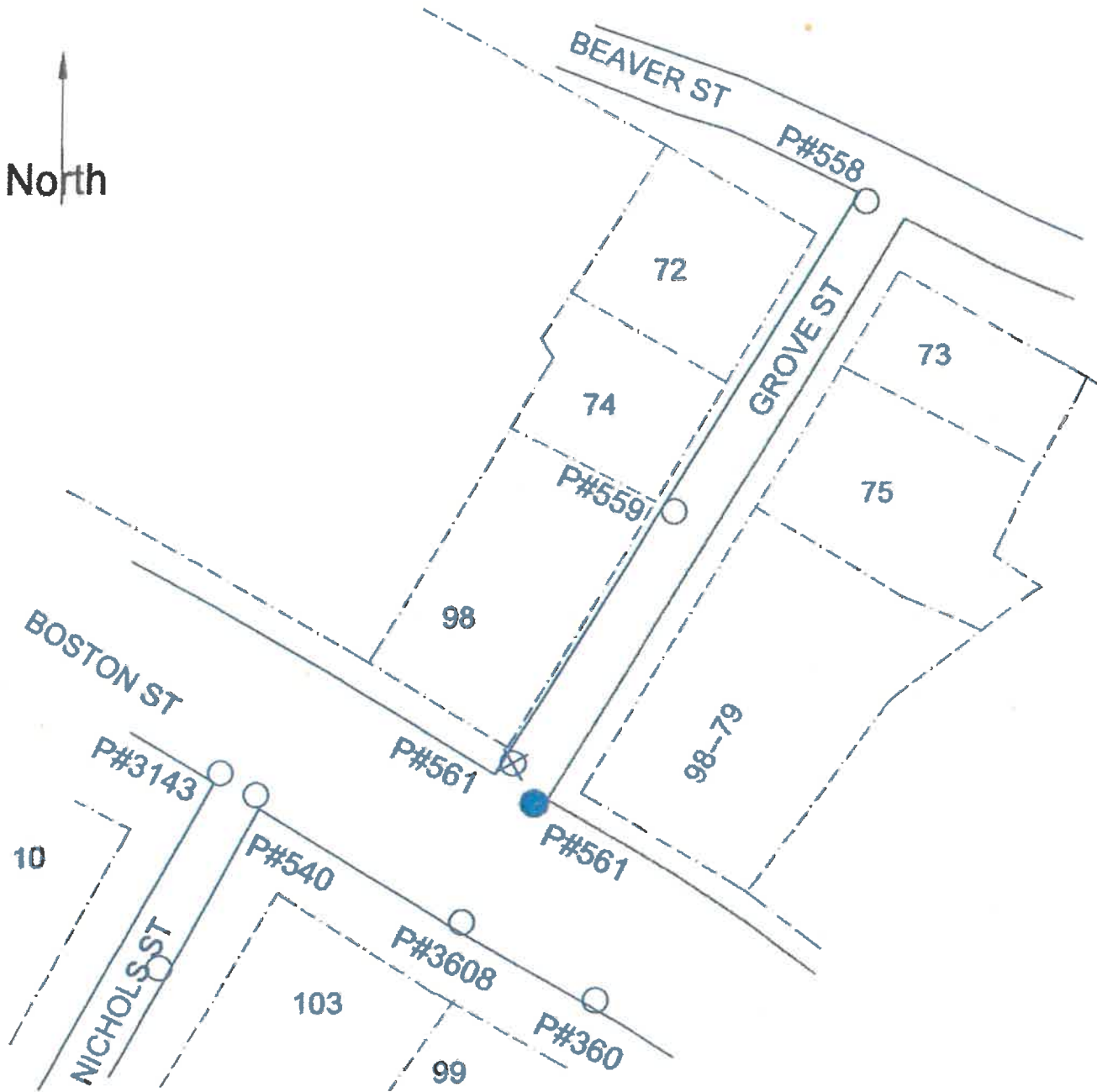
The following are the streets and highways referred to:

Plan # 30805527 Boston St - National Grid to relocate 1 JO Pole on Boston St beginning at a point approximately 5 feet north/northeast of the centerline of the intersection of Boston St and Grove St and continuing approximately 15' +/- feet in an east/northeast direction. Relocating P # 561, 15 ft +/- east/northeast towards 96 Boston St.

Location approximately as shown on plan attached

Massachusetts Electric Company d/b/a National Grid
BY *Bob Coulter*
Engineering Department

Dated: September 19, 2023



JOINT OWNED POLE PETITION

- Proposed JO Pole Locations
- Existing JO Pole Locations
- Proposed NGRID Pole Locations
- Existing J.O. Pole Locations
- Existing Telephone Co. Pole Locations
- Existing NGRID Pole Location To Be Made J.O.
- Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

nationalgrid
And
Verizon New England, Inc.

Date: 09-18-2023

Work Request Number: 12-23-30805527

To Accompany Petition Dated: 09-18-2023

To The: City Of Salem

For Proposed:Relocating Pole:#561 Location: Boston St

City of Salem

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.

In City Council September 28, 2023
Adopted for first passage

ATTEST:

ILENE SIMONS
CITY CLERK

CITY OF SALEM

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:

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.

In City Council September 28, 2023
Adopted for first passage

ATTEST:

ILENE SIMONS
CITY CLERK

CITY OF SALEM

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.

In City Council September 28
Adopted for first passage

ATTEST:

ILENE SIMONS
CITY CLERK

City of Salem

In the year Two Thousand and Twenty-Three

An Ordinance to amend an Ordinance relative to wage theft.

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

Section I. Chapter 2 of the Code of Ordinances is hereby amended by inserting the following:

“ARTICLE XIX. Wage Theft Prevention

Sec. 2-2070. Purpose.

The Salem City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Salem and in adopting this Ordinance shall protect residents from a practice commonly known as “wage theft,” the improper withholding of payment from employees and failing to pay them according to required schedules. Low income, immigrant, and limited English proficient workers, who represent a high percentage of the population of the City of Salem, are most vulnerable to this practice as are workers in the hospitality service and construction industries. Also, through this Ordinance, the City shall ensure that its vendors comply with federal and state wage laws and that City resources are not used to support vendors responsible for wage law violations. And finally, this Ordinance shall ensure that potential and current recipients of tax relief agreements and licenses issued under Massachusetts G.L. chapter 138 and chapter 140 comply with applicable wage laws.

Sec. 2-2071. Definitions.

“Administrative Citation”—a civil citation issued by the attorney general pursuant to G.L c. 149 § 27C, a civil citation issued by the Department of Labor pursuant to 29 U.S.C. § 201 et seq. and/or 29 C.F.R. § 578, or any other civil citation for violation of M.G.L. c. 149 or c. 151 and/or 29 U.S.C. § 201 et seq. issued by any other federal, state, or local administrative agency.

“Application” – an initial application or a renewal of a license or permit.

“City” -City of Salem and/or any of its political subdivisions or departments.

“Contractor” - a person or entity that holds a contract or seeks to contract with the City of Salem to provide a service, perform work, or provide materials, machinery, or labor necessary to perform work on real property. “Contractor” includes all bidders or proposers, contractors, construction managers, and subcontractors of any tier, including subcontractors that are not subject to M.G.L. Chapter 149, §44F and trade contractors under the bidder.

“Debarment/debarred” - an exclusion from contracting and financial assistance by state or federal entities for a set period of time;

“EACC”—Economic assistance coordinating council, as defined by G.L. c. 23A, § 3A and established by G.L. c. 23A, § 3B.2;

“Employ,”- to suffer or permit to work.

“Employee” – a natural person who performs work for an employer operating within the geographic boundaries of Salem, but shall not include any bona fide independent contractor as defined by G.L. c. 149 § 148B;

“Employer” – any natural person or business, whether or not incorporated or unincorporated, who suffers or permits another to work in the City of Salem, under a contract to which the City of Salem or one of its Departments is a signatory, or under agreement with the City for tax incentives, or who otherwise maintains a commercial presence in the City of Salem. This definition excludes the United States, or a corporation wholly owned by the government of the United States, and the Commonwealth of Massachusetts, its subdivisions, and corporate bodies.

“Independent contractor” – as defined in G.L. c. 149, § 148B (“Massachusetts Independent Contractor Law”) and any applicable regulations or advisory guidance implementing that statute.

“Minimum wage” – as defined at G.L. c. 151 § 1 as well as any other state or federal statute or regulation establishing a minimum fair wage for particular occupations or classes of workers.

“Overtime” – as defined in G.L. c. 151 § 1A.

“Prevailing wage” – as defined in G.L. c. 149 §§ 26-27H.

“Stop work order”—as defined in G.L. c. 152, § 25C and 452 C.M.R. § 8.00.

“Tax Relief” - any issuance of tax relief provided under a Tax Increment Financing Agreement, a Housing Development Exemption Agreement, or any other provision of law or regulation authorizing the issuance of tax relief.

“Tax Relief Agreement” - any Agreement or other form of document governing the terms and conditions of the issuance of Tax Relief by the City of Salem.

“Timely Payment of Wages” – as defined by G.L. c. 149 § 148.

“Tipped employee”-an employee engaged in an occupation in which they customarily and regularly receive tips in an amount equal to or more than the dollar amount provided in the Fair Labor Standards Act.

“Wage” – as defined by G.L. c. 149, §148.

“Wage Theft” – any action by an Employer, their officers, agents, or employees causing Employer not to make a timely and /or complete payment of wages, to pay the minimum wage or prevailing wage, or to pay overtime earned and owing to an employee.

Sec. 2-2072. Wage Theft Compliance Process.

A) Reporting Complaints and Violations

The City Solicitor’s Office shall create an online complaint form that affected employees, or any other persons, may use to report complaints and violations. Printed notice, a digital copy of which shall be prepared by the Solicitor, shall be displayed in all businesses with employees where mandatory state and

federal labor law posters are and such notice shall specify that complaints can be made anonymously. The notices shall be in all languages spoken by at least 5% of the City population in the most recent United States Census and displayed on the City's web page, City Hall and Annex. The notice shall be provided to all businesses seeking a business certificate from the City Clerk's office.

B) Filing and Receipt of Complaints

Complaints of violations of state law under G.L. c. 149 and c. 151 may be reported to the office of the City Solicitor. The City Solicitor's office shall refer reports of employees affected by wage theft in Salem to appropriate agencies. Affected employees may fill out complaint forms at the office of the City Solicitor. Complaints may be filed by an affected employee or any other person.

C) Required communication with the Attorney General's Office

Unless otherwise specified in writing by the complainant, the City shall forward each complaint submitted to it pursuant to G.L. c. 149 and c. 151 to the Commonwealth's Office of the Attorney General within 30 days of receipt.

D) Required communication with other City departments

The City Solicitor's office shall forward each verified and sustained complaint submitted to the City of Salem's Purchasing Agent, Licensing Board and City Council. If a complaint pertains to work performed at any property subject to a City-issued Tax Increment Financing (TIF) or Tax Increment Exemption (TIE) Agreement, collectively referred to herein as "Tax Relief Agreements," the City Solicitor's office shall also send a copy to the Commonwealth's Economic Assistance Coordinating Council (EACC).

E) Annual Reporting

The City of Salem shall publish an annual report, through the City Solicitor's office, detailing all verified and sustained wage theft complaints received and action taken in response to such complaints, including specifically the status or final disposition of each complaint.

Sec. 2-2073. Requirements for Contractors.

A) Requests for Proposals (RFP)/Invitation for Bids (Bid) and Successful Bidder Requirements

1. All bidders or proposers, contractors, and subcontractors, including those that are not subject to M.G.L. Chapter 149, §44F, under the bidder/proposer, shall as a condition for bidding, contracting, or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a contract or subcontract at any tier, that they comply with the requirements of this Ordinance for bidding, contracting or subcontracting and, for the duration of the project, shall comply with the Ordinance requirements and obligations.

2. Every RFP or bid issued by the Purchasing Agent or other City department shall notify bidders/proposers that they have an affirmative duty to report any criminal or civil judgment, administrative citation, or final administrative determination for wage theft against the bidder/proposer or any of its subcontractors entered within the five (5) years prior to bid submission, as well as any debarments against the bidder/proposer or any of its subcontractors in effect while its bid is pending to the City, and shall further notify bidders/proposers that if they are the successful bidder/proposer, they

and any of their subcontractors have an affirmative duty to report, within five (5) business days of receipt, any criminal or civil judgment, administrative citation, final administrative determination, order, or debarment against the bidder/proposer or any its subcontractors while their contract with the City is in effect. The RFP or bid will identify the City department and individual to whom this must be reported.

3. Every RFP or bid issued by the Purchasing Agent or issuing City department shall notify bidders/proposers that they may not contract with the City if they have been either voluntarily or involuntarily debarred for wage theft by the federal government, any agency of the Commonwealth of Massachusetts or any other state, or any municipal body—including, but not limited to, the City of Salem—for the entire term of the debarment. Such RFPs or bids shall also notify bidders/proposers that they may not use any subcontractor who has been debarred for wage theft by the federal government or any state or municipal government – including, but not limited to, the City of Salem during the period of that subcontractor’s debarment.

4. Bidders/proposers that are subject to municipal, state, or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their bids or proposals shall be rejected. Such bidders/proposers shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a Contract, upon a finding or order of such debarment or prohibition, the City may, at its sole discretion, terminate the contract without penalty.

5. Successful bidders/proposers must provide a certification of compliance as required by this Section. To the extent that the bidder/proposer has been in business for less than five years, it shall provide a certification certifying compliance for the entire period of time for which the entity has been in existence.

To the extent a judgment, citation, or final administrative order has been issued against a bidder/proposer within five years prior to its bid, provide a copy of the same, in addition to documentation demonstrating that all damages, fines, costs, and fees have been paid. In addition, the bidder/proposer must post a bond, to be maintained for the life of the contract, as specified by this Section.

6. Successful bidders/proposers must agree to post the Massachusetts Wage & Hour poster in a conspicuous location accessible to all of their employees. To the extent not all employees would have reasonable access to the notice if posted in a single location, the successful bidder/proposer must inform the Purchasing Agent of the number and location of postings in order to ensure that they provide reasonable notice to all of their employees. If the Purchasing Agent so requires, the successful bidder/proposer must make and post additional posters.

B) Certification and Disclosures

1. All bidders or proposers, contractors, and subcontractors, including those that are not subject to M.G.L. Chapter 149, §44F under the bidder/proposer, shall as a condition for bidding, contracting, or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a contract or subcontract at any tier, that they comply with the following conditions for bidding, contracting or subcontracting and, for the duration of the project, shall comply with the following requirements and obligations:

- a. Certifies to the Purchasing Agent that neither they nor any of their subcontractors, or contractors below them at any level have been subject to a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of G.L. c. 149, G.L. c. 151, or 29 U.S.C. § 201 et seq. within five (5) years of their application;
- b. Discloses to the Purchasing Agent or issuing City department any such criminal or civil judgment, administrative citation, final administrative determination, or debarment and include a copy of the same in their applications.

C) Notice Requirement

Every City department issuing an RFP or bids shall notify applicants that they have an affirmative duty to report to said department and the City Solicitor, within five (5) business days of receipt, any criminal or civil judgment, administrative citation, final administrative determination, order, or debarment against them or any of their subcontractors related to wage theft and occurring while the contract is in effect.

D) Reporting and Notice Requirements during the Contract Term

1. The contractor shall maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with M.G.L. Chapter 152 and provide documentary proof of such coverage included with the contractor's submitted bid to the City of Salem to be maintained as a public record.
2. The 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, unemployment taxes, social security taxes and state and federal income tax withholding. (See M.G.L. Chapter 149, §148B on employee classification).
3. Any construction contractor must make arrangements to ensure that each employee of every contractor and subcontractor of any tier entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; name of employee's employer and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign-in/out logs shall be provided to the Purchasing Agent upon request and shall be a public record to the extent permitted by law.
4. The contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority
5. All construction contractors shall furnish their monthly certified payrolls to the City's Purchasing Agent for all employees working on City contracts for the entire duration of the project.
6. All Contractors shall furnish to the Purchasing Agent any criminal or civil judgment, administrative citation, final administrative determination, order, or debarment related to Wage Theft and issued during

the term of their contract(s) with the City against the Contractor or its sub-contractors within five (5) business days of receipt.

7. To the extent required as set forth below, all contractors shall maintain a wage bond for the term of the contract(s) with the City.

E) Wage Bonds

Any successful bidder/proposer or contractor or subcontractor who has had a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment, resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of wages within five (5) years prior to the date it submits its bids or proposals, and that is not otherwise prohibited from public contracting, shall be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years, but in no event shall such amount be less than \$5,000. Such bond must be maintained for the terms or extensions of any Contract, and proof of such bond must be provided upon request by the City. Failure to comply with this section may constitute grounds for modification, suspension, and/or revocation of the contract at the City's discretion and without penalty to the City.

F) Suspension or Revocation of Contract/Wage Theft as Material Breach of Conditions in RFP or Bid

If a Contractor is found to be in violation of G.L. c. 149, G.L. c. 151, or 29 U.S.C. § 201 et seq., or this Section, and therefore in breach of its contract with the City, the City may take one or more of the following actions with ten (10) days' notice to said contractor:

- a. Revocation of Contractor's contract with the City;
- b. Suspension of Contractor's contract with the City; and/or
- c. Impose conditions on any future contracts with the City, including, but not limited to, the posting of a wage bond and other reasonable requirements.

G) Applicability

The requirements of this Section, including any sanctions imposed herein, that are applicable to any contractor or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform under a City contract shall also be applicable to, and effective against, any successor Employer that (i) has at least one of the same principals or officers as the prior Employer; and (ii) is engaged in the same or equivalent trade or activity as the prior Employer.

Section 2-2074. Requirements for Tax Relief Agreements

A) Minimum Mandatory Conditions

In addition to any other conditions that may be required in connection with the issuance of any Tax Relief issued by the City of Salem, each Tax Relief Agreement entered into between the City of Salem and the recipient of such Tax Relief shall be subject to and shall include a reference to the mandatory compliance with this Ordinance. The following conditions shall be required:

1. Certifications and Disclosures

It shall be a special and material condition of any Tax Relief Agreement that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the construction work on the assisted project during the term of the Agreement (hereinafter, collectively and individually, the "contractor") shall comply with the following qualifications and conditions at all times during their performance of work on the property:

a. Any and all persons, natural or corporate, who are non-government signatories to the Tax Relief Agreement shall provide the City Solicitor with a list of all construction managers, general contractors, lead or prime contractors, subcontractors, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier engaged to perform work on the property subject to the Tax Relief Plans during the term of the Agreement. An initial list must be provided to the City Solicitor prior to the start of any work on the property subject to the Tax Relief Agreement.

b. Should any additional or replacement entities be engaged to perform work on the property subject to the Tax Relief Plans during the term of the Tax Relief Agreement, the signatory must provide to the City Solicitor the name of such entity no later than fourteen (14) days after that entity begins work on the property.

c. Tax Relief Agreement recipient signatories shall further certify that they shall not engage any entity to perform work on the property covered under the Tax Relief Agreement if such entity is subject to any debarment for any reason, or an unpaid criminal or civil judgment, administrative citation, or final administrative determination for wage theft, and that they shall not (a) have entities performing work on the property who have been the subject of an indictment, judgment, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law; nor (b) have any entities performing work on the property who have been the subject of a government suspension or debarment, rejection of any bid or disapproval of any proposed contract or subcontract, including pending actions, for lack of responsibility denial or revocation of prequalification or a voluntary exclusion agreement; nor (c) have entities performing work on the property who have been the subject of any governmental determination of a violation of any public works law or regulation, or labor law or regulation or regulation of any OSHA violation deemed "serious or willful" within the five (5) year period preceding the date such Agreement is signed. If, notwithstanding such certification, any interested person gives the City of Salem written notice, via the City Solicitor, that any person or entity engaged to perform work on a property subject to a Tax Relief Agreement is subject to a debarment or an unpaid criminal or civil judgment, administrative citation, or final determination in violation of the certification provisions of this subsection and entered within the five (5) year period prior to the date the Tax Relief Agreement is signed, the City Solicitor shall write to all signatories to the Tax Relief Agreement within ten (10) business days and request that the outstanding judgment or determination be satisfied or that the person or entity subject to such judgment or determination be immediately replaced on the project.

d. The contractor has not been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage,

misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, earned sick time, wage and hour laws, prompt payment laws, or prevailing wage laws.

The requirements of this Section, including any sanctions imposed herein, that are applicable to any Employer shall also be applicable to, and effective against, any successor Employer that (i) has at least one of the same principals or officers as the prior Employer; and (ii) is engaged in the same or equivalent trade or activity as the prior Employer.

If the outstanding judgment or determination as specified in this section has not been satisfied, nor the person or entity subject to such judgment replaced on the project, within fourteen (14) days of when the City Solicitor informs the signatories to the Agreement of the outstanding violation, then the Agreement shall provide that such an event materially frustrates the public purpose for which this Agreement and any certification of the Agreement by the City was intended to advance.

2. Special and Material Conditions of Tax Relief Agreements with City of Salem

A. It shall be a special and material condition of any Tax Relief Agreement that any construction manager, general contractor, or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the work during the term of their Tax Relief Agreement on the property that is the subject of the Tax Relief Agreement shall comply with the following qualifications and conditions at all times during their performance of work on the property:

- a. maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with G.L. c.152 and provide documentary proof of such coverage to the Building Inspector to be maintained in the Building Department as a public record;
- b. 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. (G.L. c.149, §148B on employee classification);
- c. comply with G.L. c. 149, § 148 with respect to the payment of wages; and
- d. comply with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority.

B) Wage Theft Complaints for Properties Covered by Tax Relief Agreements

The City Solicitor shall promptly respond to any complaints for violations of the legal obligations outlined in this section, including complaints for wage theft that pertain to work performed at any property subject to a Tax Relief Agreement by sending notice of such complaint to all signatories of the Tax Relief Agreement within thirty (30) business days of receiving such complaint. The Solicitor may take appropriate steps to resolve such complaint after such notice is provided, including, but not limited to, arranging informal and voluntary mediations involving the affected worker, the Agreement signatories,

and any implicated contractor or subcontractor of any tier on the project. If, after the Solicitor has properly served notice of a complaint upon the signatories to a Tax Relief Agreement pursuant to this subsection, any Employer becomes subject to a federal or state criminal or civil judgment, administrative citation, stop work order, debarment, or final administrative determination resulting from a violation of any of the legal obligations outlined in this section and if such judgment, citation, or order is not satisfied or discharged, or the offending Employer replaced on the project, within fourteen (14) business days of the entry of such judgment, citation, or order, the parties agree that such an event materially frustrates the public purpose that the Tax Relief Agreement and any certification of the Tax Relief Agreement by the City was intended to advance.

C) Termination of Tax Relief Agreements

In the event the public purpose of a Tax Relief Agreement is materially frustrated pursuant to this Section, the City Council shall hold a public hearing and vote at its next regularly scheduled meeting regarding whether to terminate the tax relief provided by such Tax Relief Agreement and petition the EACC for revocation of that portion of its certification of the Tax Relief Agreement corresponding to such Tax Relief Agreement. If the termination of such Tax Relief Agreement is approved by the City Council, the owner of the property covered by such Tax Relief Agreement shall forfeit the receipt of any funds or future tax benefits and/or shall return any such funds already received in connection with the project.

D) Requirements for Successors-in-Interest

The requirements of this Section, including any sanctions imposed herein, that are applicable to any bidder, proposer, contractor or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the construction work during the term of this Agreement on the property shall also be applicable to, and effective against, any successor Employer that (i) has at least one of the same principals or officers as the prior Employer; and (ii) is engaged in the same or equivalent trade or activity as the prior Employer.

Section 2-2075. Requirements for Licensees and Prospective Licensees.

A) Violations of Wage Laws by Licensees or Permittees

Any application filed by an Employer to the Salem Licensing Board for any license issued pursuant to M.G.L. c. 138 or M.G.L. c. 140 may be denied if, during the five-year period prior to the date of the application, the applicant Employer has been subject to a federal or state criminal or civil judgment, administrative citation, order, debarment, or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of wages. Each such applicant shall certify that they have not been found guilty, liable or responsible, in the past five years, in any judicial or administrative proceeding, for any violation of any of the laws set forth above.

B) Requirements for License Holders

Any license or permit issued by the Salem Licensing Board under M.G.L. c. 138 or M.G.L. c. 140 to an Employer may be modified, suspended or revoked if, during the term of the license or permit, the licensee or permittee Employer has been subject to a criminal or civil judgment, administrative citation,

final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq. or any other state or federal laws regulating the payment of wages.

C) Wage Bonds for License Holders

Employers granted a License or Permit that have disclosed a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of wages within five (5) years prior to the date they submit their applications, or Employers granted a License or Permit who become subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of wages during the term of the License or Permit, may be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees (including tipped employees), based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms or extensions of any License or Permit, and proof of such bond must be provided upon request by the City. Failure to comply with this Section may constitute grounds for modification, suspension, and/or revocation of the license or permit.

Sec.2-2076. Severability

If any provision of this Ordinance is held invalid or unenforceable by any court, such a holding does not invalidate or render unenforceable any other provision of the Ordinance, and the rest of the Ordinance shall remain in full force and effect.

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

In City Council September 28, 2023
Adopted for First Passage
In City Council October 12, 2023