

**City of Salem Zoning Board of Appeals**  
**Meeting Minutes**  
April 24, 2023

A special meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, April 24, 2023 at 6:00 pm via remote participation in accordance with Chapter 2 of the Act of 2023 and a Special Act extending remote participation meetings until March 31, 2023.

**Chair Peter Copelas calls the meeting to order at 6:11 pm.**

Chair Copelas explains how individuals can participate in the meeting remotely via Zoom, and that instructions to participate remotely can also be found on the Salem website. Mr. Copelas also explains the rules regarding public comment.

**ROLL CALL**

Those present were: Peter Copelas (Chair), Rosa Ordaz, Paul Viccica, and Nina Vyedin. Also in attendance were Daniel Laroe – Staff Planner, and Jonathan Pinto – Recording Clerk. Those absent were: None

**OPEN MEETING LAW VIOLATION DISCUSSION**

Complainant: **Steve Kapantias**

Description: A complaint of an Open Meeting Law Violation was submitted to the Zoning Board of Appeals alleging that the agenda for the 4.12.23 meeting was not posted to the City Calendar as required by the Open Meeting Law and City Ordinance. The Board will discuss this matter publicly and vote on any action it wishes to take and authorize a written response by the City Solicitor.

Chair Copelas explains that a complaint was filed subsequent to the April 12th meeting of the Zoning Board of Appeals alleging that an Open Meeting Law violation occurred because the agenda for the meeting was not properly posted. Following a complaint, the Board is required within 14 business days to hold a meeting to discuss the matter and any action that might be taken. Mr. Copelas indicates he met with the City Solicitor on April 13th and discussed the next steps. Chair Copelas notes the meeting was well attended with robust discussion, but it appears there was a technical violation of the Open Meeting Law. The City Solicitor, Beth Renard, provided a memorandum with a roadmap for going forward. Mr. Copelas asks Mr. Laroe to summarize the events and steps that might help prevent this in the future.

Mr. Laroe explains that when the date of the meeting was changed to April 12th, he had to create a new event, and in doing so did not include the link to the agenda on the City calendar. Because the link was not present, the meeting was considered to be improperly posted. After meeting with Ms. Renard, Mr. Laroe states he met with IT to discuss preventing this issue going forward.

Mr. Copelas further explains the date of the meeting was changed because of scheduling conflicts, and that while the meeting was properly noticed in all of the traditional ways, the City has to declare what it uses for formal notice, and the City has formally declared previously that the City calendar is

what qualifies as formal notice. Therefore, Chair Copelas concludes, the meeting should not have gone forward. The City Solicitor indicated there are three things the Board should do: 1) Formally notify all the applicants from the April 12th meeting that there was a violation and the meeting must be rescheduled for the items to be reheard; 2) Conduct an IT training for staff and Board members to learn how to properly post to the calendar and website; and 3) Formally reply in writing explaining the actions the Board will take and the steps that will be taken going forward in response to the alleged violation. Chair Copelas also suggests setting up a date for the April 12th meeting as it is not yet set. Chair opens the matter up for Board discussion.

Mr. Viccica states that the reason the date of the meeting changed was because of school vacation week, for further clarification. Mr. Viccica agrees with the recommended steps. Regarding the special meeting, Mr. Viccica suggests combining the items with the next meeting in May. Mr. Laroe explains the advertising requirements could be met if the Board wishes to add the items to the May meeting. All Board members present agree.

Ms. Ordaz notes that many of the petitioners at the April 12th meeting hired attorneys and states it is a shame that they will have to potentially pay additional monies to be represented again. Ms. Ordaz asks if the posting fees will need to be paid again or if those will be waived. Mr. Laroe states those fees will be paid for by the City. Mr. Copelas notes the meetings need to be conducted as if the prior meeting did not happen, and it cannot be assumed that the Board will vote the same way as before. He states the matters will not be rushed through.

Chair Copelas suggests that three motions must be made based on the City Solicitor's recommendations.

**Motion and Vote:** Ms. Vyedin motions to formally notify all the applicants from the April 12, 2023 meeting that there was a violation and the meeting must be rescheduled for the items to be reheard during the May 17, 2023 regular meeting of the Zoning Board of Appeals.

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Peter Copelas, Paul Viccica, Rosa Ordaz, and Nina Vyedin) and none (0) opposed. The motion passes.**

**Motion and Vote:** Ms. Vyedin motions to conduct an IT and legal training for staff and optionally for Board members on Open Meeting Law and posting to the City website.

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Peter Copelas, Paul Viccica, Nina Vyedin, and Rosa Ordaz) and none (0) opposed. The motion passes.**

**Motion and Vote:** Ms. Vyedin motions to formally request that the City Solicitor respond in writing explaining the steps taken to the complainant, the Attorney General's office and any other parties required to be notified.

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Peter Copelas, Rosa Ordaz, Paul Viccica, and Nina Vyedin,) and none (0) opposed. The motion passes.**

## ADJOURNMENT

**Motion and Vote:** Mr. Viccica motions to adjourn the meeting. **The vote is all in favor. The motion passes.**

**The meeting ends at 6:42 PM on April 24, 2023.**

*For actions where the decisions have not been fully written into these minutes, copies of the Decisions have been posted separately by address or project at:*

<https://www.salem.com/zoning-board-appeals/pages/zoning-board-appeals-decisions-2023>

Respectfully submitted,

Daniel Laroe, Staff Planner