

Appropriations Committee

Chairman Mortimer, Infurna,
Brodeur, Tramontozzi, Forbes,
Wright, McAteer-Margolis,
Seaboyer, Medeiros, Conn,
Boisselle
In attendance: Police Chief Mike
Lyle

Appropriations called to order by Chairman Mortimer at 8:32 p.m.

Alderman Wright motions to suspend the regular order of business to take Order No. 09-099 out of order, 2nd by Alderman Forbes. All in favor.

Order No. 09-099, Amending Revised Ordinances, Chapter 1, Article II, Section 1-21. Noncriminal disposition, Subsection B, by adding item (9) as set forth herein.

Alderman Brodeur moves to recommend, 2nd by Forbes.

Alderman Forbes motions to suspend the rules to hear from Chief Lyle, 2nd by Alderman McAteer-Margolis. All in favor.

Chief Lyle says this is relative to the passage of Question 2 on last November's ballot; it's for noncriminal disposition of marijuana. He needs the support of the Board of Aldermen to give the police department the authority to issue a citation of \$100 to individuals in possession of less than one ounce of marijuana.

Alderman Brodeur says he heard that some departments are not going to issue citations. Chief Lyle says he believes the Melrose Police Department has an obligation to enforce this.

Alderman Wright says a person can't be stopped for open possession. Chief Lyle says if there is an arrest and a subsequent search results in finding it, the police have every right to use this. Alderman Wright says if the police write a ticket the individual has to pay the ticket; his concern is open use. He asks what the penalty is for an open container of alcohol. Alcohol is legal but people can't go around drinking in public. He asks what happens if someone is smoking marijuana in public. Chief Lyle says the individual will be asked to leave and if the Board of Aldermen adopts this a ticket will be written.

On a Point of Information Alderman Brodeur asks how this affects possession in a school zone. Chief Lyle says it is up to the School Department; if the marijuana is set up for distribution it could be a criminal offense. Alderman Brodeur asks if an individual smoking in a park gives probable cause to search. Chief Lyle says yes; if the amount is less than an ounce it is a noncriminal offense.

Alderman Wright says he is not trying to subvert the law – it's the law – but a person can't drink alcohol in a public place and a person shouldn't be able to smoke pot in a public place. He thinks a higher fine or a step system for 1st, 2nd and 3rd offenses should be implemented.

Alderman Tramontozzi thanks Chief Lyle for his work and efforts on this. He says it appears the passage of the ballot question was lopsided. He asks what happens if the possessor is a minor. Chief Lyle says if his policy is followed, a notice will be sent to the parents along with a copy of the ordinance.

Alderman Forbes asks if the notification to parents will be sent return receipt registered mail. Chief Lyle says it could be done that way. Alderman Forbes asks if there is a three-strikes and you're out policy. Chief Lyle says there is no regulation for it.

Alderman Medeiros asks about the appeals process; if the ticket can be challenged in Malden District Court and if the City has the right to chase the money. Chief Lyle says no; the matter may be referred to the District Attorney's office. If there was enough support the legislature could be petitioned to change the law.

Alderman Brodeur says there has been some talk of corrective legislation. Chief Lyle says he is waiting to hear more about it.

Alderman Infurna motions to amend by adding "Notification will be sent by Certified mail." 2nd by Alderman Forbes.

On discussion Alderman Tramontozzi says he thinks the Alderman is looking to amend to "Certified and Return Receipt Requested."

Alderman Infurna motions to amend by adding "Notification will be sent by Certified, Return Receipt Requested." 2nd by Alderman Forbes.

Alderman Wright motions for a 2-minute recess, 2nd by Alderman Seaboyer. All in favor.

Appropriations recesses at 8:49 p.m.

Appropriations reconvenes at 9:00 p.m.

Alderman Infurna withdraws the motion to amend. Alderman Forbes withdraws the second to the motion.

Alderman Brodeur withdraws the motion to recommend. Alderman Forbes withdraws the second to the motion.

Alderman Wright motions to hold the order, 2nd by Alderman Brodeur. All in favor.

Order No. 09-064, Amending Melrose Revised Ordinances, Chapter 152, Article II, "Specific Licenses and Permits" by adding Section 152-24. Wine and Malt Beverage Licensing: A. Wine and Malt Beverage license applications and B. Wine and Malt Beverage Licensed Premises as set forth herein. (A-3)

As the maker of the order, Alderman Wright says this is asking for two things. The first is notification by the Liquor Licensing Commission of the date, time and place of any public hearing, and copies of any application and agendas to be distributed to the Board of Aldermen and Public Safety officials in a timely manner. The second is that the Fire Chief and the Building Commissioner provide the Board of Aldermen and the Liquor

Licensing Commission with a written report as to whether or not a building proposed for a liquor license meets all state fire safety codes. This is an opportunity for the Board of Aldermen to be kept on notice and given at least two days notice of a Liquor Licensing Commission meeting.

President Boisselle asks the maker of the order who will be responsible for publishing the legal notice for the public hearing. Alderman Wright says that will be regulated by the Liquor Licensing Commission's rules and regulations.

Alderman Brodeur asks the maker of the order if the City's fee includes the cost for advertising. Alderman Wright says his concern is who reads the legal notices. He would like the Board of Aldermen to receive the actual notice to insure they are informed about what the application says. Alderman Brodeur says he supports the idea.

Alderman Medeiros says she supports this order; it can't hurt to give the Aldermen notice. She says she isn't sure there will be a public hearing if an establishment is allowed use by right in the proper district.

Alderman Infurna says she has had a conversation with someone in City Hall and she believes the Aldermen will soon receive a copy of the proposed regulations by the Liquor Licensing Commission. She wonders if the Aldermen should act on this before then.

Alderman Conn says this is nice; if this is adopted the Aldermen are telling other departments that they have to give notice to the Board of Aldermen. It has nothing to do with the legislative process of granting licenses. The Board of Aldermen plays no role in it. This order just codifies that other City departments have to provide the Board of Aldermen with notice.

Alderman Wright says the Liquor Licensing Commission's rules and regulations are subject to change and only when the Commissioners decide to change them. This is just a mechanism to receive notice of applications and meetings.

Alderman Seaboyer says he supports this.

Alderman McAteer-Margolis asks if the Commission has support staff to facilitate this. Alderman Brodeur says no. Alderman McAteer-Margolis says this is an important piece of the process but she wonders if it would overburden three volunteers and if the aldermen would ultimately have to create a part-time secretarial position. She is concerned this may be putting the cart before the horse as far as voting for this before hearing from the Commission.

Alderman Forbes asks the maker of the order if the applicant wouldn't also need a common victualler's license which requires the Building Commissioner to inspect the property. Alderman Wright says not necessarily.

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

Order No. 09-098, Special Act of the General Court Be it ordered by the Melrose Board of Aldermen that the General Court is hereby petitioned to pass a Special Act of the General Court authorizing the Traffic Commission in the City of Melrose to establish

safety zones in said City as set forth herein. (A-3)

Alderman Wright moves to recommend, 2nd by Alderman Seaboyer.

Alderman Wright says the intention is to follow the lead of other municipalities by allowing the City to designate areas where the speed limit will be decreased from 30 mph. There are areas in Ward 3 that he would like to see this implemented in, specifically on W Foster Street along the Beebe School, Beebe Estate and Levi Gould House. The state legislature has before it House Bill No. 4635 creating an Urban District of 25 mph. He is looking for input of the Board of Aldermen.

Alderman Seaboyer says one of the biggest complaints in Melrose is speeding. In his dealings with the state legislature he feels that the Board of Aldermen should push this forward.

Alderman Infurna agrees with Alderman Wright and Alderman Seaboyer. The Traffic Commission gets hit every month with speeding issues. The speed limit was recently reduced on Lincoln Street but the Traffic Commission had to go through many hoops with the state to do so.

Alderman Tramontozzi asks the maker of the order if a safety zone is defined in the Massachusetts General Laws. Alderman Wright says it is defined as "20 miles per hour"; that is his intent. Alderman Tramontozzi says MGL Chapter 90 §17 outlines speed limits for different zones. He appreciates everyone's concerns but his concern is what the Traffic Commission may consider to be a safety zone; the entire City may be determined to be a safety zone.

Alderman Conn says he gets complaints about traffic and speed but there is a difference between someone driving 50 mph on Howard Street and the entire City being designated 20 mph. He asks the maker of the order if other communities have adopted this. Alderman Wright says yes; Boston in 1996 and Quincy more recently. Alderman Conn asks if there is a limit on the size of a safety zone. Alderman Wright says that Quincy has established a senior safety zone. Alderman Conn asks if any particular signage has to be erected. Alderman Wright says he believes the signage would be the posted speed limit. Alderman Conn says it makes him uncomfortable thinking of the entire City being reduced to 20 or 25 mph.

Alderman Infurna says Lincoln Street is a state thoroughfare and required state approval but the Traffic Commission is able to reduce the speed limit to 25 mph on most streets in the City by posting yellow signs. However, there's no enforcement.

Alderman Medeiros says she also receives calls and complaints about speeding. The root of the problem is the lack of proper enforcement; there are not enough police cars to patrol every intersection. She shares Alderman Conn's concerns about decreasing the speed limit to 20 or 25 mph throughout the City. She asks the maker of the order if the state legislature would allow different districts or make all districts urban. Alderman Wright says he isn't sure if it would give the Traffic Commission authority to design districts in the City or make the entire City an urban district. He says he thinks the dialogue is headed in the right direction and doesn't have a problem holding the order in committee. Alderman Medeiros says perhaps they should see where the House

legislation is going and offer a Resolution in support of it. She is in favor of holding this order in committee.

Alderman McAteer-Margolis says she thinks this is a great order and doesn't think they should wait for the legislature to act. She thinks 20 mph is better than 25 mph but not for the whole City. This order allows the Traffic Commission to personalize it for Melrose's circumstances.

Alderman Seaboyer motions to move the order, 2nd by President Boisselle. Motion passes 6-5. (Conn, Brodeur, Forbes, Medeiros and Tramontozzi opposed).

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

Appropriations adjourns at 9:35 p.m.

Maribeth Harrington
Clerk of Committees