

CITY OF SALEM
APRIL 25, 2024
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, April 25, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 23, 2024, at 10:28 A.M. This meeting is being recorded and is live on S.A.T.V. and Zoom unless technological issues interrupt the transmission.

All Councillors present.

Council President Hapworth presided.

Councillor Varela 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. Skylar Clark, 282 Derby St., Salem – camping ordinance – opposed
2. Danacia Howell, camping ordinance – does not work
3. Ellen Simpson, I Geneva St., Salem - camping ordinance – opposed
4. Caitlin Tricomi - camping ordinance – opposed
5. Justin Whittier, 356 Essex St., Salem - fees for resident stickers
6. Steve Kapantais - fees for resident stickers
7. Christopher Terry, 18 New Derby St., Salem – Camping Ordinance
8. Philip Laffy – 143 Fort Ave., Salem – Resident Sticker fees
9. Jay H.. 65 Boston St., Salem - camping ordinance – opposed
10. Lucy Shay – housing problem
11. Jay Carbone, 10 Northey St., Salem - Resident sticker parking fees
12. Mary Whitney – Resident parking fees
13. Harry Rocheville – camping Ordinance – support
14. Veronica Miranda, 64 Rainbow Ter., Salem housing Authority Appointment
15. Nick Nowak - Resident parking fees

(#157) - MAYOR'S REAPPOINTMENTS TO VARIOUS BOARDS

Held from the last meeting, the Mayor's reappointments of the following with terms to expire were confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

Name	Board/Commission	Term Length	Term Expiration
Joy Livramento-Bryant	Community Preservation Committee	2 years	5/10/2026
Brendan Casey	Traffic & Parking Commission	3 years	5/11/2027
Aaron Paternoster	Salem Housing Authority	5 years	3/28/2029

#179 – MAYOR'S REAPPOINTMENT TO THE AFFORDABLE HOUSING TRUST FUND BOARD

The Mayor's reappointment of Liza Ruano-Lucy to the Affordable Housing Trust Fund Board with a term to expire on May 26, 2026 was held under the rules.

#180 – MAYOR'S REAPPOINTMENT OF A CONSTABLE

The Mayor's reappointment of Mark Ianuzzi as a Constable with a term to expire on April 25, 2027 was received and filed.

#181 – APPROPRIATION OF \$10,000.00 TO IT/GIS FIXED COST MAINTENANCE ACCOUNT

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

ORDERED: That the sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated and transferred from "Information Technology Full-Time Salary Account" (11551-5111) to the "Information Technology/GIS Fixed Cost Maintenance Account" (11562-5161) in FY2024 to outsource the open IT technical support analyst position to Delphi Technology Solutions effective April 25, 2024, in accordance with the recommendation of His Honor the Mayor.

#182 – DONATION OF \$1,200 TO PARK & RECREATION FOR A BENCH

The following order submitted by the Mayor was adopted:

ORDERED: To accept the donation from Americal Auctioneers Services in the amount of Twelve Hundred Dollars (\$1,200.00) to the Parks and Recreation Department. These funds will be deposited into the Park and Recreation Donation account 24061-4830 in accordance with the recommendation of His Honor the Mayor.

#183 –TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 75A TEMPORARY OCTOBER RESIDENT STICKER PARKING

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.

In the year Two Thousand and Twenty-four

An Ordinance to amend the Ordinance relative to October parking prohibitions

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

Section I. Amend Chapter 42, Section 75A Parking prohibitions towing zone (October resident parking) by deleting the first paragraph in its entirety in paragraph A and replacing it with the following:

- A. **Temporary October Resident Permit Parking.** Residents of certain streets shall be granted eligibility for temporary resident permit parking, and certain streets shall be designated as temporary resident permit parking streets, from October 1 to November 1. Eligible residents will be permitted to register their vehicles through an online portal provided by the City. Residents will be required to provide proof of residence and vehicle registration such that their vehicle is identifiable to parking enforcement and police department staff based on said vehicles license plate. One temporary guest permit may be purchased, in accordance with Section 75C, at a cost of \$30.00. Temporary resident permit parking signage will be installed on said streets. Temporary October Resident Permit Parking shall be in effect from 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, October 1 to November 1. Temporary October Resident Parking shall occur on the street in existing parking areas and shall not supersede other parking restrictions, including but not limited to, handicap/accessible parking spaces, parking within four (4) feet of a driveway, parking within twenty (20) feet of an intersection, or parking restricted on a certain side of the street.

Section II. Further amend Section 75A by inserting the following sentence at the end of Section B:

“In those instances, each issued permit shall cost \$2.00. “

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

#184 –TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 75 - RESIDENT STICKER PARKING

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.

In the year Two Thousand and Twenty-four

An Ordinance to amend the Ordinance relative to parking prohibitions

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

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.

In the year Two Thousand and Twenty-four

An Ordinance to amend the Ordinance relative to parking prohibitions

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

Section I. Amend Chapter 42, Section 75 by deleting this section in its entirety and replacing it with the following:

Sec. 75. Parking prohibitions towing zone (resident permit parking).

I. Resident Parking Zones

The following zones are hereby designated resident parking zones and only streets within these zones shall be eligible to be made limited to resident parking: ZONE A, ZONE B, ZONE C, ZONE D, ZONE E, ZONE F, and ZONE G. Any streets located outside ZONES A-G that are designated or should become designated for resident parking shall be part of a catch-all ZONE H.

The boundaries of the aforementioned zones are shown on a plan on file with the Director of Traffic and Parking entitled "City of Salem Residential Parking Zones: Parking Prohibitions Towing Zone" and is incorporated and made part of this ordinance.

No person shall stand or park or allow, permit or suffer any vehicle registered in their name to stand or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth unless a resident permit has been purchased and is identifiable by parking enforcement and police department staff based on said vehicles license plate or visitor parking permit has been purchased and identifiable by parking enforcement and police department staff based on said vehicles license plate or unless said vehicles bear a handicapped license plate issued by the Registrar of Motor Vehicles pursuant to Massachusetts General Laws Chapter 90 Section 2.

Official Traffic Signs

The provisions of Section 75 shall be effective only during such time as sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located as to be visible to approaching drivers, said signs to be appended above or incorporated into the legend of Resident Parking Prohibition Signs.

Procedures for Designating or Modifying a Street within a Resident Parking Zone

The Traffic and Parking Commission shall recommend policies for designating and modifying resident parking zones. These shall include accepting petitions from residents, and in coordination with the Ward Councillor, making recommendations to the City Council for approval.

II. Procedures for Obtaining Permits.

- A. **Eligibility:** Any motor vehicle owned by a resident domiciliary of the City of Salem registered under the General Laws of the Commonwealth of Massachusetts and garaged in the City of Salem, excluding any vehicles prohibited from residential areas under the provisions of Chapter 42, Section 55B, shall be eligible for a Resident Parking Permit provided said resident domiciliary resides in one of the zones aforementioned and streets hereinafter mentioned. A resident parking permit applicant shall provide the Traffic and Parking Department with a vehicle registration, driver's license, and utility/household bill as proof of current residency.

Eligibility of College and University Students Living Off Campus: A resident parking permit shall be issued to a College or University student living off campus with proof of a residential lease and/or utility bill in the student's name for a residence in one of the zones aforementioned and street hereinafter mentioned, College issued enrollment verification and vehicle registration, regardless of where the vehicle is registered. Eligibility of Active-Duty Military Personnel: A resident permit shall be issued to active-duty military personnel living in Salem with proof of a residential lease and/or utility bill in the individual's name for a residence in one of the zones aforementioned and street hereinafter mentioned, verification of active-duty military status, and vehicle registration, regardless of where the vehicle is registered.

Compliance with state and local laws: No resident parking permits shall be issued for any unit where the number of non-related residents violates the State Building Code and/or City Ordinances, as determined by the City's Building Inspector.

- B. **How and where to obtain permits:** The Traffic and Parking Department shall be in charge of issuing permits upon verification of residence, domicile and registration. The City's Police Department and Traffic and Parking Department shall be responsible for enforcement of the ordinance. The Police Chief or their designee, or the Director of Traffic and Parking, may alter the requirements for obtaining a resident permit in limited circumstances, and upon consultation with the Ward Councillor. Renewal of resident parking permits shall be on a rolling basis by zone and staggered throughout the year, as determined by the Director of Traffic and Parking

C. **Visitor parking permits:** The Traffic and Parking Department shall also be in charge of issuing no more than two (2) portable Visitor Parking Permits per dwelling unit, as defined in Section 10 of the City's Zoning Ordinance, excluding College and University Student Resident Parking Permit holders as defined in sub-section A above, that shall be used for visitors of the residents of the area. Proof of residency is required as in Sub-Section B above. The Visitor Permits are to be used ONLY while visitors are actually visiting the dwelling unit to which the permits are issued. Visitor permits shall be valid only for a period of time not longer than 7 consecutive days for any one visitor. Any abuse in the use of a Visitor Permit will result in the revocation of the Permit.

D. **Fees:** The fee for each Resident Parking Permit shall be \$20.00 and shall be valid for a period of one year, provided that the owner of the vehicle continues to be domiciled within the zone indicated on the resident parking permit, in the event the owner of the vehicle is domiciled outside the zone indicated, the resident parking permit shall be considered null and void. The fee for the first Visitor Parking Permit shall be \$30.00. The fee for a second Visitor Parking Permit shall be \$50.00. Each Visitor Parking Permit shall be valid for one year.

The fee for each Resident Parking Permit issued to an individual who resides part -time in the city, with vehicles registered elsewhere, will be \$30.00 and no visitor parking permits shall be issued.

The fee for each Resident Parking Permit issued to a non-resident property owner or landlord shall be \$50.00 and no visitor parking permits shall be issued.

Fees for College and University Students Living Off Campus with non-Salem vehicle registration: The fee for each Resident Parking Permit issued to a College or University student living off campus and eligible for such a Permit shall be \$20.00 and shall be valid for a period of one year, provided that the owner of the vehicle continues to be domiciled within the zone indicated on the resident parking permit. In the event the owner of the vehicle is domiciled outside the zone indicated, the resident parking permit shall be considered null and void. No Visitor Parking Permits shall be issued.

Fees for Active-Duty Military Personnel with non-Salem vehicle registration: The fee for each Resident Parking Permit issued to active-duty military personnel living in Salem with non-Salem vehicle registration and eligible for such a Permit shall be waived and shall be valid for a period of one year, provided that the owner of the vehicle continues to be domiciled within the zone indicated on the resident parking permit. In the event the owner of the vehicle is domiciled outside the zone indicated, the resident parking permit shall be considered null and void.

E. **Miscellaneous:**

1. The Traffic and Parking Department shall keep records of the issuance of all resident permits and their expiration dates.
2. The Director of Traffic and Parking is authorized to revoke the residential parking permit of any person found in violation of these regulations.

III. Parking prohibitions—Fine and/or towing.

The following streets or portions thereof, shall comprise the Resident Parking Zones within the City and all parking shall be prohibited during the hours indicated except by motor vehicles containing the Resident Parking Permit or Visitor Parking Permit provided herein:

IV. This Ordinance shall take effect as provided by City Charter.

(FOR A LIST OF STREETS SEE COMPLETE TEXT OF ORDINANCE)

#185 – CITY COUNCIL REAPPOINTMENTS TO THE COMMUNITY PRESERVATION ACT COMMITTEE

The following order introduced by Councillor Varela was held under the rules.

ORDERED: That the City Council re-appointment of Deborah Greel and Kate Martin to the Community Preservation Act Committee with their terms to expire on May 23, 2026

#186 – MEETING DATES FOR THE SUMMER AND WINTER CITY COUNCIL MEETINGS TO BE COMBINED

The following Order introduced by Councillor Prosniewski was adopted. Councillor Davis was recorded as opposed and Councillor Cohen was recorded as present.

ORDERED: That the Regular Meetings of the City Council for the months of July and August be combined and held on Thursday, July 11, 2024 and the City Council meeting for November and December be held on Thursday, November 14, 2024, and December 5, 2024 respectfully.

Councillor Prosniewski stated this has been past practice to give a summer break but can hold a special meeting if necessary.

Councillor Cohen stated he voted against it last year, not going to vote against it this year. Committee can meet during the summer and he hopes they do.

#187 - (#172 & #172) – 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 certain licenses has considered said matter and would recommend that the following licenses be granted.

SECOND HAND CLOTHING: To Do Ta Done, 3 Pleasant St, Salem, MA

SECOND HAND VALUABLE: To Do Ta Done, 3 Pleasant St, Salem, MA

#188 – (#166) – AN ORDINANCE TO AMEND CH. 46, SEC. 35 - METERS

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 amending an ordinance relative to Water and Sewers Ch. 46, Sec. 35 Meters; estimated readings, has considered said matter and would recommend adoption for first passage.

Councillor Morsillo stated this ordinance is how to solve the problem of estimating bills when meters cannot be read. The estimated bills use to be determined by X amount of gallons per day. Now it will be the average of the yearly bill for the last 3 years. The transponders are breakings.

Councillor Varela always worth to have a conversation of replacing water meters and that water deduct meters are available Looking forward to further conversations.

#189 – (#110 & #146) – CAMPING ORDINANCE

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

The Committee on Public Health, Safety and the Environment co-posted with the Committee of the Whole to whom was referred the matter of a Camping Ordinance has considered said matter and would recommend that the matter be adopted for first passage as amended.

Councillor Cohen, the City Solicitor, Chief Miller and Lifebridge Executive Director walked through the amendments of storage, distance, if employed in Salem. All edits adopted in committee on April 23, 2024 were adopted as amended as part of the committee report on April 25, 2024.

Councillor Watson-Felt who was absent due to work travel read all the comments and emails and held a discussion with the Chair. Toured the area of the South Harbor and toured new facility of 55 beds. Motion to amend violation and penalties Sec. A to insert excluding fines for the homeless. Seconded by C. Varela.

Councillor Prosniewski stated that the MGL have parameters. As 11 years as the police liaison will not fine people without money.

Councillor Watson-Felt stated what the Solicitor and Chief of Police said law enforcement agents had discretion so we need to codify so no further burden. They are trying to get back

on their feet. Still gives police tools in their tool kit. City Solicitor had no comment on this it is up to the courts.

Councillor Cohen stated that the Solicitor must create most ordinances as legal as possible. Deferred to Chief of Police on his thoughts.

Councillor Jerzylo only tool then is to be arrested. This person may rather get a ticket then get arrested.

Councillor Watson Felt said all enforcement, warnings, arrests and everything else under the law.

Councillor Stott is looking to clarify the language.

Councillor Harvey. The Law's the law; you can decrease the fine

Councillor Watson-Felt said there was no issue with separating who is fined and not fined.

Councillor Cohen – is someone is fined for anything and a person chooses not to pay a fine a lien could be placed on their property. Assumption of the unhoused no property to place a lien on.

Councillor Merkl understand intent but confusing with language. Could get tricky.

Councillor Davis said due diligence has been done on this. It's ok to treat different people differently.

Councillor Prosniewski stated Justice is supposed to be equal for all. Justice is blind. Could be an argument later on if this is even legal. However, the Big picture is saving lives and getting this passed.

Councillor Cohen thinks decreasing the fine is rationale. He doesn't think it is up to the Council to decide what is correct amount. It's just discretionary.

Councillor Stott agrees with the spirit of amendment. Can be done down the line if needed.

Councillor Morsillo amendment to read after law "excluding fines for the unhoused, but"
Councillor Varela seconded the motion. It was so voted to adopt this amendment by a roll call vote of 9 yeas and 2 nays and 0 absent. Councillor Harvey and Councillor Prosniewski were recorded in the negative.

Councillor Watson-Felt withdrew her motion.

The camping ordinance was adopted for first passage as amended by a roll call vote of 10 yeas, 1 nay and 0 absent. Councillor Davis was recorded in the negative.

A motion for immediate reconsideration in hopes it does not prevail was denied.

#190 – NEW VOTING EQUIPMENT – LHS IMAGECAST PRECINCT GEN 2 TABULATOR

The following order submitted by the City Clerk regarding new voting equipment was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: Pursuant to Massachusetts General Law Chapter 54, Section 34, that the Salem City Council vote to approve the use of the ImageCast Precinct Gen 2 Tabulator – Version 5.17 at the next election, the State Primary to be held on September 3, 2024, and thereafter at all elections held in the City of Salem, until otherwise ordered by a vote of the

Salem City Council. Said electronic voting system shall be used in those polling places designated by the Salem City Council. And be it further ordered that the Salem City Council shall discontinue the use of the Accu-Vote Optical Scanner in any and all elections held in the City of Salem.

#191 – EXEMPTION TO MGL CH. 268A, SEC. 20 (B) FOR LINDA ABBENE

The following order from the City Solicitor was adopted.

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Linda Abbene has met the requirements for exemption as set forth in this Section and may be retained to teach art classes for both the Council on Aging and Park and Recreation by the Park, Recreation and Community Services, not to exceed 500 hours in this calendar year.

#192 – EXEMPTION TO MGL CH. 268A, SEC. 20 (B) FOR KRISTEN STEVENS

The following order from the City Solicitor was adopted.

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Kristen Stevens has met the requirements for exemption as set forth in this Section and may be retained to lead a weeklong (10 hours) Lacrosse Clinic by the Park, Recreation and Community Services Department, not to exceed 500 hours in this calendar year.

#193 – EXEMPTION TO MGL CH. 268A, SEC. 20 (B) FOR BRIAN DONNELLY

The following order from the City Solicitor was adopted.

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that Brian Donnelly has met the requirements for exemption as set forth in this Section and may be retained as an Artist to paint electrical box by the Beautification Committee, not to exceed 500 hours in this calendar year.

#194 - #197 – GRANTING OF LICENSE APPLICATIONS

The Following License Applications were adopted.

LIMOUSINE: Witch City Taxi 92 Jackson St. Salem, Ma (6 Cars)

PUBLIC GUIDES: Vanessa Riutta 4 1st Street, Salem, Ma
 Christopher Macneil 10 Stacia Road, Peabody, Ma
 Emmett Sbuttoni 1 Loring Ave, Salem, Ma
 Jeremiah Hakundry 78 Washington Sq. East #4, Salem, Ma
 Kelleigh Welch 10R Joseph Street, Sommerville, Ma
 Kevin Keen 1 Landers Drive, Beverly, Ma
 Danielle Gravelle 32 Bass Ave #2 Gloucester, MA
 David Mulhern 105 Club Forest Lane, Ponte Vedra, FL

TAXI OPERATORS: Migual Bonilla 37 Chestnut St. #2 Lynn, Ma
 Eladio Pena 5A Ropes St. Salem, Ma
 Jailey Pimentel 34 Prince St #5, Salem, Ma
 Juan Polance 64 ½ Harbor St. Apt 3-1 Salem, Ma
 Joao Carrapichano 386 Essex Ave, Gloucester, Ma
 Cecilio Nunez 44 Ward St Apt 2 Salem, Ma
 Cristian Wilson 3 Mason St. Salem, Ma
 Victor Ozoria Toribio 9 Prince St Pl. Apt 1 Salem, Ma

VEHICLE FOR HIRE OPERATOR ONLY: Roger A. Fruggiero 11 Berrywood Lane, Salem, Ma
 Elizabeth V. Kauler 28 Goodhue St Unit 308 Salem, Ma
 Dawn M. Kulakowski 16 Clinton Ave, Danvers, Ma

#198 - #200 – CLAIMS

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

Taliya I Rivera Barker 34 Park St Apt 3, Salem, Ma
 James M. Sweet 57 Country Road, Peabody, Ma
 Ardwhir Jamali 59 Tupelo Road Swampscott, Ma

#201 – CONSTABLE BOND

The following Bond was referred to the Committee on Ordinances, Licenses & Legal Affairs and returned approved.

Constable: Mark Ianuzzi, 29 Granite St., Salem

On the motion of Councillor Hapworth the meeting adjourned at 8:38 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK