Public Service Committee

Chairman Infurna, Wright, Heavey, Boisselle, Brodeur
Attending: Forbes, Seaboyer, Mortimer
In attendance: City Solicitor David Lucas, Attorney Anna Shapiro

Public Service called to order by Chairman Infurna at 7:40 p.m. Alderman Heavey motions to open Public Participation, 2nd by Alderman Boisselle. All in favor. No one comes forward. Alderman Brodeur motions to close Public Participation, 2nd by Alderman Boisselle. All in favor.

Order No. 08-013, Authorizing the sale of land located on Appleton Street shown as Parcel 126 on Assessors Map E5 to Salvatore Firicano and Karen E. Firicano, 33 Appleton Street, Melrose, Middlesex County, MA for the amount of $1,901.00

City Solicitor David Lucas offers a brief history to the committee members. Mr. and Mrs. Firicano are the recorded owners and they are present with their attorney, Anna Shapiro. The property was formerly owned by Mr. Kerwin and about 10 years ago he purportedly purchased from the City of Melrose a strip of land. He was taxed on the property but the city records do not reflect the purchase. The deed was executed by then Mayor Lyons and notarized by then City Solicitor John Cinella. It is believed the deed was never recorded. The order today transfers the land to Mr. Firicano. Mr. Cinella has indicated he would not have notarized the deed without receiving funds.

Alderman Boisselle asks if this order is requesting another $1901.00. Attorney Lucas says he believes the land is being transferred to the Firicanos for no consideration. It is almost impossible for the Treasurer to go back that far and trace a deposit in that amount.

Alderman Boisselle motions to amend the amount of $1901.00 to zero.

Alderman Wright asks if anyone has contacted Mr. Kerwin. Attorney Lucas says he knows that Mr. Firicano has, but he has not. He says Attorney Shapiro could possibly answer any questions. As far as he knows, Mr. Kerwin has told a third party that he did pay for the property. Alderman Wright says he would rather hear it other than through a third party. He is a member of the community and he could probably make himself available to tell the Aldermen about the transaction. Attorney Lucas asks if he is referring to having Mr. Kerwin appear before the committee or to speak to someone. Alderman Wright said he could speak with Attorney Lucas as the City Solicitor. He would at least like to know there is some memory that the money has been paid. Attorney Shapiro says she represents Mr. and Mrs. Firicano. Her client has spoken with Mr. Kerwin and he has confirmed that he paid for the land in cash, which is why it can't be traced through check deposits. Alderman Wright asks if the deed reflects no consideration. Attorney Lucas says what the deed reflects does not matter but the order should probably reflect no consideration. Alderman Wright asks if anyone has approached Mayor Lyons. Attorney Lucas says no. Alderman Wright says he would like to contact someone who has a recollection of this.

Alderman Brodeur asks if the deed was not recorded. Attorney Lucas says that is correct. Alderman Brodeur says Mr. Kerwin is going to say he paid; that is not a productive way to go.

Alderman Conn says it seems simple to have the gentleman execute an affidavit stating he paid it.

Alderman Forbes says the current owners have paid property taxes on the land for two years. He'd like to take care of it tonight.

Alderman Heavey motions to recommend the order.

Chairman Infurna says there is a motion on the floor to amend the amount of $1901.00 to zero which has not been seconded. Alderman Heavey seconds the motion for discussion.

Alderman Heavey says as proposed the deed reads "as consideration paid". She is concerned that where this is real estate the language should remain as is. It doesn't say who paid it but the Aldermen shouldn't change the language of the quitclaim deed.

President Mortimer agrees that Mr. and Mrs. Firicano should not have to pay for this and suggests the language "already paid" could be included.

Alderman Brodeur asks if this is a confirmatory deed. Attorney Lucas says it would be if it had already been recorded but for all intents and purposes it's a new deed. Of record, the City owns this property today.

Chairman Infurna calls for a vote on the amendment before the committee. Motion fails.

Alderman Brodeur moves to recommend as written, 2nd by Alderman Heavey.

On discussion Alderman Wright says he would be more comfortable if there was some sort of confirmation on record that this sum was paid. He asks if the deed was made out to Mr. Kerwin and his wife. Attorney Lucas says no, to Mr. Kerwin as an individual. Alderman Wright asks if it is possible for Mr. Kerwin provide a deed and both deeds could be recorded. Attorney Lucas says it is his understanding that Mr. Kerwin wants as little to do with this as possible. Attorney Shapiro concurs. Alderman Wright says he wants a clean record of this. He asks if the Assessors office has indicated if taxes were paid by Mr. Kerwin during the purported ownership. Mr. Lucas says that as far back as Chief Assessor Dragt could go, Mr. Kerwin was taxed on it.

President Mortimer asks where title insurance is in all of this. Attorney Shapiro says that unfortunately, the current owner does not have title insurance.

Alderman Conn says the Firicanos are innocent parties to this, and they should not be required to incur recording costs.

On the motion to recommend, All in favor. Chairman Infurna says this will be sent to the Committee on Legal and Legislative Matters.

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

Public Service Committee adjourns at 8:04 p.m.

Monday night committees recess to begin the full board meeting.

Legal and Legislative Matters

Chairman Wright, Heavey, Boisselle, Brodeur, Infurna
Attending: Forbes, Seaboyer, Mortimer
In attendance: City Solicitor David Lucas, Attorney Anna Shapiro

Legal and Legislative Matters called to order by Chairman Wright at 8:44 p.m. Order No. 08-013, Authorizing the sale of land located on Appleton Street shown as Parcel 126 on Assessors Map E5 to Salvatore Firicano and Karen E. Firicano, 33 Appleton Street, Melrose, Middlesex County, MA for the amount of $1,901.00

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

Chairman Wright says it is his understanding that the City Solicitor has information regarding the taxes paid on this property.

Attorney Lucas says he has an email from Mr. Dragt that taxes have been paid on this parcel by Mr. Kerwin since 1997.

Alderman Infurna says the deed acknowledges that there has been payment made on this property.

Alderman Heavey moves the order. All in favor.

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

Legal and Legislative Matters adjourns at 8:46 p.m.

Finance Committee

Chairman Boisselle, Heavey, Wright, Infurna, Brodeur
Attending: Forbes, Seaboyer, Mortimer

Finance Committee called to order by Chairman Boisselle at 8:46 p.m. Order No. 08-007, APPROPRIATION Amount $5,625.00 From: Parking Receipts - A/C #29062-590000 To: Train Station Maintenance - A/C #014222-527310 This appropriation is necessary to fund the Annual Maintenance Contract for the Pay-By-Space Machines located in the Train Station Parking Lots. Chairman Boisselle says this was recommended from the Protection and License Committee and there is authorization from the Auditor's office that the funds are available.

Alderman Infurna moves to recommend, 2nd by Alderman Heavey. All in favor.

Order No. 08-012, Requesting that several items belonging to city: One 1970 Mack Pumper, one 1973 Ford pick-up truck and the 1986 Ambulance be disposed of in accordance with Melrose Revised Ordinances, Chapter 4-13. Disposition of personal property belonging to city as set forth herein.

Alderman Brodeur moves to recommend, 2nd by Alderman Wright. All in favor.

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

Finance Committee adjourns at 8:48 p.m.

Maribeth Harrington
*Clerk of Committees*