

Protection and License Committee

Chairman Infurna, Forbes, Brodeur,
Seaboyer, Medeiros
Attending: Mortimer, Boisselle
In attendance: Fire Chief John
O'Brien; Police Chief Mike Lyle

Protection and License is called to order by Chairman Infurna at 7:30 p.m.

Alderman Medeiros motions to open Public Participation, 2nd by Alderman Seaboyer. All in favor. No one comes forward. Alderman Forbes motions to close Public Participation, 2nd by Alderman Seaboyer. All in favor.

Order No. 09-093, GRANT Amount: \$95,940.00 From: Federal Emergency Management Agency (FEMA) To: A/C #245909-490000 – Fire Equipment Grant as set forth herein.

Alderman Forbes moves to recommend, 2nd by Alderman Seaboyer. Alderman Forbes moves to suspend the rules to allow Chief O'Brien to come forward, 2nd by Alderman Seaboyer.

Chief O'Brien says the grant amount is 90% of the cost to purchase 16 new air masks; the City has to kick in \$10,600. The masks used by the department were purchased in 1995 under Chief Sheridan.

Alderman Seaboyer asks if he is replacing defective equipment. Chief O'Brien says he is replacing all masks and bottles, and 34 face pieces.

Alderman Medeiros motions for concurrent action on 09-093 and 09-094, 2nd by Alderman Brodeur. All in favor.

Order No. 09-094, APPROPRIATION Amount: \$10,660.00 From: Available Free Cash To: A/C #245909-490000 - Fire Equipment Grant, Transfer In. This is the city's matching portion of a FEMA grant: \$10,660.00 city portion and \$95,940.00 FEMA for a total expenditure of \$106,600.00 as set forth herein.

Alderman Forbes asks if there is a warranty on the masks. Chief O'Brien says the warranty is good only for the first year. They are Scott air masks, developed by NASA, and can take a beating. Alderman Forbes asks if each firefighter has his own mask or if they share them. Chief O'Brien says they each have their own face piece.

Alderman Brodeur asks about the monitoring of the grant. Chief O'Brien says FEMA will come out as part of the grants enforcement program to make sure the paperwork is in order and to ensure that the funds were used to purchase the equipment provided for in the grant and not used to buy something else.

President Boisselle asks who is responsible for keeping the records. Chief O'Brien says he is; every piece of paper and email goes into one file. He says FEMA will come to check it.

Alderman Mortimer asks if the masks attach to air tanks; Chief O'Brien says yes. Alderman Mortimer asks if there are any other masks; Chief O'Brien says no – they are

self-contained breathing apparatus.

Alderman Forbes asks who applies for the fire department's grants. Chief O'Brien says he does. Alderman Forbes asks if he has received any warnings about the recession. Chief O'Brien says no; the President-elect has promised money to Fire and Police departments.

On the motion to recommend, All in favor.

Order No. 09-100, Amending Melrose Revised Ordinances: Video Surveillance Devices and Equipment as set forth herein:

The City shall not install or operate any video surveillance device or equipment in the city with prior notice to and approval by the Board of Aldermen. Approval is deemed to require an affirmative vote by eight members of the Board.

Notice shall include without limitation the location of any device or equipment to be installed, the effective operation range of the device or equipment to be installed, the executive department responsible for the operation of the equipment, the identity of the custodian of any record or recording made by the device or equipment, the length of time the record or recording will be retained, and the reason(s) the device or equipment is being installed.

Funds for purchase, installation, maintenance, and operation of video surveillance equipment shall be made only out of a budget line item specifically dedicated for that purpose. The title and description of the line item shall include a specific reference to video surveillance.

Exceptions:

The above referenced restrictions shall not apply to video surveillance devices or equipment used with the affirmative consent of all parties whose images are being recorded.

Alderman Brodeur says he made a few changes to the order via email and has hard copies available. The reason he made the changes is because the use of the cameras by the City is a concern of his. He doesn't favor them but does not intend to block the use of them. He is proposing reasonable control and oversight which wouldn't affect the rights of private owners to do what they want. Alderman Brodeur motions to amend by substitution, 2nd by Alderman Medeiros. All in favor.

The amended document reads:

The City shall not install or operate any video surveillance device or equipment in the city with prior notice to and approval by the Board of Aldermen. Approval is deemed to require an affirmative vote by eight members of the Board.

Notice shall include without limitation the location of any device or equipment to be installed, the effective operation range of the device or equipment to be installed, the executive department responsible for the operation of the equipment, the identity

of the custodian of any record or recording made by the device or equipment, the length of time the record or recording will be retained, and the reason(s) the device or equipment is being installed.

Funds for purchase, installation, maintenance, and operation of video surveillance devices or equipment shall be made only out of a budget line item specifically dedicated for that purpose. The title and description of the line item shall include a specific reference to video surveillance.

Exceptions:

Prior approval of the Board of Aldermen shall not be required for use of video surveillance devices or equipment used in the following manner:

- 1) with the affirmative consent of all parties whose images are being recorded;
or
- 2) for temporary surveillance by the Melrose Police Department in furtherance of a specific investigation of criminal activity.

Alderman Forbes moves to recommend for discussion purposes, 2nd by Alderman Seaboyer.

Alderman Seaboyer moves to suspend the rules to allow Chief Lyle to come forward, 2nd by Alderman Brodeur. All in favor.

Chief Lyle says he purchased two cameras 11 months ago for a pilot program to install on Wyoming Ave at Pleasant Street and at the Winthrop School. Those locations are the closest to the fiber network that will feed to the Police Station.

Alderman Brodeur says one thing this ordinance wouldn't hinder is the #2 exception.

Alderman Seaboyer says he feels that surveillance cameras give a false sense of security. Chief Lyle says the surveillance cameras will not replace police patrols. What they will do is assist the officers if at 3 a.m. all units are tied up elsewhere and there is a B&E in the area; it would be possible for the department to get a license plate number from the camera. Alderman Seaboyer asks if the camera's view is large or a pinpoint. Chief Lyle says at Wyoming Ave the view will be of the business district – businesses and public ways. Alderman Seaboyer says he has no problem with putting cameras on City buildings but he doesn't like them on street poles. Chief Lyle says it's a pilot program; if crime doesn't decrease in the area the cameras will come down. Alderman Seaboyer asks the timeline for the pilot program; Chief Lyle says one year.

Chairman Infurna says she would like to stick with the language in the order before them.

Alderman Medeiros asks the maker of the order if the #2 exception is deemed as temporary. Chairman Brodeur says he would leave that to the discretion of the Police Chief; its intention is fact and circumstance driven.

Alderman Forbes asks the maker of the order if paragraph 3 – funds for purchase –

would be made from a line item in the Chief's budget. Alderman Brodeur says he would leave that to City Auditor/CFO Patrick Dello Russo. If it falls under "IT equipment" he wouldn't know what is being purchased; he just wants to be able to find it in the budget. Chief Lyle asks Alderman Brodeur if this will exclude his department from applying for grants; Alderman Brodeur says no. Alderman Forbes asks how much the cameras cost. Chief Lyle says they're \$9,000 each. Alderman Forbes says he believes in using cameras.

Chairman Infurna asks the members to keep discussion to the language in the order.

Alderman Medeiros says she supports this order because it gives the aldermen the ability to know what they're voting on.

President Boisselle says according to the demonstration of the cameras last year, all resident windows in the area will be blocked. He asks the maker of the order if "affirmative consent" in the first exception refers to the consent of the homeowners in the business district. Alderman Brodeur says no, nor does it affect the regular booking process.

Alderman Mortimer suggests the Committee give Chief Lyle a chance to review this order with his detectives to determine if there is anything in it that would impede their obligations. There is the issue of people's private property but a street's a street. This is just another tool to help the police department in their duties.

Chairman Infurna says she would like to place this on hold and let Chief Lyle digest it. She would also like to have Mr. Dello Russo come before the committee to address setting up the requested line item. Alderman Brodeur says the order has to go to Legal and Legislative Matters on its way to the full board for passage; that would be the time to locate the line item in the order.

The Clerk of Committees asks the Chair for permission to speak and asks the maker of the order if the first sentence should read "without prior notice".

Alderman Brodeur moves to amend the word "with" to "without" in the first sentence of the first paragraph, 2nd by Alderman Medeiros. All in favor.

Alderman Forbes withdraws the motion to recommend for discussion purposes.
Alderman Seaboyer withdraws his second.

Alderman Forbes motions to hold the order in committee. There is no second.

Alderman Brodeur motions to recess the committee to Monday, 12 January 2009 at 7:30 p.m., 2nd by Alderman Seaboyer. All in favor.

Public Works Committee

Chairman Seaboyer, Infurna,
Brodeur, Forbes, Medeiros
Attending: Mortimer, Boisselle
In attendance: City Engineer Bob
Beshara

Public Works is called to order by Chairman Seaboyer at 8:08 p.m. Order No. 09-086, Requesting that the Supt. of Public Works, Robert Beshara, discuss the current policies for the removal and storage of snow on the sidewalks, streets and school grounds in the City. (AL-4)

Alderman Medeiros motions to suspend the rules to have Mr. Beshara come forward, 2nd by Alderman Infurna. All in favor.

Mr. Beshara says the main focus of snow removal is on the business district. Some businesses have been identified as being consistent in not clearing their sidewalks and have been contacted by Mike Lindstrom in the Mayor's office; he expects they will comply with the snow removal policy.

Alderman Infurna thanks Mr. Beshara and his department for the great work they have already done this winter. There was a problem with snow removal in Ward 5 which was addressed by the Mayor's office; it has since been resolved.

Alderman Brodeur asks to be reminded of the resident's obligations. Mr. Beshara says there is no residential obligation by ordinance; the obligation is in the business districts. However, residents living in a business district have to clear their sidewalks. Alderman Brodeur says no resident can block a sidewalk with snow; Mr. Beshara says that is correct.

Alderman Forbes also thanks Mr. Beshara and his department. He asks if he has had to warn any snow plowing contractors; Mr. Beshara says only one. Alderman Forbes asks how he dealt with that; Mr. Beshara says when those situations arise he deals directly with the homeowner. Alderman Forbes says if there is any question about the policy, the snow manual is posted on the City's website.

President Boisselle asks if a property owner should call to report when a condo association's contractor plows snow across the street and blocks a sidewalk; Mr. Beshara says yes. President Boisselle asks when the City sends its plows out; Mr. Beshara says when accumulation exceeds 3 inches.

Chairman Seaboyer says snow was placed at the Knoll last year; he asks if that will happen again. Mr. Beshara says no; he is negotiating a non-resource area to place it. Chairman Seaboyer asks if the sidewalk snowplows will cover a larger area. Mr. Beshara says they will cover the established school route and notes that they start later than the road plows. Chairman Seaboyer asks where the City stands with the snow budget. Mr. Beshara says \$145,000 was spent on the first two storms and it is over-budget already.

Alderman Forbes asks Mr. Beshara if he expects to have the same difficulty in getting salt delivered as last year; Mr. Beshara says no. Alderman Forbes asks Mr. Beshara if he has investigated purchasing a snow-melting machine as an alternative to storing it. Mr. Beshara says it's not feasible at this point; it would cost between one-half and three-quarters of a million dollars.

Alderman Infurna motions to Place on File, 2nd by Alderman Brodeur. All in favor.

Order No. 09-088, Requesting certain parking prohibitions and fines as set forth herein.
(AL-2)

Alderman Brodeur moves to recommend, 2nd by Alderman Medeiros.

Alderman Brodeur says he has had the opportunity to discuss this with Alderman Conn and he shares his concerns. It began with the Green Street contractor and seems to have spread. He supports the concept.

Alderman Medeiros says that during construction on Main Street and in Ward 2 there were concerns about construction vehicles being left on streets overnight and on weekends. It became difficult for neighborhoods to deal with.

Alderman Forbes says that as a member of the Board of Aldermen and charged with protecting taxpayers' money, the added cost of moving equipment back and forth each day would significantly increase the cost of a contract. A \$100,000 contract could become \$175,000.

Mr. Beshara says the order is looking to end the practice of leaving construction vehicles on the streets overnight and on weekends.

Alderman Forbes says that the Green Street contractor was a different issue; he stored his equipment on his property for months. This order would create more traffic in Melrose and additional costs to the City.

Alderman Infurna agrees with Alderman Forbes that this order is addressing a matter that is different than what happened on Green Street. She says that in addition, she doesn't like to address an order without the maker being present.

Alderman Infurna motions to hold, 2nd by Alderman Medeiros.

Alderman Brodeur says the City could build into its contracts that all equipment must be removed one day after the work is completed. Mr. Beshara says any restriction built onto a contract will translate into added costs. New state regulations regarding the adjusted values of gasoline, steel and other materials make it difficult for the City to control costs. He says any issues of construction equipment on City streets should be directed to him; excavators can't be moved back and forth every day but he can address other issues with contractors. Alderman Brodeur asks Mr. Beshara if he feels like he has enough leverage to deal with the situation without this proposal. Mr. Beshara says yes.

Alderman Medeiros asks if cutting the request back to weekends rather than overnight would make it more palatable and more reasonable. Mr. Beshara says it would be more cost saving but it would still cost to demobilize on Friday and mobilize again on Monday.

Alderman Boisselle says he would prefer to leave overnight and weekend parking of construction vehicles to the discretion of the DPW director.

The Clerk of Committees informs the Chair that there are currently two motions on the

floor; the motion to hold and the previous motion to recommend.

Alderman Brodeur withdraws the motion to recommend; Alderman Medeiros withdraws the second.

On the motion to hold, All in favor.

Alderman Brodeur motions to adjourn, 2nd by Alderman Infurna. All in favor.

Public Works adjourns at 8:45 p.m.

There are no orders in Health, Education and Welfare to be acted on.

Maribeth Harrington
Clerk of Committees