

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 Wednesday June 17, 2020 at 6:00 P.M. for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on June 15, 2020 at 4:14 P.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: Councillor Dibble

Also present: C. Hapworth, C. Riccardi, C. Dominguez. Finance Director Laurie Giardella, Traffic and Parking Director David Kucharsky, Planning & Community Development Director Tom Daniel, Staff Planner Amanda Chiancola, Mayor's Chief of Staff Dominick Pangallo, Department of Public Services Director David Knowlton

SUBJECT(S)

#142 Zoning Ordinance creating Inclusionary Housing
#304 Ordinance Amending Sewer Use Charges
#305 Ordinance Amending Rates for use of Water
#306 Ordinance Amending Trash Fees
#307 Ordinance Amending Traffic- Parking Meters Enforcement on Sundays

#304 Ordinance Amending Sewer Use Charges

Finance Director Giardella reviews increase of sewer charges. FY21 sewer rates will see an increase of 3.2%.

C. Morsillo moves to refer the matter out of committee for adoption for first passage, seconded by **C. Sargent. 4-0, motion carries.**

#305 Ordinance Amending Rates for use of Water

Finance Director Giardella reviews increase of water charges. FY21 water rates will see an increase of 4.6%.

C. Morsillo moves to refer the matter out of committee for adoption for first passage, seconded by **C. Sargent. 4-0, motion carries.**

#306 Ordinance Amending Trash Fees

C. Sargent recuses himself from discussion and action on this matter due to financial interest.

DPS Director Knowlton notes that trash fee rate increase is required in the contract between City and Waste Management at 2.5% increase annually on disposal and pickup costs.

Public Testimony

Filipe Zamborlini, Perkins Street: One size fits all waste management policy is not working in the City. Different neighborhoods have different densities. The Point Neighborhood needs two pickups a week. WM is not provided personal protective equipment for their workers. There needs to be a better trash collection policy for the Point.

Jeff Cohen, Hancock Street: Agrees that the Point Neighborhood needs 2 pickups a week. Asks if recycling processing rates go up in the industry does Salem's recycling rate go up?

Director Knowlton will bring to WM's attention on the need to provide PPE to their workers and will look into increasing frequency of pickups in the Point. When cost for recycling goes up our rates also go up.

C. Hapworth asks what the cost is for additional pickups in the Point.

Director Knowlton will follow up and provide that information. Trash issues in the Point have come up and City has increased frequency of street sweeping. Will look into other strategies to reduce trash.

C. Dominguez asks whether a comprehensive plan to address trash issues in the Point.

Director Knowlton shares that this is important to the administration and will be convening a group to looking into messaging and policy changes.

C. Morsillo moves to refer the matter out of committee for adoption for first passage, seconded by **C. Prosniewski**. **3-0, motion carries.**

#307 Ordinance Amending Traffic- Parking Meters Enforcement on Sundays

Director Kucharsky: the proposal to enforce parking meter on Sundays from 12 noon to 6 pm first came up in 2018. Two main reasons why this is being proposed now: first, businesses have reported that cars have parked from Saturday afternoons to Monday morning that significantly reduce parking space turnover rate during a time when these spaces are needed. Second, the added revenue will help the city's budget shortfall.

C. Dominguez asks about revenue estimates if the change is adopted.

Director Kucharsky: The estimated rate is between \$270,000 to \$330,000.

C. Morsillo asks about spaces that are unmetered and spaces in Riley Plaza.

Director Kucharsky: we are focused on metered spaces currently.

C. Prosniewski asks about hours of enforcement and additional staff needed for this enforcement.

Director Kucharsky: the proposal is for noon to 6 pm. The department has budget to hire additional enforcement staff.

C. Madore would like to know how the revenue estimates are projected, whether they are based on a high utilization rate based on pre-Covid conditions. Is the projection over optimistic and may fall short of expectations if this is one of the revenue streams being used to cover budget gap.

Director Giardella explains that these estimates are conservative and difficult to predict utilization rate.

Chief of Staff Pangallo reiterates that the primary reason is to increase turnover of parking spaces that will be important for businesses' survival.

C. Dominguez would like to know whether residents can be exempt from this.

Director Kucharsky: City-owned lots that have parking kiosks will remain free to residents on Sundays. The kiosks have the technology to do so. The city does not have the ability to check for residency for on street parking.

C. Morsillo would like to see churchgoers be exempt from this, especially congregants at the Immaculate Conception church, perhaps they can work with the City on getting a pass.

Director Kucharsky will look into this.

Public Testimony

Jeff Cohen speaks in support of the proposal.

C. Madore thinks the proposed language does not provide clarity on hours of enforcement on Sunday for on street meetings and asks Director Kucharsky to bring in language that clarifies this.

C. Morsillo moves to keep the matter in committee, seconded by **C. Sargent**, **4-0, motion carries.**

#142 Zoning Ordinance creating Inclusionary Housing

Staff Planner Chiancola recaps the key elements of the proposed ordinance:

- Developments of 6 or more units are required to provide 10% of units affordable to households making 60% of area median income (AMI). This applies to both rentals and homeownership units.
- There is no opt-out option for developers, i.e., payment in lieu or building units off site. This requirement makes Salem's proposed ordinance much more progressive than other communities' IZ ordinance.
- A density bonus of 25% units is included in the proposal for developers to offset cost of developing affordable units.

C. Riccardi asks about fractional unit payments and whether it is something developers might not take advantage of.

Chiancola explains that the fractional unit payment option provides flexibility for developers where an additional affordable unit may make the project not feasible. For example, for a development of 12 units, the developer would need to provide 1.2 affordable units. Rather than build 2 units, the developer can choose to pay the construction cost of .2 unit to the Salem Affordable Housing Trust Fund where the funds will be used towards affordable housing.

C. Prosniewski asks for more information on how density bonus works.

Chiancola explains that the number of units allowed for a development is based on zoning. However, a developer can build 25% more units than allowed to offset the cost of building affordable units to make the project financially feasible. The 10% affordable set aside calculation would apply to the bonus units as well. For example, 100 units +25% bonus = 125 units = 12.5 affordable units.

C. Hapworth asks whether this applies to the number of units a developer proposes within a year.

Chiancola explains this applies development projects, not specific developers. The ordinance has language that applies to subdivisions projects like Strongwater Crossing where single family homes would have been subject to these requirements if it was proposed after passage of the ordinance.

C. Sargent would like to see an increase of affordable unit set aside for developments that are allowed by special permit since the City is providing certain relief and incentives to the developer.

Chiancola stresses that the level of affordability required by the ordinance (60% AMI) is more important to the percentage of units. The income level meets the needs of Salem.

Tom Daniel adds that there has been a substantial amount of analysis that went into the ordinance to justify the 10% unit set aside affordable to households at 60% AMI in Salem where projects can still be financially feasible.

C. Madore asks C. Sargent to suggest specific language as an amendment to the ordinance to address his concern.

C. Sargent suggest amending Sec. 5.4.3 to show that by right development require 10% of units at 60% AMI affordability and for special permit developments require 15% units at 60% AMI.

Chiancola and Daniel caution against increasing percentage of affordable units since there are other communities that have higher requires and unable to produce any affordable units.

C. Dominguez comments that the city needs to be better at negotiating with developers bringing then to the table and making a good deal.

C. Madore comments that she served on the advisory committee with C. Dominguez that informed the development of this ordinance where developers were at the table. She is no longer interested in negotiating with developers on affordable housing and would like to see the city just require this.

Chiancola adds that financial institutions were also consulted to ensure projects with these requirements can be financed.

C. Morsillo asks fellow councilors who are asking for an increase in percentage of units to back up that recommendation with data and analysis, given the fact that substantial amount of analysis already went into informing the ordinance before us.

Public Testimony

Jen Lynch speaks in support on behalf of League of Women Voters.

Judith Reilly speaks in support.

Jeff Cohen speaks in support.

Lorelee Stewart speaks in support.

Flora Tonthat speaks in support.

Filipe Zamborlini speaks in support.

Fawaz Abushark speaks in support but the ordinance can be improved, other communities have required more.

C. Morsillo feels this this a strong ordinance and needs to move on it before more developments are proposed.

C. Madore comments that the 10% is a minimum requirement, developers can provide more.

C. Sargent points out that other communities are requiring more and we should follow suit.

C. Madore points out that staff planner Chiancola emailed in March a comparison table of inclusionary zoning from other communities.

C. Prosniewski would like to learn more about what other communities have passed as well but feels this is an important ordinance to pass and need to do it sooner rather than later.

C. Hapworth points out that after viewing the comparison table he noticed that other communities have much more complicated requirements. Majority allows developer to pay out or build offsite.

C. Madore shares the comparison table on the screen to show that Salem's ordinance is much stronger in requirement and less complicated.

C. Madore notes that C. Dibble has asked the committee to keep the matter in committee due to recent family emergency so that he has a chance to participate in the discussion.

C. Morsillo moves to keep the matter in committee, seconded by **C. Sargent**, 4-0, motion carries.

On the motion of C. Sargent the meeting adjourned at 8:55 P.M.



Chair