

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole
met in the Council Chamber on August 31, 2022 at 6:00 P.M. for the purpose of discussing the
matters(s) listed below. Notice of this meeting was posted on July 27, 2022 at 10:24 A.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: None - C Dominguez - joined at 6:45pm.

Also in Attendance; COW: C Morsillo, C Merkl, C Hapworth, C Watson Felt, Via Zoom; C McCarthy, C McClain
City Of Salem; Dominick Pangallo Chief of Staff, Lt Tucker, SPD, Via Zoom; Beth Rennard, City Solicitor

SUBJECT(S)

#387 Halloween Parking Overlay
District

Claims

#387 Halloween Parking Overlay District

C Riccardi opened the meeting with a recap of the timeline; the items that were requested at the last meeting (Feedback on the Rules and Regulations from the Traffic and Parking Commission (TPC); A Map of the lots in question; Questions sent to legal on other possible ways to solve this issue).

The TPC met the week of 8/22 and voted 4-0 to approve drafted regulations that were shared with the Committee:

October Parking Overlay Regulations

Application Requirements

The Traffic and Parking Director shall take applications on a rolling basis and shall not issue a permit to a business with any outstanding code violations, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the city so long as the matter remains unresolved, as provided in City ordinance. The Director shall verify with the Collector's Office as well as the Engineering and Building Departments to confirm if there are any outstanding violations. Permits must be renewed annually at a cost of \$100.¹

Parking Areas

- Lots seeking permits for this use must meet requirements identified in Sections 5.1.3 through 5.1.7 of the Zoning Ordinance "Off Street Parking"
- Lot shall be adequately lit for public safety. As indicated in Section 5.1 of the Zoning Ordinance, any light used to illuminate said parking area shall be so arranged as to reflect light away from adjoining premises and streets.
- No parked vehicle shall obstruct any public ways
- Lot shall comply with MAAB or ADA regulations, whichever is more stringent, relative to handicap parking requirements
- Queuing Vehicles entering the lot to park shall not impede the flow of vehicular, pedestrian or bicycle traffic on public ways

Hours of Operation

- Hours of active operation shall be permitted between Monday-Sunday 8AM-6PM
- Applicants shall provide proposed days and hours of operation on its application and all permits shall state the approved dates and hours
- Permitted properties shall cease accepting incoming vehicles at 6PM unless such vehicles are parking for the purposes of conducting business at the permitted property itself
- Permitted properties shall staff lots during active operating hours, however, permitted lots with more than 50 spaces shall have staff present until all vehicles vacate the premises. If a permitted lot has less than 50 spaces, customers must be instructed to vacate the lot by 11PM.
- Lots shall notify customers of when vehicles must be removed from the lot

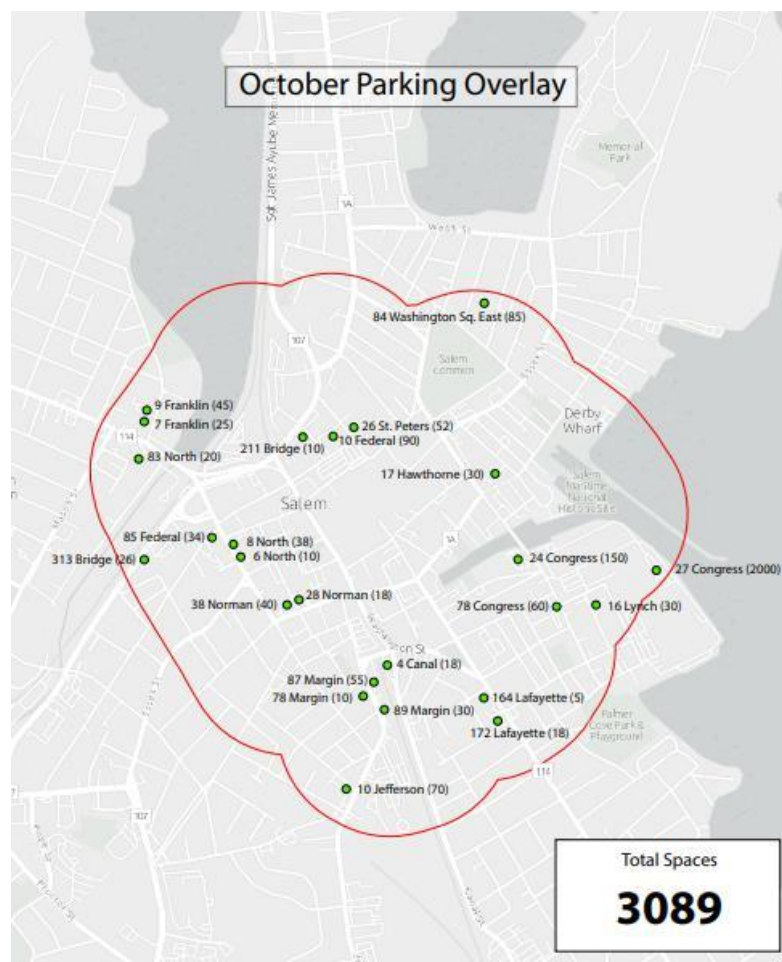
Signage

- No signs shall be placed within a public right of way or upon a municipal light pole or signpost

Enforcement

- The Traffic and Parking Director shall enforce the October Parking Overlay Regulations and shall assign parking enforcement staff to monitor permitted properties during regular enforcement hours (Monday-Sunday 8AM-6PM). Enforcement will notify Director when violations have been observed, including noise and nuisance complaints, in order to issue the appropriate response or notify the Zoning Officer when observed violations falls under their jurisdiction.
- Outside regular enforcement hours, issues shall be submitted to the Police Department's non-emergency line (978-744-1212).
 - The Zoning Officer shall enforce Massachusetts Architectural Access Board (MAAB) regulations, signage, and any unpermitted lots operating in violation of the zoning ordinance.
 - Violations shall be addressed in the following manner:
 - Property owner shall be issued a warning for the 1st observed violation in a given year.
 - Property owner shall be issued a \$300 citation for the 2nd observed violation in a given year.
 - Permit shall be revoked for a 3rd observed violation in a given year.

Map provided by the Traffic and Parking Director:



C Morsillo asked for B Rennards comments on the suggested paths that were brought forward by members of the public at the last meeting as alternative ways to solve this.

B Rennard stated this matter was discussed with Attny Robin Stien; her position is the same as the City of Salem; because parking is prohibited in the city unless you are a municipal operator, the only way to legally allow this is to change our zoning. The proposal in front of us is doing that by way of creating an overlay district which allows a very specific area to be covered. The specific area (Downtown + ¼ mile) was chosen because of enforcement purposes. The new amendment and rules and regulations allow members of the Traffic and Parking enforcement staff to enforce this – currently there is only one person who enforces for the entire city. The examples brought forth that other cities use to allow parking lots is not possible in the city of Salem – wish it was as it would be easier to implement.

C Merkl commented that the map notes a very large number of spots in the point neighborhood and she feels this disproportionately effects this neighborhood.

C Cohen noted that the Lots in the Point were Shetland and Rocket which hold a large number of cars – residence in these neighborhoods often state these spots are needed so the cars do not overflow into their neighborhood. He also felt the regulations from the TPC were well written and appreciated the feedback taken.

C Cohen made a motion to send the matter back to the council with a positive recommendation for first passage 2nd by C Varela

Under discussion

Public Comment

Beth Anne Cornell, Briggs Street, Salem: Against the Overlay, does not understand how it will work if the city solicitor just stated that zoning must be changed. She feels if it is supported, the council is being hypocritical and being pushed into a corner by the Zoning Enforcement Officer with a sloppy and poorly written ordinance.

No other public comment requested – public comments closed.

B Rennard noted that there is no other way to enact this change – the zoning overlay is a change to zoning, just using the tool of an overlay to create a specific area this will apply to.

Enforcement was further discussed – B Rennard spoke to the ZEO role, D Pangallo reviewed the penalties and fees noted in the Parking Regulations.

Lt Tucker spoke to the conversation at the traffic and parking commission and the reason behind some of the items added.

C Watson Felt is concerned about after hour issues and getting enforcement to the lots

C Dominguez joined

C Morsillo noted that lots with more than 50 spots need to be staffed at all times. If they are not – that is a violation. It is the enforcement of the regulations that matter. All of this is moot if the regulations are not enforced. It has to be enforced, this has to be regulated.

C Varela asked for confirmation that standard noise and nuisance violations and disturbances are still in effect (confirmed)

C Watson Felt confirmed the regulations can be amended. B Renard noted yes – they can be amended by the TPC.

C Prosniewski noted that this is not going to change the big issues we still have - we are still going to have cars coming in, we are still going to have rowdy crowds, but we are here now and this needs to be dealt with

C Hapworth noted that we have not seen any studies to back up this change; also concerned that we have not had a public process and discussion around this.

C Morsillo recapped the public process that happened; There was a Joint Public Hearing; there were two OLLA meetings; there were two TPC Meetings. Councillors could have held neighborhood meetings during this time if they wished. Also, where are all the cars going to go? C Morsillo also agrees with expanding the zone.

C McClain agrees there was a public process, but what he has heard is overwhelming negative. He does not understand why this is in front of us now? We were not given info, how is this creating a better quality of life for those in the community

C Watson Felt noted other zoning changes that had a robust public process.

No further discussion. Chair Riccardi took RCV; on C Cohens motion to **send the matter back to the council with a positive recommendation for first passage**; Matter passed 5/0

C Watson Felt requested to make a comment about the overall traffic and parking issues, and the danger that this has caused for our city. Also, there are already lots in August that are charging in and around downtown.

Claims

The committee reviewed the Claims Report and Back Up Documentation with the City Solicitor;

ORD ER #	COUNCIL DATE	NAME	ADDRESS	TYPE OF CLAIM	AMOUNT	MIIA STATUS	LEGAL OPINION	Council Comments/Action
119	2/10/22	Stephen Brophy	71 Ashworth Ter, Haverhill, MA 01832	Tire and Rim Damage due to pothole on Lafayette St.	\$473.00	MIIA DENIED	Discharge-State Highway referred to DOT	discharge
164	2/24/22	RICHARD A. STIRLING	30 BLUEBERRY ROAD, MARLBHEAD, MA 01945	TIRE DAMAGE FROM POTHOLE ON FIRST STREET	\$349.55	MIIA DENIED	DENY-No Notice of defect	deny
194	3/10/22	JASON GALLANT	36 LINDEN ST., SALEM MA 01970	CAR DAMAGE DUE TO RECESSED UTILITY COVER BOSTON ST	\$766.00	MIIA DENIED	DENY-No Notice of defect	deny
198	3/10/22	DREW SANTORO	15 LYNDE ST, APT 25, SALEM, MA 01970	DAMAGED TIRE ON POT HOLD IN LAFAYETTE ST	\$168.33	MIIA DENIED	Discharge-State Highway referred to DOT	discharge
200	3/10/22	LLOYD KROPILAK	6 SMITH STREET	COLLAPSING WALL/SIDEWALK	\$10,588. 00	MIIA DENIED	DENY-No recent work-Slope	deny
246	3/24/22	NEWTON & MELISSA MURPHY	36 BALCOMB STREET, SALEM, MA	TREE FELL ON FENCE		MIIA DENIED	DENY-No Notice of defect	deny
250	3/24/22	MARY HAGEN	39 OSGOOD ST, SALEM, MA	WATER AND DIRT FLOODING IN BASEMENT	??	MIIA DENIED	DISCHARGE- Referred to National Water Main Cleaning Co	discharge
251	3/24/22	EDMOND MORNEAU	118 COLUMBUS AVE	PLOW DAMAGES FENCE	\$1,045.0 6	MIIA DENIED	DISCHARGE- Referred to Mario's Landscaping	discharge
299	4/14/22	ESAM ABDELGADI R	48 CLARK ST., SALEM MA	PLOW DAMAGE TO GRASS AND SPRINKLER SYSTEM	\$2,365.0 0	MIIA DENIED	DENY-No evidence city caused	deny
331	4/28/22	MARGIE MULLEN	29 HANCOCK STREET, SALEM, MA	BROKEN PIPE. SEWERAGE WATER DAMAGE AND MOLD IN THE HOUSE.	\$935.00	MIIA DENIED	DENY-Lateral line damaged	deny
365	5/12/22	JOYCE M. CHANDLER	0 DEFRANCESCO AVE, SALEM, MA	DAMAGED TIRE DUE TO POTHOLE ON SWAMPSCOTT ROAD.	\$87.04	MIIA DENIED	DENY-No Notice of defect	LEAVE IN COMMITTEE - C Varella will research
366	5/12/22	JUSTIN MESSINA	61 WHARF STREET, SALEM MA	PARKING SIGN FELL ON HOOD OF CAR IN SOUTH HARBOR GARAGE	\$2,038.5 6	MIIA DENIED	DENY-No Notice of defect	LEAVE IN COMMITTEE - B Renard will research more
445	6/9/22	LINDA HUYNH	141 HIGHLAND AVE, SALEM	TREE FELL ON FENCE DUE TO A STORM	\$400.00	MIIA DENIED	DENY-No Notice of defect	deny
446	6/9/22	KENNETH M. CHIARELLO	81 WASHINGTON STREET, SALEM	POND STREET SIGN NOT PROPERLY POSTED. CAR TICKETED AND TOWED.	\$220.00	TICKET / TOW UP TO OLLA	Sign posted on one side stating no parking both sides.	Pay \$220 RCV 3/2 to pay in full
526	5/26/22	ERIC CAMBRIA	16 HORTON ST., SALEM	TICKET & TOW STREET SWEEPING	\$195.00	TICKET / TOW	DENY - Ticket upheld	deny

						UP TO OLLA		
537	7/14/22	LEEANN BLAIS	41 HAMLET STREET, LAWRENCE, MA 01843	VEHICLE TOWED FROM SOUTH HARBOR GARAGE AND TICKETED.	\$168.00	TICKET / TOW UP TO OLLA	DENY	deny
541	7/14/22	MARYANN LANGEN	63 MADISON ST. MEDFORD, MA 02155	TICKET AND TOWED EINTER STREET	\$168.94	TICKET / TOW UP TO OLLA	PAY-Ticket Waived	Pay \$168.94

C Dominguez Moved that the claims # 246, 164, 194, 200, 299, 331, 445, 526, 537 be denied; 198, 119, 250, 251 be discharged; 541, 446 be paid and 366, 365 remain in committee

C Prosniewski made a motion that if we are to speak on claims, the Clerk's office provide the background documentation prior to the committee prior to our meetings via a link. 2nd by C Cohen

C Varela asked for a friendly amendment to include the information electronically in our shared folder. C Prosniewski and C Cohen wished for paper copies – C Riccardi noted that they can stop in the clerks' office and request to view the folder anytime before the meeting. A Varela noted he would like to see these electronically, C Riccardi agreed. C Prosniewski accepted the friendly amendment. RCV – matter passed 5/0

On the motion of C. Dominguez the meeting adjourned at 7:55 P.M.



(Chairperson)