

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 Public Health, Safety and Environment co-posted with the Committee of the Whole

met in the Council Chamber on September 23, 2026 at 6:00 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on

July 15, 2026 at 4:39 PM

(This meeting is being recorded)

ATTENDANCE

PHSE – Hapworth (chair), Holappa, Smith, Flynn and Davis. **COW** – Merkl, King, Turowski, Sydoriak and Varela. **Also attending:** From police department – Chief Miller, Captain Burke, Seargent Pellitier. **From LifeBridge** – Mike King. **From Essex County Outreach** – Steve Perry. **From the city** – Solicitor James Wellock.

ABSENT WERE: **COW** – Prosniewski.

#134 The Camping Ordinance to review the policy and get updates from our Police Department

Hapworth - Before we begin, I want to be clear about the purpose and scope of tonight's meeting. This meeting was ordered by Councillor Davis to discuss the implementation of Salem's camping ordinance and to hear directly from our public safety officials and nonprofit providers about how the ordinance has been working in practice. That is the matter that came before the committee, and that is how tonight's meeting was publicly posted.

Under the Open Meeting Law, meeting notices are required to identify with reasonable specificity the matters the chair anticipates will be discussed. The Attorney General has further advised that when a controversial or high-interest matter is not included on a meeting notice, discussion or action on that matter should generally be postponed until it is properly noticed.

The City Solicitor has advised this committee that motions tonight to amend, substantially change, or repeal the camping ordinance could exceed the scope of the posted meeting and create an Open Meeting Law issue. Every councillor is responsible for exercising their own judgment. I am not going to prevent a member from making an otherwise procedurally proper motion solely because counsel has advised against it.

However, I want the legal advice stated clearly and placed on the record before we begin. If a member chooses to proceed contrary to that advice, they should do so understanding that the Attorney General can determine whether individual members were responsible for an Open Meeting Law violation and whether any violation was intentional and contrary to legal advice.

My intention as chair tonight is therefore to keep the discussion focused on the matter that was actually posted: how the ordinance has been implemented, what our public safety officials and service providers have experienced, what has worked, what has not, and what we can learn from their experience.

Additionally, for the attendees, I just want to ask that we please respect the rules of decorum and that we all abide by the rules in these chambers. That means no interruptions, side conversations, calling out, clapping, cheering, booing, or jeering during the meeting.

Under Massachusetts General Law, attendees must remain silent when requested by the chair and may not disrupt proceedings. These rules will apply equally to everyone. I ask that we respect the chamber and allow the meeting to proceed in an orderly way.

Presentation Summary

Captain John Burke of the Salem Police Department presented an update on the city's camping ordinance and the Police Department's experience with homeless encampments. He explained that he supervises the Community Impact Unit (CIU), which works with unhoused individuals as well as people experiencing mental health and substance-use issues. He also recognized the CIU team, including Sergeant Pellitier, Officer Ted Pierce, Officer Neil Sicard, Mental Health Clinician, Jocelyn White, and the Essex County Outreach Worker, Steve Perry, for their role in responding to encampments and connecting people with services.

Captain Burke began by reviewing the history of encampments in Salem, starting with Old Town Hall in 2023 and later expanding to substantial encampments along the South River near Congress and Lafayette Streets, including areas near Wendy's and National Grid property. He described the encampments as involving tents, abandoned belongings, furniture, trash, pallets, and other debris. During this period, police recorded 241 calls for service, 35 arrests, 68 medical assists, 12 overdoses, reports of assaults and other disturbances, and 49 reports from Wendy's involving trespassing and unwanted parties.

The presentation also focused on health and safety conditions at the encampments. Burke described discarded hypodermic needles, rats, trash, open fires, and other hazards. He reported that Department of Public Services employees had experienced two confirmed needle-stick injuries and two additional reported incidents over the previous three years. He also showed images and videos illustrating fights, drug-related concerns, rodents, and unsafe conditions. Other encampment locations, including Castle Hill Park, the area near the train tracks on Grove Street, and an area behind 400 Highland Avenue, were described as having significant debris, fires, or other safety concerns.

Burke then discussed the implementation of the camping ordinance. Since its passage in June 2024, the CIU had advised people to vacate encampments approximately 92 times. He said the department had made only three arrests involving two individuals and emphasized that arrests were not the department's goal. Officers frequently provided additional time when people were taking steps to comply, sometimes returning 13 to 24 hours later without making an arrest. He also said that virtually no one had requested that the Police Department store their belongings, with one exception that he characterized as unrelated to the intended purpose of the ordinance.

Burke credited outreach workers and mental health and social-service providers with helping people transition from encampments. He said that when the South River encampment was closed, approximately 10 former residents were helped into better circumstances, including more stable housing and family reunification. He stated that the closure itself helped make some individuals more receptive to outreach services. He also cited increased numbers of unhoused individuals living on the streets, stating that approximately 95 people had been identified as currently living on the streets in Salem, compared with roughly 15 people who had consistently been living on the streets in prior years.

The presentation concluded with current concerns about people congregating at Riley Plaza and Charlotte Forten Park. Burke described reports involving drinking, public defecation, drug use, and fighting, and said lighting had been installed at Charlotte Forten Park because of safety concerns. He cited two recent violent incidents there, including an assault involving a skateboard and an incident in which officers responded to a reported knife assault and became involved in a physical struggle with an individual. He also presented police incident numbers involving unhoused individuals, which he said had increased in recent years. Burke concluded that, in his experience, concentrated encampments had consistently been associated with violence, substance abuse, health hazards, and fire risks, while acknowledging that not every individual tent or dispersed location presented the same problems. He emphasized the impact encampments had on public spaces and neighborhood residents and invited outreach worker Steve Perry to speak about his work.

Steve Perry of Essex County Outreach described his work with the CIU during the South River encampment, emphasizing a humane, individualized approach to connecting people with services. Drawing on his own recovery experience, he said outreach workers went tent-to-tent to learn about each person's circumstances, including mental health and substance use issues, family connections, and immediate needs. Rather than forcing people out, the team spent six to eight months building trust, providing basic necessities, and giving individuals time to consider options such as detox, intensive outpatient treatment, or other programs.

Perry said the outreach effort successfully connected people with treatment, temporary housing, apartments, and family members, working with police and organizations such as LifeBridge to provide support. He argued that simply leaving people in the encampment would perpetuate substance use and potentially lead to more overdoses and violence. Based on his experience, he expressed support for a treatment-focused approach and said his organization was willing to continue helping people access appropriate services.

Councillor King asked about the circumstances surrounding the 92 instances in which individuals were advised to vacate encampments, including what typically prompted the interaction and how the notices were delivered. She was told that when overflow shelter was available, officers would respond quickly to new encampments, explain available options such as overflow shelter or LifeBridge, and provide a notice allowing 12 hours to leave, with additional time when needed. Captain Burke said most interactions were cooperative. King also asked whether the city sought shelter options outside Salem. She was told that LifeBridge and the local overflow shelter were generally the only available options, and that other shelters or police departments sometimes directed people toward Salem instead.

King also questioned the three arrests associated with the ordinance, including concerns about criminalizing homelessness. She was told that in one case, an individual repeatedly refused available accommodations even after arrangements had been made for belongings and pets, while the other case involved multiple warnings before the arrest. Officials emphasized that arrests were made only after repeated warnings and that violations of city ordinances do not result in a Massachusetts criminal record or prolonged incarceration; those arrested were released the same day or the following day.

Councillor Holappa questioned Captain Burke about trends in homelessness and enforcement under the camping ordinance. She estimated that approximately 30 people were living in encampments in 2024, compared with about 95 currently, and asked whether enforcement incidents had also increased. The captain confirmed that the earlier encampment figures were rough estimates and represented the largest concentrations, with numbers fluctuating over time, and agreed that the number of unhoused people had increased substantially and that incidents appeared to be rising slightly. Holappa then asked what typically triggered the 92 written warnings and whether they were primarily based on complaints or the availability of shelter. The captain explained that when shelter was available—particularly when the overflow shelter was operating, or when LifeBridge could provide a specific placement—that was generally the basis for enforcement. Although health or safety hazards could also provide grounds for action, officers generally relied on shelter availability rather than those conditions.

Holappa further clarified if the shelter was considered unavailable when facilities were full, unless officers could secure an individual placement. The captain confirmed that most of the 92 enforcement instances occurred when a bed could be secured, although a small number may have involved health hazards or other circumstances. Holappa then read the stated purpose of the camping ordinance, which includes promoting public health and safety, providing available shelter and housing, ensuring reasonable access to services, and connecting people with supportive resources. She asked whether, based on the discussion, the captain believed the ordinance had fulfilled its purpose. The captain responded that the ordinance had absolutely helped. Holappa then summarized the figures, noting that the number of people experiencing homelessness had at least doubled while incidents remained roughly similar and 92 people had been moved into shelter during the period, setting up a question about the relationship between the ordinance's stated goals and its outcomes.

Councillor Merkl thanked the Captain and CIU for their work assisting people experiencing homelessness, including partnerships with Essex County Outreach and LifeBridge. She appreciated the team's approach of trying to avoid arrests and giving individuals time to comply. Merkl then raised concerns about unattended belongings in public areas, particularly near the train station, noting that residents may be uneasy when packages, backpacks, or other items are left unattended for extended periods. She asked what procedures and timelines the police use to determine whether such property is abandoned, hazardous, or belongs to someone experiencing homelessness. Merkl also asked whether current encampments present environmental and safety concerns similar to those seen during the extensive South River cleanup in 2024, which involved contamination and the temporary closure of a park.

In response, the captain said the contamination seen at South River was unusually extensive, but that smaller-scale sanitation and environmental problems remain common at encampments. They noted that trash can accumulate where there are no waste facilities and that outdoor areas are sometimes used as restrooms, although some individuals make efforts to keep their areas clean. Regarding unattended property, Chief Miller explained that police must make a case-by-case judgment about whether an item is ordinary discarded material, a health hazard, potentially dangerous, or someone's personal belongings. Clearly discarded or deteriorated items can be removed by DPW, while suspicious items may require the police explosives-detection dog to ensure safety. Property known to belong to an unhoused person presents a more difficult situation, particularly when officers know the person is temporarily away and intends to return. Captain Burke said the CIU's knowledge of individuals and their belongings help officers distinguish between abandoned property and possessions that someone is likely to reclaim.

Councillor Flynn thanked the captain, police officers, social workers, and outreach workers for their work, emphasizing that they see the conditions firsthand and that he believes their efforts have made conditions safer for both unhoused individuals and residents. He asked whether the current camping ordinance was working and whether the captain recommended any changes. The captain said the ordinance had been very helpful and was serving its purpose. He said he would prefer having somewhat greater discretion to determine whether particular locations or circumstances were safe or appropriate, particularly when shelter is available, but acknowledged that the Council would decide the ordinance's final provisions. Regarding the property provisions, he said the department had anticipated needing storage space and even purchased a storage container, but the provision had not been used; he said he needed to give further thought to what changes might improve the ordinance.

Flynn also described his firsthand experience with encampments in Ward 4, particularly in wooded areas near Gallows Hill Park between 2018 and 2021. He said he had personally observed needles, human waste, trash, people moving through nearby yards, a stolen vehicle, and an overdose, and said encampments tended to return after being cleared. He also referenced a more recent double homicide behind Walmart and expressed concern about the safety of both unhoused people and nearby residents. As a former firefighter, Flynn additionally raised concerns about fires in wooded areas during dry periods and their proximity to nearby condominiums. He said his priority was the safety of both housed and unhoused residents, expressed trust in the police and outreach professionals, and concluded that based on their assessment that the ordinance was working, he supported keeping it in its current form.

Councillor Davis questioned the captain about the 92 individuals who were moved, seeking clarification on how many were moved when shelter was not available and what circumstances justified those actions. The captain said the department could not readily provide an exact number because officers had to review hundreds of reports but indicated that most moves occurred when shelter was available. Davis also asked for a clearer definition of "unsafe conditions," noting that simply camping could broadly be characterized as unsafe or unhealthy. The captain said he would consider factors such as fires, significant violence or assaults, large numbers of hypodermic needles, and proximity to sensitive locations such as schools, while ordinary trash alone would generally not meet the threshold.

Davis also questioned the notice given to people being ordered to leave, noting that the written form does not identify the specific reason for the action. He expressed concern that this could create confusion about what is and is not prohibited under the ordinance and suggested more specific notices and proactive communication with unhoused people. The captain said officers generally explain the reason in person and often have ongoing conversations with people, although he acknowledged that communication could always be improved. Davis also asked about reports of police slashing tents. Captain Burke said this was not current police procedure and had not been done by the current captain, although it may have occurred decades ago.

Finally, Davis raised concerns that arrests under the ordinance could potentially affect housing or employment even if they do not appear on a Massachusetts CORI record. Captain Burke explained that ordinance violations do not appear on CORI, although arrest records are public and could potentially be obtained through a public-records request. He clarified that one person arrested twice had previously been offered two years of housing but declined to comply with its rules, while another arrest involved an assault-and-battery charge after the person threw a water bottle at a bicyclist; the arrest would have occurred regardless of the camping charge. Davis also asked whether officers consider legitimate reasons for declining shelter, such as restrictions involving pets, family, employment, or personal safety. The captain said they would consider specific circumstances, particularly if a person faced a known risk of victimization at the proposed shelter and could honor such a concern when warranted.

Councillor Turowski thanked Captain Burke, Chief Miller, and the Police Department for their transparency and ongoing attention to the issue, noting that she has attended numerous Point and Downtown neighborhood meetings where police have consistently answered residents' questions. She described her own experience walking along the south side of the harbor after COVID and eventually stopping because she no longer felt safe, viewing that as a loss of public space. Turowski echoed concerns about unattended belongings in Charlotte Forten Park, particularly from a public-safety and security perspective, given residents' concerns about objects being left under tarps or in piles for days. She acknowledged that the items are people's property but questioned how police can determine whether unattended belongings present a security risk.

Turowski also asked whether Salem's increase in people experiencing homelessness—from roughly 65–70 people previously identified as housing insecure to about 95 people currently living outside—was consistent with national trends. Captain Burke responded that homelessness is increasing nationally but that some communities are bearing a disproportionate share of the burden. He said Salem appears to be serving a substantial portion of the North Shore, noting that people have come to Salem from other communities because its services and shelter resources are available. He suggested that a more regional approach, in which communities provide emergency shelter capacity based on population or need, could distribute responsibility more evenly.

Turowski then asked what prompted the recent installation of lights at Charlotte Forten Park. Captain Burke said the decision was based primarily on concerns raised by officers about certain individuals who had taken up residence in the area and his review of their histories, rather than a single resident complaint or incident. Finally, Turowski asked about the nature of physical violence occurring in the park and whether it typically involved unhoused people or passersby. Captain Burke said the violence generally involved one unhoused individual having an issue with another unhoused individual, although there have been incidents involving others.

Councillor Sydoriak thanked Captain Burke and the Police Department for their work with CIU, particularly their efforts to connect unhoused individuals with mental health services despite limited resources. He asked about police monitoring of encampments in wooded areas, including behind the middle school and in Salem Woods, noting that trash and tents remain in some locations. Captain Burke said the department has used drones on a limited basis to identify encampments, particularly during the period of fires, and conducts directed patrols of wooded areas when circumstances warrant. Police also communicate with Department of Public Services personnel about locations requiring attention, although the amount of wooded area and difficult terrain makes frequent monitoring of every location difficult. Burke encouraged councilors to report areas that may have been overlooked so officers can follow up.

Sydoriak asked how residents should report an encampment that presents a public-safety concern. Burke said emergencies should be reported through 911, while issues requiring immediate police attention should be reported through the 1212 line so a patrol officer can respond and refer the matter to the CIU. Non-emergency concerns can also be directed to CIU officers by email through the department's website. Sydoriak then asked about reducing the notice period from 24 to 12 hours. Burke said 12 hours was generally sufficient to allow people to remove an encampment, although officers often provided substantially more time and gave additional time in larger situations such as the South River encampment. He said the shorter period gave officers more flexibility when shelter was available and a site needed to be closed.

Finally, Sydoriak asked what constitutes actually moving when someone is directed to leave an encampment, such as moving to another part of Salem Woods. Burke said simply moving a short distance would generally not be considered compliance, although officers use discretion depending on the circumstances. He said some individuals had attempted to move only slightly to avoid enforcement, but officers tried to monitor those situations. When shelter was available and an individual had been given a specific place to go but chose to remain outside, Burke considered that a violation, although he emphasized that enforcement in those circumstances was relatively limited.

Councillor King asked about the storage provision in the notice, noting that people are given 12 hours to vacate but the Salem Police Station accepts stored belongings only from 8 a.m. to 4 p.m. Monday through Friday. She questioned whether officers take those limited hours into account when issuing notices and whether transportation could be provided if someone wanted to use the storage option but could not get their belongings to the station. Captain Burke said the storage option has rarely been used because people generally do not want to turn their property over to police. He said that if someone did request assistance, the department would work out a reasonable solution, but that situation had not yet occurred.

King also asked whether officers consider the time of day when issuing a 12-hour notice and provide additional time when the notice is issued at an inconvenient hour. Burke explained that CIU officers work during the day and evening and that officers would not arrive at 4 or 6 a.m. simply because 12 hours had elapsed. King observed that the department's responses suggested officers use considerable discretion and try to enforce the ordinance reasonably. She asked whether Burke believed there was misinformation about how the ordinance is actually enforced and whether clearer ordinance language that better reflected current enforcement practices might reduce that misinformation. Burke agreed that misinformation probably exists and said clearer language possibly could help.

Councillor Holappa asked Captain Burke to clarify what the department does when shelter is unavailable. Burke said officers may still request that someone move if there are concerns with a location, even when they do not have a legal mechanism to enforce the request. He distinguished a request from a lawful order by noting that, in the limited cases involving arrests, officers explicitly tell individuals they will be arrested if they do not comply. Holappa also asked whether people might misunderstand the difference between a voluntary request and a lawful order; Burke acknowledged that they might.

Holappa then questioned City Solicitor James Wellock about how Salem's ordinance interacts with federal and Massachusetts law. Wellock explained that the U.S. Supreme Court's *Grants Pass* decision held that enforcing laws prohibiting camping against people experiencing homelessness does not, by itself, constitute cruel and unusual punishment under the federal Constitution. He said there was no binding Massachusetts case law he was aware of addressing the same issue under the state constitution, although it remained possible that a future court could interpret the state constitution differently. Wellock also said the Massachusetts Attorney General's Office has invalidated some town bylaws on vagueness and constitutional grounds and has interpreted the state constitution as prohibiting ordinances that criminalize camping by homeless people. He clarified, however, that the Attorney General's review authority applies to town bylaws and does not extend in the same manner to Salem's municipal ordinances.

Councillor Smith thanked Captain Burke and the Police Department, emphasizing the department's extensive knowledge of people experiencing homelessness and its work connecting them with shelter, permanent supportive housing, and other services. Smith asked about the prevalence of mental health and substance-use issues among unhoused individuals. Burke estimated that the vast majority have some degree of mental health issues and roughly 70% appear to have substance-use issues, while noting that officers are not diagnosing people. Smith also asked about the additional municipal costs associated with responding to homelessness. Burke said these calls can involve police cruisers as well as fire and ambulance resources, and the department has an entire unit dedicated to the issue, although he could not provide a per-person cost.

Smith then asked whether larger encampments attract additional people and whether Salem's ordinance might be too lenient. Burke said he does not support encampments and believes large concentrations create additional problems because people with different challenges are concentrated in one location. He said the former South River encampment attracted drug dealers because of the concentration of potential customers, as well as others seeking a place where they believed it was easier to engage in certain behaviors. Burke also said some unhoused individuals told officers that they came to Salem because they believed it was easier to stay there than in other communities. Smith suggested that strengthening the camping ordinance could potentially reduce that influx, and Burke said he would support such an approach. Smith also raised the possibility of legally limiting the number or size of tents in a particular area.

Finally, Smith asked Mike King from LifeBridge whether there were plans to reopen the Transition Center or otherwise expand shelter capacity. King said there was nothing immediately planned, but the organization remained willing to operate the center because it recognized the need. He explained that reopening was dependent on obtaining funding and that the organization was prepared to resume operations if funding became available.

Public Comment

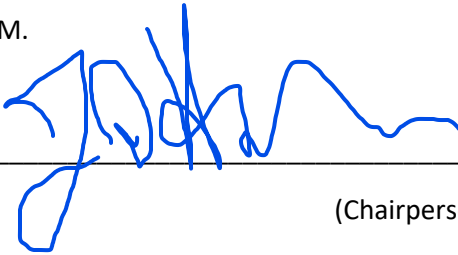
Residents & business owners expressed a range of concerns about homelessness, encampments, and enforcement of the ordinance. Several residents described impacts on neighborhoods and businesses, including fire, cleanup costs, encampments on private or conservation land, and concerns about encampments in public spaces such as playgrounds. Others questioned whether existing laws and park restrictions were being consistently enforced and called for clearer enforcement standards, better communication between police and affected residents, and sufficient evidence to support enforcement decisions. One speaker also criticized the one-minute public-comment limit as inadequate for addressing such a complex issue.

Other commenters emphasized that homelessness requires a broader response than enforcement or prohibiting encampments. Speakers pointed to rising housing costs, poverty, mental-health and substance-use services, shelter, and transitional programs as contributing factors and potential parts of a longer-term solution. Several residents praised the Police Department for using compassion and discretion when responding to unhoused individuals, while cautioning that changes to the ordinance should not unnecessarily limit that discretion. Others argued that prohibiting encampments without providing housing or alternative services could simply cause people to move repeatedly for one encampment to another, and called for greater input from service providers, public-health professionals, and people with direct experience of homelessness.

Hapworth – We will be scheduling another committee meeting in mid-October to discuss changes to the ordinance that we may want to consider. That wasn't part of the agenda tonight, but it will be in the near future.

Councillor Smith motions to remain in committee and seconded by Councillor Holappa. Motion carries 4-1.

On the motion of C. Smith, the meeting adjourned at 8:11 P.M.



(Chairperson)