

**CITY OF SALEM**  
**APRIL 11, 2024**  
**REGULAR MEETING**

A Regular Meeting of the City Council was held in-person on Thursday, April 11, 2024, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 9, 2024, at 11:16 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 were 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. David Pszenny, 21 Thomas Cir, Salem – Public Guide Ordinance
2. April Newman, 7 Ward St., Salem – Tax Breaks to High End Developers & Business
3. Jeffrey Lilley, 265 Lafayette St., Salem - Public Guide Ordinance
4. Daniel Fury, 126 Federal St., Salem - Public Guide Ordinance
5. Beth Crowley, 100 Federal St., Salem - Public Guide Ordinance
6. William Ayer, 5 Cornell Rd., Marblehead - Public Guide Ordinance
7. Stacy Kilb, 39 Northend Ave., Salem - Public Guide Ordinance
8. Samantha Page, 22 Fowler St., Salem - Public Guide Ordinance
9. Ryan Sullivan, 8 Hersey St., Salem - Public Guide Ordinance
10. Diane Sanchez - Public Guide Ordinance
11. Giovanni Alabiso, 8 Central St., Salem - Public Guide Ordinance
12. Cody McCallister, 100 Federal St., Salem - Public Guide Ordinance

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**(132) – APPOINTMENT OF JUSTIN BATES TO CONSERVATION COMMISSION**

Held from the last meeting, 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 confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Watson-Felt requested and received suspension of the rules to allow Justin Bates to address the Council.

**#157 – RE-APPOINTMENTS OF THE FOLLOWING TO CPA, T&P, AND SHA**

The Mayor’s reappointments of the following with terms to expire were held under the rules.

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

**#158 – RE-APPOINTMENT OF STEVEN HAVEY AS A CONSTABLE**

The Mayor’s re-appointment of Steven Havey to serve as a Constable with a term to expire on March 18, 2027 was received and filed.

**#159 – APPROPRIATION OF \$60,000.00 TO ENHANCE SECURITY AT THE SALEM PUBLIC LIBRARY AND CLC**

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

**ORDERED:** That the sum of Sixty Thousand Dollars (\$60,000.00) is hereby transferred from the General Fund Balance Reserved for Free Cash and appropriated to the following account in the Capital Improvement Fund (2000) below for enhanced security at Salem Public Library and CLC in accordance with the recommendation of His Honor the Mayor.

Description	Amount
20002422-5846HO	\$60,000.00
<b>Total</b>	<b>\$60,000.00</b>

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Councillor Merkl explained that these costs would cover similar security features already at 93 and 98 Washington Street such as access cards, cameras, alert buttons and motion detectors.

**#160 – APPROPRIATION OF \$51,552.87 FOR RETIREMENT BUYBACK FOR FIRE DEPT. EMPLOYEE**

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

**ORDERED:** That the sum of Fifty-One Thousand Five Hundred Fifty-Two Dollars and Eighty-Seven Cents (\$51,552.87) 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
Bernard Szczechowicz	Fire Department	\$51,552.87
		<b><u>\$51,552.87</u></b>

**#161 – APPROPRIATION OF \$15,462.00 FOR COSTS ASSOCIATED WITH THE TEMPORARY GOLF CART LEASE**

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

**ORDERED:** That the sum of Fifteen Thousand Four Hundred Sixty-Two Dollars and Zero Cents (\$15,462.00) be hereby appropriated from the following “Receipts Reserved for Appropriation” account, to be transferred to the Park & Rec – Golf Course “Contracted Services” account 16512-5320 for costs associated with a temporary golf cart lease in accordance with the recommendation of His Honor the Mayor.

Description	Amount
Receipts Reserved – Golf Course	\$ 15,462.00
<b>Total</b>	<b><u>\$ 15,462.00</u></b>

Councillor Merkl explained this is to pay to continue lease of gold carts until National Grid completes the job for electric cars. This is to continue the lease since gap in time.

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**#162 – DONATION OF \$19,500.00 TO THE POLICE DEPARTMENT TO PURCHASE DRONES**

The following order submitted by the Mayor was adopted.

**ORDERED:** To accept the donation from Biff Michaud in the amount of Nineteen Thousand Five Hundred Dollars (\$19,500) to the Salem Police Department to purchase drones. These funds will be deposited into the Police Donation Fund 24111-4830 in accordance with the recommendation of His Honor the Mayor.

Councillor Merkl explained that the audio will not be on except in life threatening issues. To be used for search and rescue which is a priority.

**#163 – ORDINANCE TO AMEND AN ORDINANCE RELATIVE TO PUBLIC GUIDES**

The following ordinance submitted by the Mayor was referred to the Committee on Community and Economic Development co-posted with the Committee of the Whole.

**An Ordinance** to amend an ordinance relative public guides

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

**Section 1.** Chapter 40, Section 40-27 *Application requirements; exemptions* is hereby amended by deleting this section in its entirety and replacing it with the following:

**“Sec. 40-27. Application requirements; exemption.**

- (a) Each applicant who applies for a public guide license shall be at least 18 years of age and submit to and clear a criminal background investigation through the Massachusetts Criminal Offender Record Information (CORI) process.
- (b) Any person while acting as teacher employed by a public or private school may function as a public guide for students enrolled in such school without first applying for a public guide license.
- (c) For licenses effective January 1, 2025 and thereafter, applicants may apply for one of three license types, tours of up to 10 participants, tours of up to 29 participants or a tours with a maximum of 40 participants, not including the guide, for a fee set forth in Sec.14-38 of this Code.
- (d) Public guides not utilizing any form of amplification after January , 2025 shall be eligible for a fee discount as provided in section 14-38 of this Code.”

**Section 2.** Chapter 40, Section 40-28. *Contents; badge of licensee* is hereby amended by adding the following new paragraph at the end of this section:

“Effective January 1, 2025, each public guide shall also display a badge, placard or decal issued by the city indicating the permitted tour size.”

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**Section 3.** Chapter 40, Sec. 40-30. *Prohibitions* is hereby amended by adding the following new prohibitions:

- “(11) Stop a tour to point out or impart information if within twenty-five feet of another stopped tour;
- (12) Conduct a tour with more than forty participants; or
- (13) Conduct a tour without having obtained a one-time safety and compliance briefing offered by the Salem Police Department.”

**Section 4.** Amend section 40-31 Revocation; penalty by adding a new sentence at the end of this section:

“Any public guide receiving three notices of violation during a licensed period shall be immediately referred to the City Council for a revocation of license hearing. Unless otherwise voted by the City Council, license revocations shall be effective for the current licensed period and one additional licensed period.

**Section 5.** This Ordinance shall take effect as provided by City Charter.

**#164 – AN ORDINANCE TO AMEND FEE SCHEDULE RELATIVE TO PUBLIC GUIDES**

The following ordinance submitted by the Mayor was referred to the Committee on Community and Economic Development co-posted with the Committee of the Whole.

**An Ordinance** to amend an ordinance relative to the fee schedule.

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

**Section 1.** Chapter 14, Section 14-38 Fee Schedule is hereby amended by deleting the following:

“Guide public 10.00” and

“Public guide examination fee:

One time examination passing .....30.00

First re-examination .....0.00

Second and subsequent re-examinations .....30.00”

And inserting the following new fees:

“Public guide fee, annual

2024

\$10.00 new applicant; \$20 late renewal

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2025 and thereafter

Permitted group size 10 or less: 150

Permitted group size 11-29: 250

Permitted group size 30-40: 350

Wireless communication system discount: 50”

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

**#165 – AN ORDINANCE TO AMEND AN ORDINANCE RELATIVE TO NON-CRIMINAL DISPOSITION OF VIOLATIONS RELATIVE TO PUBLIC GUIDES**

The following ordinance submitted by the Mayor was referred to the Committee on Community and Economic Development co-posted with the Committee of the Whole.

**An Ordinance** to amend an ordinance relative to non-criminal disposition of ordinance violations

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

**Section 1.** Chapter 1-10 Non-criminal Disposition of Ordinance Violations is hereby amended by deleting penalties for violations of section 40-26, Public guide licenses in its entirety and replacing it with the following:

“ [Section 40-26](#), Public guide licenses.

Penalty:

First offense .....\$100.00

Second offense ..... \$200.00

Third and subsequent ..... \$300.00

Subsequent offense may result in license suspension or revocation per Sec. 40-31

Enforcing persons: Police, licensing inspector, and fire, health and building inspectors.”

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

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**#166 – AN ORDINANCE TO AMEND AN ORDINANCE RELATIVE TO WATER AND SEWER RELATIVE TO ESTIMATED FEES**

The following ordinance submitted by the Mayor.

**An Ordinance** to amend an Ordinance relative to Water and Sewers

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

**SECTION I:** Chapter 46. Sec. 46-35. Meters is hereby amended by deleting paragraph (d) *Estimates of use of water* in its entirety and replacing it with the following paragraph:

“(d) Water Usage Estimates: In instances when an actual read is not being received due to reasons such as meter or MIU malfunction, but not excluding other causes, the water taker shall be billed based on the historical average. For commercial or industrial water takers, the water registrar will estimate the daily volume for billing purposes. In cases where actual readings are not available for the main meter but a deduct meter is getting actual reads, the estimate will be calculated based on the actual reads of the deduct meter and historical variances between the two meters.”

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

Councillor Morsillo motion was to adopt for first passage. She explained that the current ordinance states if cannot read the meter do an estimate. The estimate was based on the average of the last 12 months of a household. She explained that the meters are getting older so this is an issue. City looking at other was to upgrade.

Councillor Varela made a motion to refer this matter to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was seconded by Councillor Prosniewski. Councillor Varela had questions such as when is the average being taken and what if the Neptune meters exploded or a water leak.

It was so voted to refer to committee.

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**#167 – SUBMITTAL FOR CDBG FUNDS**

Councillor Varela recused himself.

The following order submitted by the Mayor was adopted.

**ORDERED:** That the City Council hereby approves the submittal of the City of Salem's Application for Federal Assistance to the United States Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds for the period of July 1, 2024 through June 30, 2025 in the amount determined by HUD's formula entitlement allocation estimated at (\$1,050,00.00).

**#168 – DISCUSS WITH PLANNING SMART GROWTH ZONING OVERLAY DISTRICTS AND THE HOUSING DEVELOPMENT INCENTIVE PROGRAM (HDIP)**

The following letter submitted by the Mayor was referred to the Committee of the Whole.

Salem City Council  
93 Washington Street  
Salem, MA 01970

Dear Councillors,

This letter is being submitted to you for informational purposes to request the Council convene a meeting of the Committee of the Whole in early May for the purposes of hearing a presentation from the Department of Planning and Community Development regarding Smart Growth Zoning Overlay Districts (M.G.L. Chapter 40R) and the Housing Development Incentive Program.

Both of these tools exist to help create additional housing and we anticipate one or more projects in Salem intend to pursue them in this calendar year. Therefore, we are requesting the opportunity to provide briefing to Councillors and the public, and answer questions that you may have regarding these programs. The purpose of this meeting is to educate Councillors and the public about these programs generally and will not touch on specific projects.

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Additional information about both programs can be found online at <https://www.mass.gov/info-details/chapter-40r> and <https://www.mass.gov/info-details/housing-development-incentive-program-hdip>.

We look forward to the opportunity to speak with Councillors about these two programs and how we might be able to leverage them to help us meet our community's housing needs.

Sincerely,

Dominick Pangallo  
 Mayor, City of Salem

**#169 – LICENSE AGREEMENT FOR USE OF CITY PROPERTY FOR OUTDOOR DINING**

The following Order was submitted by the City Solicitor relative to License Agreements for Outdoor Dining.

**ORDERED:** 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.

<b>BUSINESS</b>	<b>ADDRESS</b>	<b>LICENSED SPACE</b>
Couch Dog Brewing Co., LLC	76 Lafayette St.	320 s.f. Street
O'Neill's Irish Pub	120 Washington St.	320 s.f. Street
Bella Verona	107 Essex St. Unit UR	517 s.f. Street

Councillor Cohen made a motion to divide the question and to take up Bella Verona separately. Seconded by Councillor Merkl. It was so voted.

Councillor Cohen moves to adopt Couch Dog Brewing Company and O'Neill's Irish Pub. It was so voted.

Councillor Cohen moves to table Bella Verona. Seconded by Councillor Morsillo. It was so voted.

Councillor Cohen spoke to the Building Commissioner and there are questions to be answered.

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**#170 – DESIGNATE BEALS & THOMAS AS SPECIAL MUNICIPAL EMPLOYEES**

The following Order submitted by the City Planner relative to Special Municipal Employees was adopted.

**ORDERED:** That the environmental consultants of Beals & Thomas, Inc., 144 Turnpike Road, Southborough, MA are hereby designated as Special Municipal Employees so they may provide temporary consultant services to support the administration of the Salem Conservation Commission.

Councillor Varela requested and received suspension of the rules to allow Tom Devine from the Planning Department to address the Council.

Tom Devine explained that the current ConCom Agent is on extended leave. Tom is trying to do the day to day job and is falling behind. The purpose of the special designation is due to the fact that Beals & Thomas also represent certain entities in Salem.

**#171 – PUBLIC GUIDES**

The Following License Applications were granted.

PUBLIC GUIDES: Janie M. Balistreri 66 Cottage Street Apt 2, Everett, Ma  
 John Wendler, 2 Derby Square #306, Salem, Ma  
 Melissa Nierman 7 Crombie Street #13 Salem, Ma  
 Thomas O'brien Vallor, 18 Boardman St Apt 3, Salem, Ma  
 Mollie Stewart, 1 Gerrish Place Apt. 2, Salem, Ma  
 Jodi Brandbury, 102 Derby St. Salem, Ma  
 Stephanie Clements, 12 Hawthorne Blvd, Salem, Ma

**#172 & #173 – LICENSE APPLICATIONS**

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

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

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

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**#174 – REQUEST TO HOLD A HEARING ON DENIAL OF TAXI OPERATOR LICENSE**

The request from Camilo Divanne to hold a hearing on his denial of his taxi operator license was referred to the Committee on Ordinances, Licenses & Legal Affairs to hold a hearing. (Executive Session if necessary)

**#175 & #176 – CLAIMS**

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

Jacqueline Johnson 11 Aycliffe Road Swampscott, Ma  
 Mathew Butman 131 Ocean St. Apt 70, Lynn, Ma

**#177 - DRAINLAYER/CONTRACTOR OPERATOR LICENSE APPLICATIONS**

The Following Drainlayer/Contractor Operator License Applications were granted.

Brennan Construction, Inc 57 Rear Grove Street, Salem, MA  
 S.J Olson General Contractors LLC 177 Essex Street, Lynnfield, MA  
 P V Barone Corp 18 Central Street Winthrop, MA

**#178 - BONDS**

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

DRAINLAYER:                    S.J Olson General Contractors LLC 177 Essex St, Lynnfield, MA

**(#37) – SECOND PASSAGE OF AN ORDINANCE AMENDING SHORT TERM RENTALS**

Councillor Hapworth and Cohen recused themselves on this matter. Councillor Prosniewski assumed the chair.

The Second Passage of an ordinance to amend an ordinance relative to short-term rentals was taken up. It was adopted for second and final passage.

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*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 “
- 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 April 12, 2024, more than two units in any one building.”

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

**(#37) – SECOND PASSAGE OF AN ORDINANCE AMENDING CERTIFICATE OF FITNESS**

Councillor Hapworth and Cohen remained recused on this matter.

The Second Passage of an ordinance to amend an ordinance relative to certificates of fitness was then taken up. It was adopted for second and final passage.

*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.”

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

Councillor Hapworth and Cohen returned to the Chambers. Councillor Hapworth assumed the chair.

**(#136) – SECOND PASSAGE OF A TRAFFIC ORDINANCE – PARKING PROHIBITED  
CERTAIN STREETS – LAFAYETTE STREET**

The Second Passage of an ordinance to amend an ordinance relative to traffic - parking prohibited certain streets – Lafayette Street. 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 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.

On the motion of Councillor Prosniewski the meeting adjourned at 7:49 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK