

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee on Ordinances, Licenses & legal Affairs co-posted
with the Committee of the Whole

met in the Council Chamber on Thursday, June 2, 2011 at 6:00 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on
May 26, 2011 at 5:22 P.M.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: _____

SUBJECT(S)

#159/#92 - Compensation for School Committee

Issue

Motion C Pelletier raise school committee compensation by \$500/yr to \$3000/yr and review every other year.

Beth Plenned to submit draft ordinance at 6/9/11 COLCA meeting. ^{amended}

4 in Favor 1 opposed votes

DIVISION 10. COMMISSION ON DISABILITIES

Sec. 2-926. Established, composition and compensation.

There is established the commission on disabilities. The commission shall consist of nine members, and the members shall serve without compensation.

(Code 1973, § 2-616; Ord. of 6-28-2007, § 1)

Sec. 2-927. Appointment and terms of members; filling vacancies.

The seven members of the commission on disabilities shall be appointed by the mayor, subject to confirmation by the city council, and shall hold office for three-year terms. Each member shall serve until a successor is duly appointed and confirmed. Any vacancy which shall occur in the commission shall be filled in accordance with this section.

(Code 1973, § 2-617)

Sec. 2-928. Duties generally.

The commission on disabilities shall act in an advisory and consultative capacity with the general objectives of coordinating with the city departments and interested organizations the concerns of the handicapped and may promote, assist and coordinate all activities designated to meet such concerns at community levels.

(Code 1973, § 2-618)

Secs. 2-929—2-955. Reserved.

DIVISION 11. SCHOOL COMMITTEE

Sec. 2-956. Compensation of members.

Effective July 1, 1989, the members of the school committee, with the exception of the mayor, shall receive the sum of \$2,500.00 for expenses per fiscal year for their services. The sum shall be paid in one lump sum the first week in December following the expiration of the prior fiscal year.

(Code 1973, § 2-136)

Secs. 2-957—2-985. Reserved.

DIVISION 12. TRANSPORTATION ADVISORY COMMISSION*

Sec. 2-986. Created; composition; appointment and terms.

(a) The transportation advisory commission is created. The commission shall consist of the following five members who shall reside in the city:

- (1) Two members from the retail business community;
- (2) One member from the general community;
- (3) One member from the planning department; and
- (4) One member from the private area of transportation.

(b) All members are to be appointed by the mayor and subject to city council confirmation. The appointments to the commission shall be for staggered terms of three years.

(Code 1973, § 2-700)

Sec. 2-987. Duties.

(a) The transportation advisory commission shall advise on all areas of private transportation and shall perform all duties required in conformance with this Code. In addition, the commission shall advise the mayor and city council relative to all matters relating to transportation in the city.

(b) The transportation advisory commission shall work as liaison to private transportation companies and individuals to coordinate a service of transportation for the general public. It shall initiate advertising and promotional programs for the general use of transportation. It shall work with the Chamber of Commerce, city agencies and general business and other interested groups in organizing transportation.

(Code 1973, § 2-701)

*Cross reference—Traffic, ch. 42.

"Pursuant to Chapter 71, Section 52 of the General Laws of the Commonwealth of Massachusetts, members of the Salem School Committee shall be compensated at a rate equal to 2/3 the compensation provided to members of the Salem City Council as specified in Division 3, Section 2-271 of the Code of Ordinances, effective in calendar year 2011. School Committee members shall receive no other stipend for their services"

***INFORMATIONAL NOTE----- CH 71, Sec 52 of MA
General Laws***

Section 52. The school committee shall serve without compensation, except that a member of a school committee of a city, town, regional school district or superintendency union may be compensated for his services by a majority vote of the city council in a city having a Plan D or Plan E charter; in a city not having a Plan D or Plan E charter by vote of the city council, subject to the provisions of the charter of such a city; in a town by a majority vote at a town meeting; and in a regional school district or school superintendency by a majority vote of the voting member towns authorized at their respective town meetings, the amount of such compensation, in each case, to be set by the respective cities, towns or groups of towns. No member of a school committee in any town shall be eligible to the position of teacher, or superintendent of public schools therein, or in any union school or superintendency union or district in which his town participates.

Under \$5000 Rule for Retirement Creditable Service

Effective July 1, 2009, M.G.L. c. 32 s.4(1)(o) now provides that "the service of a state, county or municipal employee employed or elected in a position receiving compensation of less than \$5,000 annually, which service occurs on or after July 1, 2009, shall not constitute creditable service for purposes of this chapter."

Eligibility for Health Insurance

G.L. c. 32B, § 2(*d*), as amended through St.1958, c. 536, defines "employees" covered by municipal group insurance policies, reads as follows: "(d) 'Employee,' any person in the service of a governmental unit ... who receives compensation for such service or services, whether such person be employed, appointed or elected by popular vote ... provided, the duties of such person require no less than twenty hours, regularly, in the service of the governmental unit during the regular work week of permanent or temporary employment ... *except that persons elected by popular vote may be considered eligible employees during the entire term for which they are elected regardless of the number of hours devoted to the service of the governmental unit A determination by the appropriate public authority that a person is eligible for participation in the plan of insurance shall be final.*" (Emphasis added.)

APPENDIX A

**To be attached to Committee on Ordinances, Licenses and
Legal Affairs Committee Report dated 6/2/11**

**Committee Members Present: Lovely, O'Keefe, Sosnowski, Pelletier, Sargent
Committee of the Whole Members Present: McCarthy, Pinto, Prevey, Furey**

The committee discussed the following posted agenda items:

RE: Amending an Ordinance relative to the Compensation for School Committee

INVITED: Mayor or Representative, School Committee Members, Solicitor

**Order #159/#92 Amending an Ordinance relative to the Compensation for School
Committee**

- C. Lovely No increase in compensation since 1989
SC paid \$2500 for expenses paid lump sum every December taxable by 1099
- Beth Rennard Discussed under \$5000 rule for retirement creditable service
No school committee members received pension benefits now
Currently not eligible for health benefits but could be under GL c. 32B s. 2(d)
- Dr. Walsh City Council pay at 10% of Mayor's salary
It would be fair to set a % of school committee based on Mayor's salary too
- Dr. Crane Stipend was not taxed until 6 years ago – now taxed
- C. Pelletier Disagrees with 6% increase
- C. Sosnowski Disagrees with it as well in this economic climate
Definitely thinks they deserve a raise
Would like to see stipend tax exempt
- Dr. Crane Can't attract credible candidates to run for school committee
Pay is lower than surrounding communities
- Beth Rennard Stipends require an accounting of expenses to write off tax burden
- C. Pinto No time is ever a good time for a raise
But school committee deserves a raise

- C. Sosnowski Can the compensation be tax exempt?
- Beth Only by expenses submitted
- C. O'Keefe Served on school committee when \$250/year
Against A&F recommendation
- C. Sosnowski Are quarterly payments better?
Suggested biyearly
- C. McCarthy Echoed need to raise stipend
Can we add language up to a certain amount and SC take up to a certain amount
and they decide how much?
- Beth Rennard No cannot do that
- Dr. Walsh Mayor cut school committee compensation to 5% from 6% A&F recommendation
School budget reflects a 5% increase
- C. Pelletier Motion to increase school committee compensation by \$500 to \$3000/year**
Review every other year same as Mayor's salary review
- C. Sargent Second**
- C. Sosnowski Friendly amendment to change to \$500/year up to \$4500
Not accepted
- C. Pinto Advocated for \$500/year up to \$4500
- 4 in favor (O'Keefe, Sargent, Pelletier, Lovely)**
1 opposed (Sosnowski)
Voted – Approved

Meeting date(s) and subject matter(s) and invitees may change due to unforeseen circumstances. Please refer to the City's meeting calendar for official meeting postings.

Motion C. O'Keefe to adjourn.

All in favor None opposed Approved

Meeting was adjourned at 6:55PM

On the motion of C.

W. Keefe
[Signature]

the meeting adjourned at 6:55 P.M.

[Signature]

(Chairperson)