

CITY OF SALEM
FEBRUARY 22, 2024
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, February 22, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 20, 2024, at 12:53 P.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

Councillors Hapworth was recorded as absent.

The dean of the Council, Councillor Conrad Prosniewski assumed the role of Council President.

Councillor Varela moved to dispense with the reading of the record of the previous meeting. It was so voted.

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

Salem City Council Land Acknowledgment

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

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

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

There was no public testimony.

(58) - RE-APPOINTMENTS TO THE FOLLOWING BOARDS

Held from the last meeting, the Mayor's Re-Appointments of the following were confirmed by a roll call vote of 10 yeas, 0 nays and 1 Absent. Councillor Hapworth was recorded as absent.

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

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(57) – APPOINTMENT OF YAMILIS CRUZ TO THE SCHOLARSHIP & EDUCATION COMMITTEE

Held from the last meeting, the Mayor's appointment of Yamilis Cruz of 190 Bridge St., to the Scholarship and Education Committee with a term to expire on April 11, 2025, was confirmed by a roll call vote of 10 yeas, 0 nays and 1 Absent. Councillor Hapworth was recorded as absent.

Councillor Varela requested and received suspension of the rules to allow the appointee to speak.

#77 – APPOINTMENT OF ROMELL KIDD TO THE SALEM HOUSING AUTHORITY

The Mayor's appointment of Romell Kidd of 41 Osborn Hill Dr. to the Salem Housing Authority with a term to expire February 22, 2029 was held under the rules.

#78 – APPOINTMENT OF BETSY FREDERICK TO THE SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE

The Mayor's appointment of Betsy Frederick of 93 Canal St. Unit 5, Salem to the Sustainability, Energy and Resiliency Committee with a term to expire on February 22, 2027 was held under the rules.

#79 – REAPPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND BOARD AND THE PLANNING BOARD

The Mayor's Re-Appointments of the following with the terms to expire were held under the rules.

<u>Name</u>	<u>Board</u>	<u>Term Length</u>	<u>Term Expiration</u>
Jack Butterworth	Affordable Housing Trust Fund Board	2 Years	4/1/2026
Jonathan Berk	Planning Board	5 Years	3/1/2029
Sarah Tarbet	Planning Board	5 Years	3/1/2029

#80 – APPROPRIATION OF \$29,661.42 FOR RETIREMENT BUYBACK – SCHOOL DEPARTMENT

The following order submitted by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Twenty-Nine Thousand, Six Hundred Sixty-One Dollars and Forty-Two Cents (\$29,661.42) 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.

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Name	Department	Amount
Ellen Finn	Salem School Department	\$29,661.42
		<u>\$29,661.42</u>

#81 – DONATION OF \$1,200.00 TO PARK & REC. DONATION FUND

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation of One Thousand Two Hundred Dollars (\$1,200.00) from Linwood and Anne Marie Balentine. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) in accordance with the recommendation of His Honor the Mayor.

#82 – DONATION OF \$1,200.00 TO PARK & REC. DONATION FUND

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation of One Thousand Two Hundred Dollars (\$1,200.00) from Scott Hayward. The donation is to be deposited into the Parks and Recreation Donation Fund 2406 (24061-4830) in accordance with the recommendation of His Honor the Mayor.

#83 - RESOLUTION AUTHORIZING SUBMISSION OF A STATEMENT OF INTEREST TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY

The following Resolution submitted by the Mayor Authorizing Submission of a Statement of Interest to the Massachusetts School Building Authority was adopted by a roll call vote of 10 yeas, 0 nays and 1 Absent. Councillor Hapworth was recorded as absent.

Resolved: Having convened in an open meeting on February 22, 2024, prior to the SOI submission closing date, the City Council of Salem, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 1, 2024 for the Bates Elementary School located at 53 Liberty Hill Avenue, Salem, MA 01970, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The roof at the Bates Elementary School is

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over 25 years old and is in fair to poor condition with active leaks, ponding water due to insufficient slope drains and the EPDM patches, seams, and sealants are failing;

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Salem to filing an application for funding with the Massachusetts School Building Authority.

Councillor Stott this is only authorizing the Mayor to submit the application for projects at Bates School, such as replacing the 25-year-old roof.

A motion by Councillor Stott for Immediate Reconsideration in the hopes it would not prevail was denied.

#84 – TWENTY-YEAR AGREEMENT WITH AMERESCO FOR HVAC IMPROVEMENTS

The following order submitted by the Mayor was referred to the Committee on Ordinances, Licenses and Lega Affairs co-posted with the Committee of the Whole.

Ordered: Pursuant to City Ordinance Chapter 2, Section 2-1688 requiring City Council authorization to enter into a contract exceeding three years, the City Council hereby authorized the Mayor to enter into a 20-year agreement with Framingham-based Ameresco, an Energy Services Company, for HVAC improvements at the Bates and Witchcraft Heights Elementary Schools.

Councillor Stott stated she is in support of efficiency but would like to discuss this since this is 20-year agreement.

Councillor Varela requested and received suspension of the rule to allow Ms. Polly, Asst. Supt. of Schools to speak.

Ms. Polly stated that Ameresco looks at all energy consumption and costs. This is part of the bigger project on how to decrease consumption and costs. There is time-limited funding available for this project. We need to spend the money by September since this will come out of the ARPA money. We also need to order boilers.

Councillor Cohen stated he has had experience with Ameresco and they are a great company and are good at making sure systems are efficient as possible.

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#85 - RESOLUTION: DOMINICAN REPUBLIC INDEPENDENCE DAY

The following resolution introduced by Councillor Jerzylo was adopted by a roll call vote of 10 yeas, 0 nays, and 1 absent. Councillor Hapworth was recorded as absent.

Resolution: Dominican Republic Independence Day

WHEREAS: The Dominican Flag Committee of Salem will celebrate the raising of the Dominican Flag at Lafayette Park to Celebrate the raising of the Dominican flag that marks Dominican Republic's 180th Anniversary of Independence; and

WHEREAS: The Dominican Community has dedicated this celebration of independence to Dominican Republic's men and women who have distinguished themselves in different disciplines in the City of Salem; and

WHEREAS: The Dominican community has established itself through the efforts of many Dominicans in business, sports, politics, education, and many other disciplines and have exhibited their pride, passion and love of family, religion, and commitment to hard work; and

WHEREAS: The Dominican community enriches the City of Salem by promoting the rich Dominican culture through music, dances, and the arts; and

WHEREAS: The City of Salem recognizes that supporting the Latinx community will lead to greater continued equality for all residents and help strengthen our City; and

WHEREAS: The Dominican Flag Raising will take place at Lafayette Park on Thursday, February 22, 2024, at 4:00 P.M. in anticipation of Dominican Republic Independence Day; and

NOW, THEREFORE, We, the Salem City Councillors, do hereby proclaim February 22nd, 2024, as DOMINICAN REPUBLIC INDEPENDENCE DAY and call upon our public officials, educators, librarians, and all Salem Residents to observe this month with appropriate ceremonies, activities, and programs here in Salem and beyond the borders of our Commonwealth.

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#86 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 29A – SCHOOL ZONES

The following traffic ordinance amendment introduced by Councillor Morsillo was adopted for first passage.

In the year Two Thousand and Twenty-Four

An Ordinance Relative to Traffic

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

Section 1. Section 29A of Article III be amended by inserting the following:

b) School Zones;

All school zones listed herein shall have a speed limit of 20 miles per hour on days that school is in session or when children are otherwise present. The speed limit shall be in effect during the times listed for each street below. The speed limit shall apply to all directions of travel.

1. Bridge Street – Reduced School Speed Limit Zone – For Carlton Innovation School: From a point 40 feet south of Beacon Street to a point 30 feet north of Rice Street. 8:00am-9:00am and between 2:30pm-3:30pm
2. Essex Street – Reduced School Speed Limit Zone – For Collins Middle School: From intersection with Jackson Street and Highland Avenue to a point 90 feet north of Dalton Parkway. 7:30am-8:30am and between 3:00pm-4:00pm
3. Fort Avenue – Reduced School Speed Limit Zone – For Bentley Academy Charter School: From a point 40 feet west of Lee Fort Terrace to a point 90 feet east of Memorial Drive. 7:00am-8:00am and between 2:00pm-3:00pm
4. Frederick Street – Reduced School Speed Limit Zone – For Witchcraft Heights Elementary School: From intersection with Belleview Avenue to school grounds. 8:00am-9:00am and between 2:30pm-3:30pm
5. Gables Circle – Reduced School Speed Limit Zone - For Witchcraft Heights Elementary School: From a point 120 feet west of Puritan Road to a point 120 feet east of Puritan Road. 8:00am-9:00am and between 2:30pm-3:30pm
6. Highland Avenue – Reduced School Speed Limit Zone – For Collins Middle School: From a point 170 feet south of Powder House Lane to intersection with Essex Street and Jackson Street. 7:30am-8:30am and between 3:00pm-4:00pm
7. Jackson Street – Reduced School Speed Limit Zone – For Collins Middle School: From intersection with Highland Avenue and Essex Street to intersection with Calabrese Street. 7:30am-8:30am and between 3:00pm-4:00pm
8. Lafayette Street – Reduced School Speed Limit Zone – For Saltonstall School: From intersection with Fairfield Street and Leavitt Street to intersection with Lafayette Place. 8:00am-9:00am and between 3:00pm-4:00pm
9. Liberty Hill Avenue – Reduced School Speed Limit Zone – For Bates Elementary School: From a point 400 feet north of Nursery Street to a point 400 feet west of Sargent Street. 7:30am-8:30am and between 1:30pm-2:30pm

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10. Lynch Street – Reduced School Speed Limit Zone – For Salem Academy Charter School: Lynch Street in its entirety. 8:00am-9:00am and between 3:00pm-4:00pm
11. Memorial Drive – Reduced School Speed Limit Zone – For Bentley Academy Charter School: From the intersection with Larkin Street to a point 100 feet south of Victory Road. 7:00am-8:00am and between 2:00pm-3:00pm
12. Puritan Road – Reduced School Speed Limit Zone – For Witchcraft Heights Elementary School: From intersection with Ord Street to intersection with Pioneer Circle, and from intersection with Gables Circle until intersection with Gallows Circle. 8:00am-9:00am and between 2:30pm-3:30pm
13. Salem Street – Reduced School Speed Limit Zone – For Saltonstall School: From intersection with Chase Street to a point 310 feet north of Lafayette Place. 8:00am-9:00am and between 3:00pm-4:00pm
14. Szetela Lane – Reduced School Speed Limit Zone – For Bentley Academy Charter School: From a point 90 feet north of Lee Fort Terrace to the intersection with Memorial Drive. 7:00am-8:00am and between 2:00pm-3:00pm
15. Willson Street – Reduced School Speed Limit Zone – For Salem High School and Horace Mann Elementary School: From intersection with Highland Avenue to a point 500 feet west of Old Road. 7:30am-8:30am and between 1:30pm-3:00pm

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

Councillor Morsillo stated this ordinance was submitted by Lt. David Tucker and the Traffic and Parking Director, Dave Kucharsky. Although the school zones are set and signs are in the correct areas, the zones were never fully adopted as an ordinance. To formally adopt these school zones will give us the opportunity to apply for grants in the future i.e., traffic calming measures and cameras and video recording.

Councillor Watson wanted everyone to be aware that Lt. Tucker made a comment that these zones may need to be revisited at times if school locations change or if there are changes to start/end times of school.

#87 – GRANTING CERTAIN LICENSES

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Granting of Certain Licenses Secondhand Clothing: Re-Find 72 Washington St. has considered said matter and would recommend this license be granted.

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#88 – RIGHT ON RED FOR TRAFFIC LIGHTS

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of discussing right-on-red Ordinances for Traffic Lights in South Salem and Highland Avenue areas, has considered said matter and would recommend the matter remain in Committee.

Councillor Morsillo stated this was the first night of a deep dive in one section of Salem's traffic lights. Most traffic lights in this area fall under the State's jurisdiction. There was a consensus to remove the right on red at the traffic lights at the intersection of Willson Street and Highland Ave. because the right lane is not a right turn only. We will need to go to the State for approval.

#89 – CREATING AN ELECTION COMMISSION

Councillor Varela offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Creating an Election Commission and the process involved, has considered said matter and would recommend that the Home Rule Petition be adopted and allow the adding of the word education if the City Solicitor deems that acceptable.

Councillor Varela stated that communities that have an election commission have been identified and that the City Clerk from Evertt, Sergio Cornelio was in attendance on zoom as a panelist for any questions we may have. Councillor Varela stated we need to follow M.G.L. Chapter 51, Section 16A when adopting the Election Commission. We are following the guidelines of the Secretary of State's Office. Equal Representation of Both Parties need to be appointed to the Election Commission. Besides adding the word education, the City Solicitor answered questions on the make-up of the Election Commission. The MGL states that there shall be 4 members. The City Solicitor stated we can add a 5th member and make that person a voting member so we don't have a tie. In Section 3, the board shall appoint the Director and the board is appointed by the Mayor and confirmed by the City Council. Once the HRP is adopted, it is required by April 1st to remove the City Clerk. The timing is an issue since we would not know if the HRP would be approved by the Legislatures before April 1st. If that did happen, then we would need to have everything in place. Councillor Varela made a motion to amend the HRP by adding the word education and accepting the Solicitors few edits in red.

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Councillor Morsillo seconded the motion. She then asked if we had an idea of the Administrative Director would be hired and how the 5th member becomes a voting member and is part of the Election Commission.

The only outstanding item is the effective date and the Solicitor is working out that issue.

Councillor Stott asked for clarification and stated she had additional questions. Is the intent to send this back to committee?

Councillor Varela stated no, the intent is to adopt the amendments and then hold until the March 14th Council Meeting. This would give the general public time to adjust. It will be postponed until the next meeting.

Councillor Cohen stated that an important organization that should have input had a meeting that conflicted with ours. Councillor Cohen stated that Councillor Varela did his due diligence and has the approval of our Solicitor and from KP Law. Commend Councillor Varela for all his work.

Councillor Jerzylo stated she was still confused on how the election department gets folded in. She needs more clarification on that.

Councillor Varela the only change is the make-up of the Board. The Mayor still provides resources and the day-to-day work removes the City Clerk and adds an Election Manager/Director.

Councillor Cohen followed up by saying that the Home Rule Petition is only to accept the MGL that we are adopting an Election Commission. We are not determining the composition at this time. We will dive into that when it is passed by the Legislation. This only establishes an Election Commission

Councillor Jerzylo asked if the person in charge is going to stay in charge? And what happens to the other 2 people in the office?

Councillor Varela stated he sees Rochelle Sport as becoming the manager and the other two employees will stay. No one is losing their job in fact the Human Resources Director stated they would need more staff.

Councillor Stott and Councillor Morsillo needed more clarity on how many of the Election Commissioners will be appointed by the Mayor and who hires the Election Director/Manager.

Councillor Varela withdrew his earlier motion and made a motion for this matter to remain in committee. It was so voted.

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#90 – NATIONAL GRID TO INSTALL A POLE ON CONGRESS STREET NEAR HARBOR STREET

A hearing was ordered for the next meeting on the petition from National Grid to install a pole on Congress St., near the intersection of Harbor St.

#91 – NATIONAL GRID TO INSTALL CONDUITS ON CONGRESS STREET NEAR HARBOR STREET

A hearing was ordered for the next meeting on the petition from National Grid to install Conduits on Congress St., near the intersection of Harbor St.

#92 – B&S TO HOLD A ROAD RACE AND USE OF CITY STREETS

A request from B&S Fitness to hold a road race (Black Cat 10 & 20 Miler) and use of city streets on March 24, 2024 was granted.

#93 - #95 – GRANTING CERTAIN LICENSES

The Following License Applications were granted.

PUBLIC GUIDES:	Samantha Page 22 Fowler St., Salem Jeffrey Lilley 265 Lafayette St., Salem Courtney Reardon 151 Lambtown Rd., Ledyrd Ct. Molly “Euni” Morrow 296 Pearl St. Manchester NH Paul Royka 97 Derby St., Salem PJ Maguire 125 Essex St., Salem Robert Zachary Sanzone 91 Essex St., Salem
TAXI OPERATORS:	Juan Miguel Martinez 12 Pope St., Salem Jose Manuel Castillo De La Rosa 109 Bridge St., Salem Ramon Guzman 45 Walsh Ave., Peabody Ramon Rodriguez 9 Prince St. Pl., Salem Hanlen Garden 46 Ward St., Salem Juan Pena Tauarez 10 Rockmere Garden., Lynn
VEHICLE FOR HIRE: OPERATORS ONLY	Maureen Tanzella 29 Eastern Ave., Beverly

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#96 - #98 - CLAIMS

The Following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

James Barina 5 Hancock St., Salem
James Barina 5 Hancock St., Salem
Maria Sucher 29 Winter St., Salem

#99 - DRAINLAYER/CONTRACTOR OPERATOR LICENSE APPLICATIONS

The Following Drainlayer/Contractor Operator Licenses applications were granted.

Phoenix Communications 25 Bowditch Dr., Shrewsbury
Spencer Contracting Corp. 67 Foster St., Peabody

(#63) SECOND PASSAGE OF A TRAFFIC ORDINANCE RELATIVE TO PLEASANT STREET

The second passage of an Ordinance amending Traffic Ch. 42 Sec. 51B -Parking Prohibited at Certain Times on Certain Streets and 57A – Parking Time Limited: Unmetered Zones – Pleasant Street was taken up. It was adopted for second and final passage.

In the year Two Thousand and Twenty-Four

An Ordinance Relative to Traffic

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

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

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

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

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

And inserting the following:

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

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

On the motion of Councillor Prosniowski the meeting adjourned at 8:05 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK