

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, January 25, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on January 23, 2024, at 11:01 A.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

Councillor Watson-Felt was recorded as absent.

Council President Hapworth presided.

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

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

Salem City Council Land Acknowledgment

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

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

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

PUBLIC TESTIMONY

1. Alex Rice, 99 Mason Street, Salem – Short Term Rental – consider increasing unit count
2. Jessica Estes, 19 Pleasant Street, Salem - Short Term Rental – consider increasing unit count

#28 – (#17) – NATIONAL GRID TO INSTALL 1 JO POLE AT POPE & PROCTOR ST.

Sabitah Mahbier-Sheehy, representative from National Grid, 44 River Street, Beverly withdrew the order below.

ORDERED: National Grid and Verizon to install 1 Jointly Owned Pole 400' northeast of the centerline of the intersection of Pope and Proctor Street.

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

#29 – (#18) - NATIONAL GRID TO INSTALL 1 JO POLE AT HARBOR & CONGRESS ST.

A hearing, held from January 11, 2024 was held on the Order National Grid to install 1 Jointly Owned Pole at Harbor and Congress Street.

Appearing in favor was Sabitah Mahbier-Sheehy, representative from National Grid, 44 River Street, Beverly. She stated that this pole will be installed for rig monitoring.

No one else appeared in favor or opposition.

Councillor Jerzylo moved to close the Public Hearing. It was so voted.

Councillor Jerzylo moved that the order be granted. It was voted.

(#5) – APPOINTMENTS TO THE SCHOLARSHIP & EDUCATION COMMITTEE AND THE HISTORICAL COMMITTEE

Held from the last meeting, the Mayor's Appointments with the following terms to expire were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent.

<u>Name</u>	<u>Adress</u>	<u>Board</u>	<u>Term to Expire</u>
Timothy Norton	9 Glover St. #2	Scholarship & Education Committee	March 28, 2025
Margarida Raka-Goncalves, Esq	16 Kosciuszko St.	Historical Comm.	January 11, 2026

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

#30 - #32 – APPOINTMENTS TO THE ZBA & BICYCLING & SHARED PATH COMMITTEE

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

<u>Name</u>	<u>Adress</u>	<u>Board</u>	<u>Term to Expire</u>
Ellen Simpson	1 Geneva St	Zoning Board of Appeals	September 15, 2024
Hannah Osthoff	15 Roslyn St	Zoning Board of Appeals	May 1, 2026
Paul Carson	4 Parker Ct.	Bicycling & Shared Path Comm.	February 14, 2025

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

#33 – RE-APPOINTMENTS OF VARIOUS CITY EMPLOYEES

The Mayors Re-Appointments of the following City Employees with terms to expire were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent under suspension of the rules.

NAME	TITLE	TERM	EXPIRES
David Gilbert	Winter Island Manager	2 years	1/31/2026
Greg Salamida	Assistant Building Inspector	2 years	3/13/2025
Anna Freedman	Finance Director/Auditor	3 years	1/31/2027
Ray Jodoin	Director of Public Services	2 years	1/31/2026
Teresa Gove Arnold	Council on Aging Director	2 years	1/31/2026
Anthony Delaney	Purchasing Agent	2 years	1/31/2026
Stephen Cortes	Director of Assessing	1 year	1/31/2025
Justin MacCutcheon	Deputy Auditor	2 years	1/31/2026
Lisa Cammarata	Director of Human Resources	2 years	1/31/2026
Bonnie Celi	City Collector	3 years	1/31/2027
John Giardi	City Electrician	2 years	1/31/2026
Thomas Daniel	Director of Planning & Community Development	2 years	1/31/2026
Deborah Duhamel	City Engineer	2 years	1/31/2026
Voula Orfanos	Director of Inspectional Services	2 years	1/31/2026
Amanda Chiancola	Assistant Planning Director	2 years	1/31/2026
David Kucharsky	Director of Traffic & Parking	2 years	1/31/2026

#34 – APPOINTMENTS TO THE DESIGN REVIEW BOARD

The Mayor's Appointments of Elizabeth Murray and Leeann Leftwich to the Design Review Board were received and filed.

#35 – DONATION TO THE SALEM EDUCATION FUND

The following order submitted by the Mayor was adopted.

ORDERED: To accept the donation totaling One Thousand Dollars (\$1,000.00) from Yano's Bistro. The donation is to be deposited into the Salem Education Fund 8305 (83051-4830) in accordance with the recommendation of His Honor the Mayor. (Yano's Bistro d/b/a Fantasy Island)

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

#36 - RESOLUTION IN SUPPORT OF ROADWAY SAFETY LEGISLATION

The following Resolution submitted by the Mayor in Support of Roadway Safety Legislation was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent.

WHEREAS legislation pending in the Massachusetts House and Senate, H3393, would enable municipalities to utilize automated traffic enforcement, ensuring more consistent enforcement of traffic safety laws to protect the lives of children and other residents of the Commonwealth; and

WHEREAS the City of Salem City Council and Mayor unanimously approved the submission of a home rule petition to the state legislature on September 14, 2023 for a special act authorizing the automated enforcement of traffic violations and that legislation, HD4600, is currently pending at the State House; and

WHEREAS Salem Public School bus drivers have provided powerful qualitative input to the district and the City about the increasing prevalence of drivers passing stopped school buses with stop signs activated; and

WHEREAS a pilot program for automated enforcement of school bus stop signs found 850 violations took place in just five weeks, an average of more than three violations per bus per day; and

WHEREAS a study by the Insurance Institute for Highway Safety has found that automated enforcement reduces the number of fatal red-light running crashes by 21% and of all types of fatal crashes at signalized intersections by 14%; and

WHEREAS a majority of American states allow some form of automated enforcement, and the technology is currently in use in approximately 350 American communities already; and

NOW, THEREFORE BE IT RESOLVED that the City of Salem strongly urges the Massachusetts legislature to advance H3393 and HD4600 favorably out of committee and before the full legislature for approval this session, and that a copy of this resolution be transmitted by the City Clerk to the chairs and members of the state legislature's Joint Committee on Transportation, the Speaker of the Massachusetts House of Representatives, the President of the State Senate, State Senator Joan Lovely, State Representative Manny Cruz, and Governor Maura Healey.

Councillor Morsillo stated that bills need to move out of committees at the State level to get some action. This is a final push. House Bill #3393 is in the Transportation Committee. It's one overall bill for enforcement of traffic. This is the same bill as 2 years ago and 2 years before that. We need help. We want this. We can't afford to put police officers at every light. This has support of the Chief of Police, Police Traffic and Supt. of Schools. Thirty states have cameras for red light violations or speed or both.

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

Councillor Cohen stated there has been three Home Rule Petitions passed by Council and stuck in the State House. (Fossil Fuel, Condo Conversion, & this one). Unfair that legislators from other communities make decisions for our community. The Legislators are not transparent.

Councillor Merkl is frustrated with traffic enforcement. We need to support this.

Councillor Prosniewski stated they have been looking to do this for more than 10 years. It's been a matter of civil rights before and that's why the State wouldn't pass this. This is the single most effective tool.

Councillor Stott was surprised by the statistics for the school bus trial. This was done by the City of Peabody after a child was hit. We need additional enforcement. She hopes the state takes action.

Councillor Harvey asked if the cameras were on the buses, who is going to monitor these cameras. His wife drives a bus, and she stated her camera does not always work. If the State passes this, will it be state mandated or allow communities to do as they see fit?

Councillor Morsillo stated this would be automatic enforcement and that it would be automatically sent to the driver. This program would fall under the Police department, and they would need to maintain the cameras. You are allowed one camera for every 25,000 residents. Our Home Rule Petition is for school zones. Money from violations from school zones would go towards education for drivers; not the city coffers. Questions, where cameras could be placed, how does one appeal, how long is video stored for.

#37 – ORDINANCE AMENDING AN ORDINANCE RELATIVE TO SHORT TERM RESIDENTIAL RENTALS

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

Councillors Cohen and Hapworth recused themselves from this matter.

In the year Two Thousand and Twenty-Four

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

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

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

- a) deleting the words “utility bill” or “deed” as they appear in the Section 15.2 Definition of “primary residence”;
- b) replacing the word “units” in the title of section 15.5 with the word “uses “

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

c) inserting the following new sentence at the end of Section 15.5(c) Residential units contracted for hospital stays: "This exemption shall only apply when a unit is occupied for the use specified in this section."

d) Amending Section 15-4 - Ineligible residential units by adding the following new section: "6) Effective March 1, 2024, more than two units in any one building."

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

#38 – ORDINANCE AMENDING AN ORDINANCE RELATIVE TO CERTIFICATE OF FITNESS – CH. 2, SEC. 705

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

Councillors Cohen and Hapworth recused themselves from this matter.

In the year Two Thousand and Twenty-Four

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

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

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

“(m) *Subpoena Power for Investigative Purposes.* The Salem Board of Health is hereby authorized to issue subpoenas requiring the attendance of witnesses, or the production of records, documents, and other pertinent evidence, in relation to its investigations for potential non-compliance with the provisions set forth in this ordinance. Upon the failure of any person to comply with a subpoena issued pursuant to these regulations and not vacated or modified, the Commission may apply to the Superior Court for an order requiring compliance.”

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

#39 – ACCEPTING M.G.L. 40U - TO IMPOSE AND COLLECT FINES FOR A VARIETY OF CODE AND ORDINANCE VIOLATIONS USING A NON-JUDICIAL, ADMINISTRATIVE PROCESS

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

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

Councillors Cohen and Hapworth recused themselves from this matter.

ORDERED: The City of Salem hereby accepts Massachusetts General Law Chapter 40U, authorizing the City to impose and collect fines for a variety of code and ordinance violations using a non-judicial, administrative process.

#40 – (#20) – 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.

Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Granting of Certain Licenses has considered said matter and would recommend that the licenses be granted.

Secondhand Valuables: Tobies Jewelry, 140 Washington Street, Salem
Glass Etc., 180 Washington Street, Salem
Olde Naumkeag Antiques, 1 Hawthorne Blvd., Salem

#41 – (#601 of 2023) – SPECIALIZED CODE

Councillor Cohen offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of Opting into the Specialized Opt-In Code (Specialized Code) and has considered said matter and would recommend adoption.

Councillor Cohen stated this would be for new construction only. We have to adopt this code in order to apply for certain grants and funding. We will be the first community in the North Shore to adopt this.

#42 – COMCAST TO INSTALL CONDUITS ON CENTRAL STREET

A hearing was ordered for February 11, 2024 on the petition from Comcast to install conduits on Central St.

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

#43 - COMCAST TO INSTALL CONDUITS ON CHURCH STREET

A hearing was ordered for February 11, 2024 on the petition from Comcast to install conduits on Church St.

#44 - CENTERLINE COMMUNICATIONS TO INSTALL TELECOMMUNICATIONS ATTACHMENTS IN THE PUBLIC RIGHT OF WAY AT 252R BRIDGE STREET

A hearing was ordered for February 11, 2024 on the petition from Centerline Communications to install telecommunications attachments in the Public Right of Way 252R Bridge St.

#45 - REQUEST FROM SCOUT COLIN BOWKER FOR HIS EAGLE SCOUT PROJECT

A Request from Scout Colin Bowker for his Eagle Scout Project to move the existing memorial of Benjamin Pierce at the rotary od Church St. and St. Peter's St., to the center island on Church St. alongside a new plaque dedicated to Major General Stephen Abbot was referred to the Committee on Government Services co-posted with the Committee of the Whole.

#46 & #47 - THE FOLLOWING LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:

- Elaina Vratots Clacobs 1 Arbella St., Manchester
- William Clemens 49 Summer St., Danvers
- Susan Conlin 11 Kimball St., Marblehead
- Amy Dalessandro 38 Essex St., Salem
- John Feeley Jr. 26 South Shore Rd., Holbrook
- Laura Giuliano 21 Seneca Rd., Woburn
- Kalif Melanson 32 Mt. Washington Ave., Malden
- April Newman 7 Ward St., Salem (2 Licenses)
- Joseph Quarantillo III 10 Turner St., Salem
- Karen Scalia 29rr Upham St., Salem
- Mark Scalia 29RR Upham St., Salem
- Jeffrey Swartz 65 Washington St. #312 Salem
- Elizabeth Unseth 12 Prescott St. #2, Salem

TAXI OPERATORS:

- Cristian Tejada Nunez 42 Harbor St #1, Salem
- Ozoria Hipolito 10 Porter St., Salem
- German Jose Moya 9 Mason St., Salem
- Rafael Moya 407 Essex St., Salem
- Ramon Jesus Gomez Lugo 88R Congress St., Salem
- Marino Jimenez 96C Tremont St., Salem
- Welkins Vicioso 52 Dow St., Salem

CITY OF SALEM
JANUARY 25, 2024
REGULAR MEETING

Jose Fabian Corniel 22 Pulaski St., Peabody
Aracelis Espinal 16 South St., Salem
Roberto Gutierrez 403 Lafayette St., Salem
Johnny Fabian Corniel 52 Ward St Apt1-2, Salem

#48 – LICENSE APPLICATIONS FOR SECONDHAND VALUABLES

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

SECONDHAND VALUABLE: The Record Exchange, 256 Washington St., Salem
Witch City Consignments, 301 Essex St., Salem
EcoATM (Inside Walmart), 450 Highland Ave., Salem
EcoATM (inside Shaws), 11 Traders Way., Salem

#49 - #52 – CLAIMS

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

Mark Gallo 13 Grove St., Salem
Elder Rabanales-Fuentes 36 Smith St., Lynn
Carol Perry 15 Front St., Salem
Adrian Slusarczyk 22 Mason St., Salem

#53 - DRAINLAYER/CONTRACTOR OPERATOR LICENSE APPLICATION

The Following Drainlayer/Contractor Operator License was granted.

Pumel Enterprises, Inc 116 Rabbit Rd., Salisbury

On the motion of Councillor Prosniowski the meeting adjourned at 8:06 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK