

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**

**will met in the Council Chamber on October 26, 2023 at 6:00 PM**

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

**October 23, 2023 at 1:04 P.M.**

**(This meeting is being recorded)**

**ATTENDANCE**

**ABSENT WERE: None**

**Also joining from the COW: Councilors Watson-Felt (remote), Stott, Merkl, Hapworth,**

**Also in attendance: Beth Rennard, City Solicitor**

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**SUBJECT(S)**

**Granting of Certain Licenses: Second Hand Valuables for Game Zone**

**Code of Ordinances Chapter 2 section 1001: Composition and Section 1002: Appointment of Trustees, Terms, Vacancies and to discuss the Composition and Number of Trustees appointed relative to the Affordable Housing Trust Fund Board.**

Councilor Morsillo reviews the work thus far: this is the third meeting, after a brief meeting two weeks ago. There were still questions about the composition, whether City Councilors can appoint Councilors to the Board, whether City Councilors can be appointed, or if we can write into the ordinance that the mayor must appoint a City Councilor. We also discussed limiting the number of members to nine, including the Mayor, and the purpose of this is to remove the City Councilors from the Board for various reasons. The State law does specify that the Mayor is a member of the board and the Mayor makes all appointments, which Ms Rennard will speak to.

Ms Rennard states that she was contacted by a member of the Council, who asked whether our ordinance creating the commission was consistent with State Law. The State law is enacted once the Council accepts this section of the law, which the Council did in 2006. At the same time they created a commission which is inconsistent with the general law, and we must follow the provision. It specifically states the Mayor will be a member of the commission and will appoint the members subject to City Council confirmation. She was asked to draft an amendment to the ordinance to reduce the number on the board to nine from twelve, and eliminate the Council representation. That doesn't mean that a Councilor can't be a liaison or that a Councilor can't be appointed by the Mayor.

Councilor Morsillo directs the committee to the red line version of the ordinance, section 2-1001, the number has been reduced to 9 including the Mayor. Section 2-1002, "each trustee serves a term of 2 years", half appointed one year, half appointed the next year.

Councilor Dominguez states that we create our own law to feed the needs of who we are here in Salem. He asks the City Solicitor how other cities and towns handle the situation. He still thinks Councilors must be on the board. We are elected by

the people to represent the people, especially regarding affordable housing. He would like to see someone accountable at the table so that when it comes to us, someone accountable to the people on the other side of the question is at the table. He is looking for a way to balance the situation.

Ms Rennard states that prior to the meeting, Councilor Dominguez asked if she can look into whether other communities have members of the Council on their commissions. She says she can do that if it is the will of the body, but that it is not typical to include Councilors on any boards.

Councilor Morsillo states that at the previous meeting, Ms Chiancola stated that no other community included Councilors on their Affordable Housing Trust Fund Board. She states that she personally looked at nearby cities, like Beverly, and they do not include City Councilors.

Councilor Cohen responds to Councilor Dominguez with a political and practical viewpoint. He states that from a practical point of view, it does not matter if another community violates state law, it is up to us to abide by the law. We can seek permission from the State Legislature to change our local law through a Home Rule Petition. He underscores that he supports the removal of Councilors, and points to the public comment at the previous meeting which listed reasons for removing the Councilors.

Councilor Varela thanks Ms Rennard for the work she did. He states that it looks like there is no avenue for the Council to appoint members to the board.

Councilor Prosniewski points out that on tonight's agenda is the appointment of a candidate running for Council. He asks how we should handle the appointment.

Councilor Morsillo reiterates that the Mayor can appoint a Councilor to the board, but asks Ms Rennard to weigh in.

Ms Rennard states that she was asked earlier by the City Clerk about the ethics of appointing the candidate. She states that we can't assume that one candidate may or may not win election, but that we can continue the appointment of the person to a future meeting if we wish.

Councilor Merkl states that she is comfortable removing the sitting Councilors from the board. She refers to previous discussion and public comment about the possibility of intimidation of board members by Councilors stating their opinions and that we do have confirmation power over the Mayor's appointments.

Councilor Morsillo reads through the amendments before the body:

Chapter 2-1001: "The Affordable Housing Trust Fund Board of Trustees shall be composed of 9 trustees including the Mayor."

Chapter 2-1002: "Appointment of Trustees, Term, Vacancies. The mayor shall serve as a Trustee and appoint biennially in January, subject to confirmation by the City Council, 9 trustees who shall serve for a term of two years. The terms of the members of the commission shall be so arranged that the terms of half of the members will expire each year. A vacancy occurring otherwise than by expiration of a term shall be fulfilled for the unexpired term in the same manner as the original appointment. No trustee excluding the Mayor shall serve for a term exceeding two years."

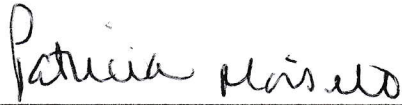
Councilor Stott thanks the City Solicitor for helping with this item. She explained that she heard that we are the only City in the State with Councilors on this board, and when you learn you are the only one, you ask why. We learned we are not doing this appropriately and need to follow the law so that the votes of the board are not questioned. As a Council body we approve appointments and have the authority there. Yes, we are elected officials, but our voice dilutes the voices of others on the board. The expertise of the appointed members should be just as strong and count as much as our voice. She also states that we all need to do our own homework and do our own diligence to attend the meetings and follow up with questions.

Councilor Varela moves to refer the amended version of the ordinance to the Council with a recommendation for first passage. The motion carries 4-1.

Granting of Certain Licenses: Second Hand Valuables - Game Zone

Councilor Varela moves to refer the license to the full Council with a recommendation for approval.

On the motion of C. Varela the meeting adjourned at 6:22 P.M.



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(Chairperson)