

CITY OF SALEM
MARCH 28, 2024
REGULAR MEETING

A Regular Meeting of the City Council was held in-person on Thursday, March 28, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on March 26, 2024, at 3:16 P.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. Noah Seferian – supports the 2 Resolutions - Cherish and Debt Free Act
2. David Pzenny – status of petition
3. Ceirra Bradway - supports the 2 Resolutions - Cherish and Debt Free Act
4. Emma Currier Dougherty - supports the 2 Resolutions - Cherish and Debt Free Act
5. Joanna Gonsalves - supports the 2 Resolutions - Cherish and Debt Free Act
6. Henry Morgan - supports the 2 Resolutions - Cherish and Debt Free Act

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(#56) – CENTERLINE TO INSTALL TELECOMMUNICATIONS ON BRIDGE ST.

Held from February 12, 2024, a hearing on the order from Centerline Communications for telecommunication attachments in the public right of way located at 252R Bride Street.

Ed Parry, Lawyer representing AT&T appeared in favor. Stated that the company has received approval from the Salem Redevelopment Authority. They requested that the antenna be painted brown to blend into the pole. The Company has approval for two years.

No one appeared opposed.

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

Councillor Stott moved that the location and installation be granted. It was so voted.

(#102) – APPOINTMENT OF STEPHEN LARRICK TO THE ZONING BOARD OF APPEALS

Held from the last meeting, the Mayor's appointment of Stephen Larrick of 17 Carlton St. to serve on the Zoning Board of Appeals with a term to expire September 14, 2024, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Jeryzlo requested and received suspension of the rules to allow Stephen Larrick to address the Council.

(#103) – APPOINTMENT OF EMMYLOU MANWILL TO THE BICYCLING AND SHARED PATH ADVISORY COMMITTEE

Held from the last meeting the Mayor's appointments of Emmylou Manwill of 15 Heritage Dr. to serve on the Bicycling and Shared Path Advisory Committee with a term to expire September 14, 2026 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Harvey requested and received suspension of the rules to allow Stephen Larrick to address the Council.

#132 – APPOINTMENT OF JUSTIN BATES TO THE CONSERVATION COMMITTEE

The Mayor's appointment of Justin Bates, 313 Essex Street to serve on the Conservation Commission for a term to expire on March 28, 2027 was held under the rules.

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#133 – APPOINTMENT OF JOHN NEWHALL TO THE CULTURAL COUNCIL

The Mayor’s appointment of John Newhall of 131 Federal Street to the Cultural Council with a term to expire on March 28, 2027 was received and filed. (Informational only)

#134 – APPROPRIATION OF \$69,392.79 FOR RETIREMENT BUYBACK (FIRE DEPT.)

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

ORDERED: That the sum of Sixty-Nine Thousand, Three Hundred Ninety-Two Dollars and Seventy-Nine Cents (\$69,392.79) 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
Peter Digiacomio	Fire Department	\$69,392.79
		<u>\$69,392.79</u>

#135 – APPROPRIATION OF \$30,000.00 TO CONDUCT FEASIBILITY STUDY OF RENOVATIONS TO THE FIRE PREVENTION BUILDING

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

ORDERED: That the sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated within the “Capital Outlay” account (20002410-5846HO) to conduct a feasibility study of renovations to the Fire Prevention building at 29 Fort Avenue, in accordance with the recommendation of His Honor the Mayor.

Councillor Merkl explained the study is being done to see if it is feasible to repurpose the building into office space for the Health Department and then IT will move into the Health Department office space from the Collins School.

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#136 – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 51 – PARKING PROHIBITED ON CERTAIN STREETS (LAFAYETTE STREET)

The following ordinance introduced by Councillor Varela 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 51 of Article V be amended by inserting the following:

Lafayette Street – Parking Prohibited on Certain Streets – Westerly side, from intersection with Raymond Avenue, extending northward for forty (40) feet.

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

Councillor Varela explained this was a dangerous intersection. The visibility is poor and speed is a factor.

#137 – RESOLUTION - REAFFIRMING THE CITY OF SALEM’S COMMITMENT TO NON-DISCRIMINATION ON THE BASIS OF AGE

The following resolution introduced by Councillor Prosniewski was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Resolution: Reaffirming the City of Salem’s Commitment to Non-Discrimination on the Basis of Age

WHEREAS, Ten years ago in 2014 the City of Salem adopted an ordinance against discrimination which included Age Discrimination, and

WHEREAS, The Salem for All Ages Initiative is in the midst of a campaign to defeat Age Discrimination in the greater Salem community, and

WHEREAS, the City of Salem accepts that Ageism is a form of discrimination based solely on chronological age or, presumed age and no other criteria and,

WHEREAS, unlike other cultures, in American culture, the assumptions and perceptions of our elders is that they are less competent, less vigorous, less interesting, and less useful than those of a younger age, and

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WHEREAS, in America, our elder's knowledge, experiences, volunteer work, civic engagement, economic contributions and language are not popular or fashionable, but instead condescended, ignored, or patronized, and

WHEREAS, the importance of maintaining connections gives us all a meaning, and participation in one's family, community, heritage, and culture is inherently essential to the health our elders, who have a yearning and desire to pass on their knowledge, their experiences, their expertise and their wisdom, and

WHEREAS, these prevailing attitudes and misconceptions have a negative impact on older adults, both mentally and physically, and

WHEREAS, raising the awareness of existing age bias and discrimination in our culture is beneficial for all the citizens of Salem.

THEREFORE, BE IT RESOLVED That the City of Salem hereby expresses its full support for our older residents by standing in strong opposition to discrimination of any kind, and advocates for "Positive Aging" by encouraging its citizens to recognize, respect and honor older adults. The City of Salem encourages residents of Salem to communicate openly with one another, find commonality and work to ensure everyone is treated with fairness and with dignity.

This resolution shall take effect immediately upon its adoption.

Councillor Prosniewski explained that older adults use older language and mannerisms and culture. There should be an understanding and acceptance by others.

Councillor Cohen reminded us that Patricia Zaido was the driving force behind Community for all ages.

Councillor Morsillo stated she was a member of Salem for all ages. Using ARPA funds to bring mental health specialists for seniors that are in need. Salem has a lot of seniors that are not connected to the Community Life Center.

Councillor Harvey stated that the elderly have gone by the wayside. Like to see respect come back.

Councillor Prosniewski also added that Norene Gachignard and Patricia Zaido helped with this resolution.

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#138 – PRESENTATION FROM SENATOR LOVELY AND REPRESENTATIVE CRUZ FOR LEGISLATIVE UPDATES

The following order introduced by Councillor Merkl was adopted.

ORDERED: That the Committee of the Whole and the School Committee meet for a presentation by Senator Lovely and Representative Cruz that includes legislative updates and also question and answer period.

Councillor Merkl stated that this suggestion came from Senator Lovely. A similar presentation was done in Beverly. Representative Cruz asked for this meeting to be held in May.

#139 – NAMING OF VETERAN’S SQUARE AT CORNER OF ORNE AND LARCHMONT STREETS – WALSH SQUARE

The following order introduced by Councillor Stott was adopted.

ORDERED: That a Veteran’s Square be named Walsh Square after U.S. Army Private First Class, William Arthur Walsh who was killed in action on November 26, 1943. And that the square be located at the corner of Orne and Larchmont Streets.

Councillor Stott stated that the Veteran’s Agent and Council look at squares and the Council approves them.

#140 - RESOLUTION DEBT FREE FUTURE

The following resolution introduced by Councillor Davis was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

RESOLUTION DEBT FREE FUTURE

WHEREAS, student debt and public college inaccessibility disproportionately affects minority groups, and Salem State University will soon become a Hispanic Serving Institution (HSI) and Minority Serving Institution (MSI); and

WHEREAS, Salem State University is known for being a civically engaged campus, and influential community engaged leaders including Senator Joan Lovely, Lieutenant Governor Kim Driscoll, Representative Manny Cruz, District Attorney Paul Tucker, Healing Abuse Working for Change (HAWK) secretary Lauren Hubacheck and many others have graduated from or work at Salem State University; and

WHEREAS, the Salem State University class of 2023 with 924 students graduated with a total debt burden of \$3.2 million; and

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WHEREAS, higher education is an important pathway to economic mobility, and public university graduates are much more likely to remain in Massachusetts after graduation, starting families, contributing to the economy, and forming the fabric of our local communities; and

WHEREAS, the need for public education should not end at high school, but offer educational opportunity through a Bachelor's Degree; and

WHEREAS, the Fair Share Amendment has been passed through the legislature, ensuring new funding for public education and transportation; and

WHEREAS, the Debt Free Future Act eliminates tuition and fees in all Massachusetts public colleges, making a college education accessible to a greater percentage of the population;

THEREFORE, Be it Resolved that the Salem City Council strongly urges that the Massachusetts legislature promptly vote The Debt Free Future Act (H.1265/S.823) favorably out of committee and pass it into law; and

THEREFORE, Be it Further Resolved that the Clerk of the City sends a copy of this resolution to the chairs and members of the Joint Committee on Higher Education, the Joint Committee on Ways and Means, the Senate President, the Speaker of the Massachusetts House of Representatives, Senator Joan Lovely, Representative Manny Cruz, and the Governor Maura Healey.

Councillor Davis asked the Council to pass this resolution to urge the State to pass this peace legislation.

Councillor Merkl advocating for the older and younger tonight.

Councillor Watson-Felt stated she was a Salem State graduate. Even though parent worked at the University and it was free she is still paying off loans at age 43. So, what this debt does acts as a barrier for further growth.

Councillor Jerzylo stated that this is a wonderful resolution but wanted to know how the State will pay for all of this. What are the costs associated with this? Does it fall to the taxpayers?

Councillor Varela is glad to see this resolution for minorities. He is still paying off his debt. This is a benefit for all students. If still paying off school loans difficult to get a bank loan or purchase a house. It can have a crippling effect.

Councillor Morsillo stated she went to private school which was \$5,000.00/semester. Government needs to invest more in higher education. By the time children graduate it will be \$50K/semester. Even state schools costs are outrageous. The only people making money are the loan companies. Part of legislation is are they were going to pay for this. All that we are asking is for us to support the bill.

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Councillor Cohen stated the FAIR tax is how it will be paid for. The tax is deposited into transportation and education accounts. Last two decades are eligible to go to school of their choice and pursue what they want, now that cannot afford it. We are falling behind other countries because of the financial burden. Representative Cruz is a co-sponsor of this bill.

Councillor Davis stated the new FAIR share amendment has been passed ensuring funding for this. Is not sure of other funding.

Councillor Stott stated that she is a Salem State University graduate. The school brought me to Salem and stayed in Salem. Should not have to finish with crippling debt. Glad that SSU is still part of the fabric here.

#141 - RESOLUTION – CHERISH ACT

The following resolution introduced by Councillor Davis was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

RESOLUTION – CHERISH ACT

WHEREAS, Salem State University is the third largest employer in Salem, acting as an anchor institution that is the foundation of the regional economy and is essential to drive economic growth and provide necessary services; and

WHEREAS, state funding for public higher education has decreased over 30% since 2001, and the chronic underfunding of public higher education drives up fees and costs for students, pushing a college education out of reach for many students and affecting the town community; and

WHEREAS, tens of thousands of students in Massachusetts graduate from high school each year but do not enroll in college, and 700,000 adults in our Commonwealth have earned some college credits but have not completed their degrees; and

WHEREAS, investing in our public higher education institutions means investing in the students, faculty and staff who are woven into our community and into our local economy.

WHEREAS, The Cherish Act commits the resources to a strong and healthy public higher education system by funding proper support for staff and faculty, investing state funds in infrastructure projects, and lessening the student debt burden;

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THEREFORE, Be it Resolved that the Salem City Council strongly urges that the Massachusetts legislature promptly vote The Cherish Act (H.1260/S.816) favorably out of committee and pass it into law; and

THEREFORE, Be it Further Resolved that the Clerk of the City sends a copy of this resolution to the Joint Committee on Higher Education, the Joint Committee on Ways and Means, the Senate President, the Speaker of the Massachusetts House of Representatives, Senator Joan Lovely, Representative Manny Cruz, and the Governor Maura Healey.

#142 – (#115) – INTERGOVERNMENTAL AGREEMENT WITH CITY OF BEVERLY AND TOWN OF DANVERS REGARDING THE SKIPPER

Councillor Merkl offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom it was referred the matter of Authorizing the Mayor to enter into an Intergovernmental Agreement with the City of Beverly and the Town of Danvers for the purpose of utilizing a \$2.3 Million grant from the Federal Transit Authority to establish a two-year pilot program to implement and operate new regional node-based and flexible stop route transit service for residents of Salem, Beverly and Danvers has considered said matter and would recommend: adoption with the condition that the Traffic and Parking Director reports back to Council with a performance report before the option for the second year.

#143 – (#37) – AMENDING AN ORDINANCE RELATIVE TO SHORT TERM RENTALS

Councillor Hapworth and Councillor Cohen recused themselves from this matter. Councillor Prosniewski assumed the Chair. It was voted to accept the report and adopt the recommendation.

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of amending an Ordinance relative to Short Term Rentals has considered said matter and would recommend adoption for first passage as amended. The effective date shall be April 12, 2024.

Councillor Morsillo explained that this will make it easier to enforce. Strike utility bill, deed or lease except for hospital says. Limitation of 2 units to keep from turning into a Short-term rental hotel. Need more housing than short-term rentals.

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Councillor Watson-Felt stated that the Health Agent said there were 50 units in 2019. In 2023 according to the Department of Revenue report there are 320. The 2-unit cap had to do with rising market and change in stock and the effect on our community.

#144 – (#38) – ORDINANCE AMENDING CERTIFICATE OF FITNESS

Councillor Hapworth and Councillor Cohen remained recused for this matter.

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.

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of amending an Ordinance relative to Certificate of Fitness has considered said matter and would recommend adoption for first passage.

#145 – (#39) – ACCEPTING MGL CH. 40U – TO IMPOSE & COLLECT FINES FOR ORDINANCE VIOLATIONS

Councillor Hapworth and Councillor Cohen remained recused for this matter.

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 matter was adopted by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillor Hapworth and Cohen were recorded as absent.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of The City of Salem accepting the MGL Ch. 40U, authorizing the City to impose and collect fines for a variety of code and ordinance violations using a non-judicial, administrative process has considered said matter and would recommend adoption by roll call vote.

Councillor Hapworth assumed the chair.

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#146 – (#110) – CAMPING ORDINANCE

Councillor Cohen offered the following report for the Committee on Public Health Safety 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 Environment co-posted with the Committee of the Whole to whom was referred the matter of Ordinance to amend Ch. 24 by adding a new section relative to Camping, has considered said matter and would recommend that the matter remain in committee.

Councillor Cohen stated that the Mayor, Solicitor, Police Chief, Health Agent, and the Director of LifeBridge attended this committee meeting. Councillors had and heard thorough and sensitive questions for this ordinance. The committee will meet and get feedback from the Solicitor and schedule another meeting.

#147 – LICENSE AGREEMENTS FOR THESE RESTAURANTS RELATIVE TO OUTDOOR DINING

The following order submitted by the City Solicitor relative to Outdoor Dining was adopted.

Ordered: That in accordance with City Ordinance Chapter 38 and the City of Salem Outdoor Dining Policy, the City Council hereby authorizes the City Solicitor to prepare a license agreement to allow the businesses set forth below to occupy city property for outdoor dining. Such approval is subject to any limitations or conditions required of the Disability Commission, Redevelopment Authority, Design Review Board and Licensing Board.

BUSINESS	ADDRESS	LICENSED SPACE
MERCY TAVERN	142 -48 DERBY STREET	490 sf of public sidewalk
KOTO	90 WASHINGTON STREET	2 Parking spaces
BAMBOLINA	288 DERBY STREET	380 sf of public street
ADRIATIC	155 WASHINGTON STREET	2 parking spaces
ALL SOULS	278-282 DERBY STREET	2 parking spaces
OLD MAIN ST	121 ESSEX STREET	330 sf of public street

Councillor Jerzylo addressed the outdoor seating at Bambolina. They cannot exceed their property line.

Councillor Cohen evaluated the outdoor dining with Councillor Morsillo. Now with the policy in place, it is much more accessible.

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Councillor Morsillo stated it was a huge win for the Commission on Disabilities (COD) to be involved in this process. They went around to see what they were doing, asked questions to make sure it was accessible and there were no trip hazards.

Councillor Stott stated it was great work with the COD and the Design Review Board (DRB) involved with the whole process. Figuring out steps along the way. Thanks to the COD and DRB and the restaurants for great dialogue and thought. Great relationships with all.

#148 – SALEM MAIN STREETS REQUEST TO CLOSE STREETS FOR SALEM ARTS FESTIVAL

The request from Salem Main Streets for permission to close the following streets and areas sited below was granted. Front Street as well as Essex Street from New Liberty Street to Hawthorne Boulevard will be closed to vehicular traffic during the Salem Arts Festival on Saturday, June 8 and Sunday, June 9 from 8:00 a.m. to 7:00 p.m. We also ask to close Houdini Way between Front Street and the Klop Alley parking lot for safety and programming purposes. Businesses and residents will be notified. If approved Salem Main Streets we will again work with the Police and Fire departments to implement any security measures that they recommend. We will be sure to secure the appropriate approvals from Licensing for the festival weekend.

Councillor Watson-Felt requested and received suspension of the rules to allow the Director of Main Streets to address the Council.

#149 - #151 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:

- Grace Harrington, 26 New Derby St # 408, Salem, Ma 01970
- Justin Foltyniak, 94 Federal St Apt 1, Salem, Ma 01970
- Martin Mc Entee, 71 Virginia Road, Quincy, Ma 02169
- Jessica Lieb, 36 Pearl Street, Middleborough, Ma 02346
- John Rodas, 19 Esquire Drive, Peabody, Ma 01960
- Theresa Giard, 32 Lynde St Apt 2, Salem, Ma 01970
- Kelly Jaser, 31 Roslyn St Apt 2, Salem Ma 01970
- Jeffery Horton, 10 Summer St Apt 22, Salem, Ma 01970
- Kenneth Flover, 20 Essex Street, Beverly, Ma 01915
- Geoffrey Van Wyck, 22 Mechanic St., Marblehead Ma 01945
- Eden Tomaszewski, 394 Essex St Apt 3, Salem Ma 01970
- Aaron Ross, 394 Essex St Apt 3, Salem Ma 01970

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TAXI OPERATORS: Jose Torres, 248 Washington St Salem
Cristian Rafael Toribio, 20 Dow St Salem Ma
Juan Euripides Pimentel Lugo, 34 Prince St #5 Salem Ma
Robinson Vago-Gutierrez ,19 Ward St Salem Ma
Reynaldo Martinez, 34 Hollingsworth St Lynn, Ma
Jesus Rosario, 18 Walnut St Lynn, Ma
Juan A Pimentel, 51 Salem St Salem, Ma
Franklin Pimentel, 9 Meadow St #1 Salem, Ma
Ramon Rodriguez, 57 Harbor St Salem, Ma
Radames Toribio, 38 Prince St Apt 2 Salem, Ma
Domingo Moronta Abreu, 5 Albion St Apt 3 Salem, Ma
Jose Andre Lopez, 16 Mason St Apt 1 Salem, Ma
Johnny A Ynoa, 12 First St Apt 1207 Salem, Ma
Glennys M Garcia De Fabian, 22 Pulaski St. Peabody, Ma
Alberto Guerrero, 205 Bridge St Apt 109 Salem, Ma
Pedro Pimentel Feliz, 17 Hancock St Apt 3 Salem, Ma
Nelson Figuereo Cuevas, 63 Collins St Apt 2 Lynn, Ma
Edwin Toribio Santos, 38 Prince St Apt 2 Salem, Ma
Delson Figuereo Curevas, 75 Vine St Bldg 7, Saugus, Ma
Victor Rodriguez, 59 Harbor St Apt3-1, Salem, Ma
Genarina Corsino Veras, 21 Mt. Vernon St., Saugus, Ma

VEHICLE FOR HIRE: Tammy Harrington, 48 Federal St., Salem, Ma
OPERATORS ONLY Leo Smith, 99 Sagamore St., Revere, Ma
Michael John Buba, 23 Carson Ter., Swampscott, Ma

#152 – TAXI OPERATOR LICENSE APPLICATION DENIAL

The Following License Application was denied.

TAXI OPERATOR: Camilo Divanne, 5 Hancock St., Peabody, MA

#153 & #154 – CLAIMS

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

Keith Hartan, 37 Stone St., #3, Beverly
Brian & Cheryl Gideon 22 Bay View Circle, Salem

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#155 - DRAINLAYER/CONTRACTOR OPERATOR LICENSE APPLICATIONS

The Following Drainlayer/Contractor Operator License Applications were granted.

B.P. Sullivan, 105 Rangeway Road, Billerica
J. Masterson Construction, 46 Prince St., Danvers

#156 - BONDS

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

DRAINLAYER: B.P. Sullivan, 105 Rangeway Road, Billerica

On the motion of Councillor Prosniewski the meeting adjourned at 8:24 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK