

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

met in the Council Chamber on Monday July 1 at 6:00P.M.

**for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on
June 27, 2024 at 12:40 P.M.**

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: None

From the Committee of the Whole: Councilors Merkl, Stott, and Varela (remote)

From City Staff: David Kucharsky, Director of the Department of Transportation

Ordinance to amend Ordinance relative to traffic Ch. 42 Sec. 75 Parking prohibitions towing zones (resident permit parking).

Ordinance to amend Ordinance relative to traffic Ch. 42 Sec. 75A Parking prohibitions towing zones (October resident permit parking).

Ordinance relative to Traffic Sec. 75A Article V-A reserved roof top parking spaces for temporary passholders

Councilor Morsillo begins with the third item: and ordinance relative to Traffic Sec. 75A Article V-A: reserved roof top parking spaces for temporary passholders.

David Kucharsky explains that currently up to 176 parking spaces will be sectioned off on the roof, reserved for temporary pass holders. These are residents who, through decisions by the planning board or zoning board, are allowed reserved spaces in the garage. The department was hearing that these spaces were not always utilized, so during various times over the past year, enforcement looked at these spots. 104 permits were issued, but only about 35 spaces were utilized, give or take. This was also during times that the garage had to be closed because it was otherwise full. Working with the Traffic and Parking Commission, the language was amended to 50 spaces, and additional spaces can be added by the Department of Transportation as needed. In addition, the Essex Street lofts needs to be added to the list of properties that can purchase these spaces.

Councilor Watson-Felt states that some who purchase these permits actually take the first spot available lower in the garage. She asks about enforcement in cases like these.

Mr. Kucharsky states that it has been done on an honor system, and the license plates are not noted when the permit is purchased.

Councilor Watson-Felt states that we see this in other garage in Salem as well. And some park on the street instead. Even those who purchase garage passes will take a space on the street if they see one available. This does create a problem when trying to manage the spaces in the garage. She agrees that the data does support this amendment, and we can change it again

if the number doesn't work. She supports this amendment even knowing that it will cause lots of questions from downtown residents.

No public comment requested.

Councilor Watson-Felt moves to refer this to the Council with a positive recommendation for first passage, seconded by Councilor Harvey. The motion passes 5-0.

The committee moves on to the resident parking and October resident parking ordinances.

Mr. Kucharsky presents an updated spreadsheet of expenses and revenue.

The only differences between this spreadsheet and the previous one submitted to the Council: they had assumed that the \$4 fee was per transaction, when in fact, it is per permit. The other change was the cost of October resident permits. They can be treated as visitor permits, so the fee is \$1.75 per permit.

And finally, he needs to finalize the seasonal parking permit in the Willows neighborhood with Councilor Jerzylo. Assuming that the permits would be seasonal, or 6 months of the year, the proposed fee is \$10 instead of \$20. Adjustments were also made to the visitor passes for the seasonal passes in the Willows.

With these adjustments, the estimated expenses stay at \$243,141.70. Under Passport with LPR technology, projected increases are \$26,524.67, bringing it up to 269,660.46. If the fees are left unchanged, revenues would remain the same overall and the shortfall would increase to \$224,101.46. If the fees were adopted as recommended, the revenue would increase to approximately \$145,420. If the same number of permits are purchased this would reduce the shortfall to \$124,246.46.

At the May 30th meeting, there was discussion about whether the enforcement revenue (parking tickets) could be used to reduce the cost of the permits. The City Solicitor reached out to the Department of Revenue, who stated that enforcement revenue should not be used to offset the costs. Since that meeting, the department resubmitted to the City Council an update to enforcement fines. This would increase a ticket for parking in resident only spaces from \$15 to \$25.

Mr. Kucharsky also discussed with the LPR company how to best accommodate home healthcare workers and home repair and contractor vehicles. Currently, residents use one of their visitor hang tags. Under the new program, resident can still use visitor permits. The department can also enter requests for home healthcare into the system. They are suggesting that those who require home healthcare workers contact the department on a monthly basis to keep the information up to date. There would be no fee.

Of the 624 streets in the city, 116 streets are designated for resident parking.

For contractors, residents can utilize a visitor pass. Or the contractor can pay \$15 per day for a permit. This is the same that is charged for contractors parking in a metered space. They can also park in a driveway. The department will work with contractors to purchase permits on a weekly basis, and will monitor over the year to make adjustments.

Residents can purchase up to two visitor permits. A visitor permit is good for 46 week blocks and each block can be registered for 7 days. The same vehicle can use two consecutive blocks.

Councilor Morsillo asks if home healthcare workers can contact the office and register their vehicle. Would the pass be registered to the resident's address?

Mr. Kucharsky states that it can be one address or multiple residential addresses.

Councilor Morsillo asks if a healthcare company can register one or more employees. Mr. Kucharsky says they can, but he needs to check about multiple addresses in multiple zones. He thinks it can be done.

Councilor Watson-Felt asks how the department will notify residents about these changes. Mr. Kucharsky states that they have email addresses, and have already sent a message about the start of the online registration process. Residents will also create an account in the system, and messages can be pushed out that way as well, including general parking information like snow emergencies.

Councilor Watson-Felt asks how information will get to contractors. Mr. Kucharsky states that the information is on the website, though that doesn't always work well. They do get calls from residents who see a truck parked, and they reach out to the contractor.

Councilor Watson-Felt feels that the new processes will require over-information to get the word out, to catch everyone.

Councilor Morsillo states that the new system started today, the fees are the same, but residents register online. They will no longer get a sticker. Mr. Kucharsky confirms this, and states that there is an FAQ on the department web page.

Councilor Harvey asks if a healthcare company can call or email if a new or substitute healthcare worker is required and needs a permit for the day.

Councilor Merkl thanks Mr. Kucharsky for the additional information. She states that the new system will be through an app, but for those who don't have access to a phone app, how will they register? Also, will residents get all of this new information through the app? Mr. Kucharsky states that residents can call or come to the parking office at 1 New Liberty or to the department in the annex. The same is true for home healthcare workers.

Councilor Morsillo asks about temporary vehicles, while a car is being repaired. Mr. Kucharsky states that the resident can log into the portal and edit the vehicle information.

Councilor Watson-Felt asks about residents who don't have technical abilities or skills. She thinks the FAQ should be more visible on the website. It should also be sent out to residents with web addresses spelled out for those who will be trying to register. She thinks the new technology is good. It will lead to increased enforcement because of the ability to navigate the city more quickly. But she thinks information is important.

Councilor Cohen asks if the city has a list of healthcare workers that use the system. Mr. Kucharsky states that we have a list of those who required a pass for the October resident parking. Councilor Cohen thinks we should be building a list. Mr. Kucharsky states that this is the point of registering users, so that we have more information in one place about who uses the passes.

Councilor Morsillo moves on to visitor passes. She states that one common thread she has heard from emails and conversations is locking up a visitor pass for one entire week. Residents often have a visitor, even on a weekly basis, for a few hours. Maybe family comes for dinner on Sunday, or a friend comes for a visit each week. Using an entire week's visitor pass for a visit of a few hours is what the concern is. Can the pass be a one day pass? Also can the visitor passes cover the entire year, not 46 weeks.

Mr. Kucharsky states that he needs to check in with the company. He states that he is covering the ordinance which states that a visitor pass works for 6 days only.

Councilor Morsillo agrees, and recalls the previous OLLA meeting regarding resident permit fees. At that time, there were reports of students buying one resident pass and getting two visitor passes which would be used by other roommates. We did make the length of a visitor pass 6 days, but it is very difficult to enforce because the police need to check every day for that same car before enforcing the ordinance. But really, this approach of a 7-day visitor pass doesn't work for normal every day use by residents who don't necessarily have visitors for a week or two.

Councilor Harvey states that we have 4-hour max meters, so shouldn't we give 4-hour increments? Mr. Kucharsky states that this is different because it isn't meters, it's visitor parking. He needs to go back and investigate further.

Councilor Cohen brings up Hazel St and Ocean Ave where there are issues with the number of parking spaces vs the number of resident passes. So students were parking on other streets, creating issues. He is for the new system with the better enforcement, but the technology needs to be understood further.

Councilor Merkl appreciates the discussion about the scenarios, and Mr. Kucharsky's statement about gathering data for the first year and adjusting. We may need further work on home healthcare workers or contractors. We need to keep an open mind on this new system. It's important to closely monitor the system and address concerns as they arise.

Councilor Morsillo suggests that an order be submitted to review the data and the outstanding issues in 6-12 months, including the enforcement schedule and data on tickets written.

Councilor Harvey asks if he can go on the app himself as a contractor, pay with his own card, enter the address of his work, and get the pass. Or a visitor can enter the information themselves. Mr. Kucharsky states that part of the program is to regulate the parking on the streets for the residents who live there. He would need to think more about how the process would work.

Councilor Watson-Felt understands what Councilor Harvey is saying and wants to make this easier, but is concerned about abuse. We need to figure out how to make it easier for healthcare workers or contractors, but there needs to be validation by the home owner. It's too bad that we need to be more careful, but we do, because she has seen the abuse.

Councilor Watson-Felt asks again about the financials, and Mr. Kucharsky confirms the numbers for the deficit, both with and without the fee change. Even if we do not adopt fee increases, the deficit is less than the deficit we have accumulated over the past few years. Mr. Kucharsky agrees. The shortfall without the proposed fee increases is \$224,101.46. With the higher fees, the deficit is \$124,246.46.

Councilor Morsillo asks Mr. Kucharsky to review the other amendments he made to the ordinance.

Mr. Kucharsky points out a change to account for a resident who does not have their vehicle registered in the city and does not live full time in the city, or they own the property but live elsewhere. The language added language to allow the police department, or transportation department, in consultation with the Ward councilor may modify the requirements and grant a parking permit, but with no visitor passes. The fee for these passes will be \$30 for part-time residents with vehicles registered elsewhere, and \$50 for nonresident landlords. This also reflects changes from the last meeting with the removal of Franklin St and Willfred Terrace, and the inclusion of Oak and Friend.

Councilor Morsillo states that the Council had first passage for the removal of Franklin St and Willfred Terrace, and also had first passage for the new enforcement fines for various parking violations.

Councilor Stott doesn't disagree with the removal of the purpose statement as amended, but she does think we need a new purpose statement. The original purpose does give an indication of why we provided resident permit parking back then. Why do we have resident permit parking now? Because of outside factors putting stress on streets? Is it because we want to decrease the amount of time circling neighborhoods looking for a space? Are we trying to make it easier for contractors and resident to park in a specific spot? She thinks the purpose is outside influences like the college and tourists. Now we are looking at many other locations and we need to be thoughtful about why we have it. Do we need as much visitor parking? Boston doesn't charge for resident parking, but they also don't allow visitor permits, they provide specific visitor areas in neighborhoods, which are few and not aoften available.

Councilor Cohen thinks having resident parking cuts down on emissions from cars looking for parking, and doesn't think the current purpose statement is appropriate. He sees an inequity in neighborhoods, where some streets have many more cars than parking spaces, and other streets with driveways and little parking on the street with resident parking. People call for resident parking for lots of different reasons. The new neighborhood-based zones are creating equity in neighborhoods. It comes down to enforcement. Without a sticker or a hang tag, how do we know who has a permit and who doesn't?

Mr. Kucharsky states that we have two vehicles with LPR readers in the Department of Transportation. The Police Department is looking into software to add onto their plate reader software system as well as printers to print out tickets.

Councilor Cohen hopes that the department mixes up the daily routes in order to enforce equally.

Councilor Morsillo asks how the LPR works with cars parked close to each other? Mr. Kucharsky states that they have hand readers, and the plate readers can actually can read the plates when cars are parked closely, as long as they drive slowly. There will still be enforcement on foot as well.

Public Comment

Steve Kapantais – The DOR requires the city to keep accurate records of their expenses when basing fees on them. He does not think the spreadsheet is accurate but rather a pencil and paper estimate of how much time is spent by each employee. He has asked for the data, but nothing has been sent. We need accurate data before a decision is made. Revenues also must be included. He wants to see the communications between the Solicitor and the DOR regarding the use of enforcement fines to offset costs. He states that LPR is sold to municipalities based on return on investment. So more residents will pay fines for parking and fees will still continue to rise.

Polly Wilbert – She is concerned about the October parking passes. We have lost sight of how we can be of service to our residents without making them jump through hoops to get those services. We have lost parking to outdoor dining. There was very rare enforcement for October resident parking without residents keeping an eye out and calling the police. People will do whatever they can to avoid paying for parking. What about our excise taxes? We already know the address for vehicles. Why are we not just covering these vehicles, where we know the owner and address? Why do we need to go online to register the vehicle? This should be covered by the excise tax process. She is concerned about non-English speakers or those who don't have the proper technology. Because of October, residents are inconvenienced more and more. Resident should be getting service from this Council.

Phil Laffy – From a previous meeting, he understood the original purpose to be to get in line with other communities. Only one community charged more than Salem (the new fees). Those that charge more have other services for free, like visitor parking passes. Taking the resident parking program out of the budget to look at separately is not appropriate. Not taking the enforcement fines into account isn't right because without the program there would be no enforcement fines. He also hasn't gotten answers to all his questions. The City is also making it more expensive to live here by raising the fees so significantly. The assumptions also need to be looked at more. Shouldn't the cost of labor be less expensive with this new program? It is more efficient, but the numbers don't reflect it. Why are full time resident parking permits covering the costs of October resident passes? He thinks we need more time to think this through. He does want to know why the Willows is considered a 6 month pass and not a full year.

Justin Whittier – He agrees with all of the previous comments and hopes we read the letter from the Federal Street Neighborhood Association. He is happy that Mr. Kucharsky has addressed the issue of giving permits to non-resident property owners. He agrees with Councilor Stott about the purpose of resident only parking. It is to protect the limited parking for residents, and to provide protections for visitors, care givers, and workers. The Board wanted to raise again their objection to the increased fees that are unfair and unwarranted. Raising the enforcement fees should cover the costs of the program. The cost of enforcement is included, but the income from fines is not. That is not fair. The cost of October enforcement does not seem correct. The LPR adds to the cost of the program, without the additional cost of the LPR, we would not be looking at increased fees. He would encourage other options like charging for October passes which are currently free.

John Femino – He is happy that we discussed being more flexible about visitor passes for those who visit for a few hours, not 7 days. His other concerns were forwarded to the Councilors. The tourists should be paying for the cost of some of these items. Residents are absorbing the costs of tourism in Salem. He is also concerned about his privacy. He now needs to register a visitor's plate, which is a privacy concern. He has asked for enforcement previously. Only once last year did the police come by to enforce. But now no one parks there because it was ticketed. Why doesn't the city have a tax per spot on private parking lots. They are making lots of money. And raise the fines for violators.

Councilor Harvey moves to keep this in committee, seconded by Councilor Watson-Felt. The motion passes 5-0.

Councilor Morsillo moves on to October Resident Parking, which is very similar.

Mr. Kucharsky affirms that there have been no further changes to the October Resident Parking. Residents would be eligible for 1 visitor pass at \$30. For businesses, like medical offices, it would be a \$2 fee for an October permit, including home healthcare workers.

Councilor Harvey questions charging business owners and home healthcare workers during October.

Councilor Morsillo asks how a patient of a medical office registers their car in October?

Mr. Kucharsky reminds the Council that the October parking is only enforced at night, not during normal business hours. Only after 5PM. But we still get businesses asking for the passes.

Councilor Harvey wonders if some of the issue of businesses asking for the October passes is for use by their friends.

Mr. Kucharsky says the plate number is written on the pass.

Councilor Morsillo thinks home healthcare workers should not be charged in October.

Councilor Cohen agrees and is ready to pass this part.

Councilor Davis wants more numbers on the businesses requesting resident passes and visitor passes. It would help to understand how it affects the financials.

Councilor Watson-Felt would like to have a discussion on moving the start date to September because of the earlier start of tourist season. She is seeing more stress in the downtown area from the now September start of the season. We need to talk about this. If there is a reason not to do this now, she would like to know.

Mr. Kucharsky states that all the signs would be impacted. We don't know the impact on the City as a whole. Do we need to extend it everywhere or just certain streets. He wants to get the program rolling and then make changes and tweaks to it. He asks that we go with what we have now and make changes as needed.

Councilor Merkl agrees with being consistent with home healthcare workers. She also sees earlier impacts on residents due to tourist season beginning in September, not the first of the month, but in September. She thinks we need to move forward and figure out the changes needed as we go.

Councilor Morsillo asks that the Visitor parking process for October is consistent with the normal resident parking.

Councilor Harvey moves to keep this in committee, seconded by Councilor Watson-Felt. The motion passes 5-0. She hopes we can continue a discussion on granting some streets earlier October parking permits. She is concerned about abuse of visitor passes by AirBnB users.

Councilor Cohen wants to be cognizant of the timeline. He adds that the streets in his ward would be encumbered by an earlier start to October permit parking.

Councilor Morsillo replies that she will do the best she can to get this done as soon as possible.

On the motion of Councilor Davis, the meeting adjourned at 7:37 P.M.



(Chairperson)