

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 ~~MAX~~ of the Whole

met in the Council Chamber on Thursday, February 21, 2013 at 6:00 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on February 15, 2013 at 10:48 A.M.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: Councillor Prevey, Segal, ~~Segal~~, O'Keefe

SUBJECT(S)

#653 - CPA Working Group - Also present City Solicitor Beth Renard
Councillor Ryan discussed the February 11th Working Group Meeting
- 9 members, 5 by statute, 2 by City Council, 2 by Mayor
Councillor Foley talked about process

Councillor Sosnowski moved to recommend the working groups recommendations
2nd by Councillor McCarthy

Approved ✓

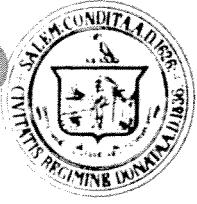
On the motion of C. McCarthy

the meeting adjourned at 6:30 P.M.



(Chairperson)

#653



CITY OF SALEM

In City Council,

November 15, 2012

Ordered:

There is hereby established a working group to review the various Community Preservation Committee and Ordinance models and make a recommendation to the Mayor and City Council as to how best to proceed with implementation of the Community Preservation Act in Salem. The working group shall include a representative from the Mayor's Office, along with three representatives from the City Council, and three representatives from Salem Community Preservation Alliance and shall work with the City Solicitor on the preparation of proposed language.

In City Council November 15, 2012

Received after the deadline of Tuesday noon under suspension of the rules
Referred to the Committee of the Whole

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

Section I. Chapter 2 is hereby amended by adding a new division within Article IV Boards, Commissions, Committees and Authorities as follows:

**“ARTICLE IV. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES
DIVISION 15. COMMUNITY PRESERVATION COMMITTEE**

Sec. 2-1010. Established

There is hereby established a Community Preservation Committee, in accordance with the *Massachusetts Community Preservation Act*, M.G.L. Chapter 44B, consisting of nine (9) voting members.

Sec. 2-1011. Membership and Terms

The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
- (2) One member of the Historical Commission as designated by the Commission for an initial term of two years, and thereafter for a term of three years.
- (3) One member of the Planning Board as designated by the Board for an initial term of one year, and thereafter for a term of three years.
- (4) One member of the Park and Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- (5) One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.
- (6) Two members appointed by the City Council, two of the general public or in the alternative one member of the City Council recommended by the Council President and one member of the general public, to be appointed for a term of one year and thereafter for a term of two years for appoints from the general public.
- (7) Two members of the general public to be appointed by the Mayor, one member to be appointed for a term of one year and thereafter for a term of two years and one member to be appointed for a term of two years and thereafter for a term of three years.

The Commissions, Boards, Councils or Committees who have appointment authority under this Division shall appoint such representatives within 45 days of the effective date of this ordinance. Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, Councils or Committees who have appointment authority under this Division shall appoint a new representative within 45 days of the first date of vacancy or resignation.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Division be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the City Council. Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Division fail to appoint a representative within such 45 days for whatever reason, the appointment authority for that position shall be the Mayor.

Sec. 2-2012. Powers and Duties

(1) The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation. The committee shall consult with existing municipal boards, including the City Council, the conservation commission, the historical commission, the planning board, the park and recreation commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

(2) The community preservation committee shall make recommendations to the City Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

(3) The community preservation committee may include in its recommendation to the City Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

Sec. 2-2013. Rules and Regulations

By majority vote of the members of the committee, the committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), Ordinance, or other legal right or authority granted to or conferred upon it. The proposed rule or regulation shall be submitted to all committee members at least 48 hours prior to any vote to adopt the same; provided, however, the committee may make such amendments to the proposed rules or regulations as it deems appropriate at the said meeting.

Upon approval of any rule or regulation by the committee, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the committee establishes a later effective date.

Sec. 2-2014. Amendments

This Division may be amended from time to time by a majority vote of the City Council, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

Sec. 2-2015. Severability

In case any section, paragraph or part of this division is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Sec. 2-2016. Effective Date

Following City Council approval, this Division shall take effect immediately. Each appointing authority shall have 45 days after approval by the City Council to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Mayor shall make the appointment.”

Section II. This ordinance shall take effect as provided by city charter.

CITY OF SALEM

In the year Two Thousand and thirteen

An Ordinance to amend an Ordinance relative to Boards, Commissions, Committees and Authorities

Be it ordained by the City Council of the City of Salem, as follows:

Section I. Chapter 2 is hereby amended by adding a new division within Article IV Boards, Commissions, Committees and Authorities as follows:

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AUTHORITIES
DIVISION 15. COMMUNITY PRESERVATION COMMITTEE**

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- (3) One member of the Planning Board as designated by the Board for an initial term of one year, and thereafter for a term of three years.
- (4) One member of the Park and Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- (5) One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.
- (6) Two members appointed by the City Council, two of the general public or in the alternative one member of the City Council recommended by the Council President and one member of the general public, to be appointed for a term of one year and thereafter for a term of two years for appoints from the general public.
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The Commissions, Boards, Councils or Committees who have appointment authority under this Division shall appoint such representatives within 45 days of the effective date of this ordinance.

Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, Councils or Committees who have appointment authority under this Division shall appoint a new representative within 45 days of the first date of vacancy or resignation.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Division be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the City Council. Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Division fail to appoint a representative within such 45 days for whatever reason, the appointment authority for that position shall be the Mayor.

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