

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 Government Services co-posted with the Committee of the Whole  
will met in the Council Chamber on March 23, 2022 at 6:30 P.M.  
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on  
March 15, 2022 at 9:30 A.M.

(This meeting is being recorded)

**ATTENDANCE**

**ABSENT WERE:**

None

**SUBJECT(S)**

#279 Council Rules and Orders Sec. 28C (discussion of remote participation during hybrid meetings)

#33 Request from Salem United to have a City Council Liaison

IS: Ilene Simmons

MK: Matt Killen

PK: Patrick Kennedy

BM: Bob McCarthy

CP: Conrad Prosniewski

BR: Beth Rennard

DD: Domingo Dominguez

CWF: Caroline Watson Felt

JC: Jeff Cohen

LM: Lev McClain

PM: Patti Morsillo

AV: Andy Varella

AM: Alice Merkl

IS: Started when we went into covid in March 2020, last june, the orginial extension was supposed to end. We decided to go hybrid, so much work happened behind the scenes. SATV was very instrumental in making this work. We're going to go over some logistics.

MK: Matt Killen CIO, we though that hybrid would be a possibility last year. We built a partnership with SATV, meeting open meeting requirements. In addition to this room, we have also built out four other rooms

BM: Mics not picking up

MK: moved mic

MR: Would SATV need to be here to meet? Can we do subcommittee

MK; subcommittee meetings will be broadcast going forward

MK: may need to train members of the clerks office

CP: when the public calls in, what do we see? Do we we see their face?

MK: Members of the public would be using a computer and would show up according to what they have chosen

MR: are remote formats still video

MK: faces would not show unless a scheduled presenter

IS: we should also decide on presenters etc hybrid

BR: law changes after July 15, if this body wants hybrid meetings, need to adopt a policy like the mayor has adopted, law allowed for remote participation prior, we never adopted. There was a policy. Quorum of a body is required in chamber. Some can be remote. How do we want to handle petitioners

DD: ADA concerns, what are the ADA concerns

BR: Not being able to hear is a concern. The law allows the dissability commission to meet completely remote. We need to ensure people can paricipate, hear and be heard.

DD: I don't see the council chambers right now, I only see four faces

PK: can you see me now?

DD: I see you

PK: this is just camera angles being changed, can you see us now?,

CWF: I have one question, is there an option to ensure accurate captions run on zoom? Is there a program we can run to ensure closed captioning as an option

PK: I have not dealt with closed captioning on zoom

MK: There is a way to do that through facebook live, that adds the caption

JC: As far as setting up a policy, I'm in favor of petitioners doing it remotely

PM: I would hope we would allow petitioners to attend via zoom

CWF at any time was there a requirement that voters must be inside state lines?

BR: No

CWF: I agree, we should always have a hybrid option for virtual access, as long as we have a quorum in the room. Particularly for department heads. Very much in favor

AM: Also want to support virtual option, take advantage of flexibility

CP: Zoom bombing? This is new technology, how do we know who is who

BR: the webinar platform does not allow visual unless you make them a panelist, we don't want to leave cameras on because we run into other issues

CP: Precovid, public stood at microphone, how do we know who is who

BR: again, if someone signs up to speak, the choice will need to be made, do we make them a panelist?

JC: I think it's important that whoever is hosting the meeting be able to mute someone if they are acting innapropriate. Some may not want their identiy known on camera for various means. We should have a mechanism to mute or kick off meeting, some may not want to be visible

CP: I agree host is responsible, my concern is someone making believe they are someone else, testimony may be credible, we don't know who they are

LM: I agree with the general sentiment, we should allow presenters remote, it might be difficult for participants to present without being remote. I tend to agree that petitioners should participate with their video on. Not too much to ask. This doesn't extend to public comment. We should be doing everything in our power to provide access not limit access for a problem we don't know exists.

BM: need to stay on top of microsophones. This is a valuable tool, I also hear what CP says. We need a baseline of who someone should be, who they are. If we are allowing people to appear remotely, should we allow their feeds. I think we can work it out. Figure out camera angle that captures entire room for committee meetings

MR: I'm curious about remote meeting participation policy. City solicitor had some suggestions for edits

BR: Paragraph 1D is confusing, we should reword that

LM: what should we do as a body? How should we appear? There should be a limit as to how much you can do it. I think it's perfectly fine up to a certain # of time. It's important for us to be here, what if we lose a quorum, what if a member cannot participate. One other item I would clean up. Section 4 technology, not just people in location, if someone is participating remotely, need to be clear to everyone.

CWF: Technology for members of the public, may be impossible to control or enforce. Maybe there are some practices we can adopt, repeat the question?

CWF: question about the quorum

CWF: Joint public hearing, each would each body need a quorum in person.

IS: can Planning board be 100% remote in a JPH

BR: until July 15

AM: thinking about audio, do those captions have translation

AM: Do we stream all meetings

PM: My preference is to get rid of facebook and go Youtube

MK: I haven't actually gone in depth on the captioning

PM: we will keep the facebook streaming until we figure that out

LM: Can you describe additional administrative hurdles of streaming to youtube instead of facebook, people may not like it when we take it away on facebook

MK: Each platform is unique, many have matured in last two years. Best platform early on was Facebook, we can accomplish the same thing on Youtube. It would be complicated to maintain both at the same time.

PM: Access on Facebook is a problem, Youtube is more accessible.

CWF: I agree with councillor McCain's point that it would require a change in behavior for some.

MR: We can share youtube livestream onto facebook. I'm curious about next steps. I'm antsy to get in person

IS: I'm concerned about whether or not this meets open meeting law, beth can you weigh in

BR: The audio needs improvement, I would suggest that we try this again

BM: Audio is spotty, you can hear it clear as day, I think in regard to a regular council meeting, we know we are going to be doing the camera angles, public comment period is limited in council meeting. I have been able to participate all ways. How do we capture everybody in the room, need to hear what is being said, what is being presented.

IS: would recommend leaving in committee, come back in 2 weeks to see what other further solutions we can come up with the audio

CWF: Motion to leave this in committee

JC: second

JC: I agree with this particularly because of what Councillor McCarthy said, more robust participation

MR: I want to comment that addressing in a couple of weeks is too long, I don't think we need two weeks to fix microphones, interested in looking at solutions to audio. It is working well, we have room for tweaks. We can continue to have committees meet while council meets in person. Committee meetings are convenient remote, we have active committees.

PM: I don't want people to get hung up on video, this is not what people on zoom see. What we see behind us is a zoom glitch. This is a little clunky, but I think we're ready to go. People need to speak into mics

CWF: coming out of committee I don't feel that the policy is ready to forward to the council

LM: I concur with Ward 6 Councillor, most of the business I have participated in has been remote, some of our concerns, if we are appearing in person, the public is also able to appear in person. Being in the chambers and allowing the public to attend. What do we want to allow petitioners, councillors etc. do

JC: I withdraw my second, with hope that we can have a motion to finish this and have a motion in two weeks

CP: We are sitting as a committee as a full council, we will have to stand. That may be a challenge

CWF: Withdraw motion

JC: move that we meet in person at next council meeting after tomorrow

IS: I want to ensure we aren't violating open meeting law with the audio, I do feel we are ready

MK: microphones, are not specifically tied to zoom. If we are not close to the microphone, folks at home are not hearing, this is also true with SATV broadcast

BM: We could change the rule to allow for sitting while speaking

BM: My suggestion is that committee make a suggestion, with regard to participation, we need quorum. Participation will not be an issue.

JC: I'm going to revise my motion, positive recommendation that we meet in person for the meeting following the 14th of april.

LM: A friendly amendment that the Salem city council adopt the city's remote participation policy with the recommendation that we striking 1D and page 2

JC: Accepts friendly amendment

TH: waive requirement to stand temporarily

AV: Second

BR: As this meeting has progressed, I can hear everyone, councillor mccarthy can as well.

CWF: Yes

Varella: Yes

Cohen: Yes

McClain: Yes

Ty: Yes

Salem United

IS: As I stated in my memo, the year 1990 was brought up, so I went back to 1990, looking up Salem United, Black Picnic, Council Liaison. Found some requests about picnic. 2018 discussed black picnic as well as MOU we had with park and rec. Referred to committee, she submitted a letter in 2019, referred to CED. In nothing I found did I see any MOU with City council.

LM: I raised the objection when this first came, I had some misgivings about whether or not we had done our research, thank you to clerk for dotting our I's and crossing our t's. Wanted to give Ms. Wade time to provide evidence. A great deal of time has gone by, she has not presented anything.

LM: Motion to discharge from committee with a recommendation not to assign a liaison to Salem United

AV: second

JC: I agree with councillor McClain that Ms wade had sufficient time. I go back to what we talked about at the first meeting. It's a bad prescendent to have a liaison to private body, we don't even have a liaison to any one body.

MR: Want to confirm that ms. Wade was in

CWF: Yes

Varella: Yes

Cohen: Yes

McClain: Yes

Hapworth: Yes

Varella adjourn

5 in favor

Standing section 10 suspend section 10

On the motion of C.

\_\_7:30\_\_ P.M.

the meeting adjourned at

A handwritten signature in black ink, appearing to be "J. Hapworth", written over a horizontal line.

(Chairperson)