

Legal and Legislative Matters

Chairman Wright, Mortimer,
Seaboyer, Medeiros, Tramontozzi
Attending: Boisselle, Brodeur,
Forbes, McAteer-Margolis, Conn
In attendance: City Solicitor David
Lucas

Legal and Legislative Matters called to order by Chairman Wright at 8:03 p.m.

Order No. 08-134, TRANSFER Amount: \$330.00 From: A/C #011352-540600 - Auditors – Education/Seminars To: A/C 011512-534200 - City Solicitor – Books & Periodicals
This money will be used for the City Solicitor's Lawyer's Weekly subscription.

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

City Solicitor Lucas says Massachusetts Lawyers Weekly is an essential tool for attorneys. He has a subscription at his office but one is needed in-house for the Deputy City Solicitor.

On the motion to recommend, All in favor.

Order No. 08-127, Amending Melrose Revised Ordinances Chapter 15 – Article XIII, Constables, Section 15-61, Paragraph C, Subsection (I) paragraph (e) as set forth herein.

Alderman Mortimer moves to recommend for discussion purposes, 2nd by Alderman Medeiros. All in favor.

Attorney Lucas says there is more than one constable up for reappointment and a CORI check cannot be done before the vote to reappoint is taken. This amendment replaces the CORI check requirement with a background check by the Chief of Police. It can always be amended back once someone is certified to do the CORIs.

Alderman Tramontozzi asks why they can't be done now. Attorney Lucas says the law specifies that a CORI done by the police chief may only be done for an employee. Chief Lyle's CORI authorization has expired but still, he could not do them for constables. He thinks the City would be justified in checking someone appointed by the City although not employed by the City. According to the CORI board, only a CORI-certified individual may see the results of the check. Alderman Tramontozzi says his concern is that the amendment would be permanent and no CORI checks would be done. He asks if it possible to put a sunset clause on the amendment, or add the word "or" to give the City the option. Attorney Lucas says that would be fine.

Alderman Tramontozzi motions to amend by adding the word "or", 2nd by President Conn.

Alderman Medeiros says that would solve the problem now but most of the Board would agree that a CORI check is best. She would favor a sunset clause.

Alderman Brodeur says if more verbiage is to be added, something like "or should the Chief of Police not have certification for a CORI check . . ."

Alderman Forbes asks besides a CORI check, what avenues the Chief has to do a background check. Chief Lyle says he can check the in-house reports only.

Alderman McAteer-Margolis asks if there is an outside agency the City can subscribe to. Attorney Lucas says there are internet based agencies but they have only 50% reliability. Alderman McAteer-Margolis says the school department CORI checks everyone and asks the Chief if he does those. Chief Lyle says he is only CORI certified for the Police Department; Jorge Pazos and Steve Flanagan are certified, too. Alderman McAteer-Margolis asks how long it takes for the City to be CORI certified. Chief Lyle says approximately three weeks. Alderman McAteer-Margolis asks when the appointments expire; Attorney Lucas says in one week. Alderman McAteer-Margolis asks if it is possible to approve the appointments pending the CORI checks. She says she finds it a little extreme to amend the ordinance. Attorney Lucas says the constables are either authorized to serve or not. The only alternative is to let the appointment lapse. Alderman McAteer-Margolis asks if no one else in the City can CORI check them; Attorney Lucas says he doesn't think so; also the Police Chief won't be able to once he is recertified.

Alderman Forbes says these are reappointments; there should be a CORI check with the original appointment. Alderman Brodeur says CORI checks weren't required when they were first appointed so there is no CORI on file.

Alderman Mortimer says people have the ability to ask for their own CORI at 3 Ashburton Place in Boston.

Alderman Infurna asks if they could be classified as a Special Employee of the City like the Auxiliary Police.

Alderman Brodeur says the sense of the Board is that these folks have to be CORI'd. The Board could pass these appointments and have the Administration appoint someone to handle the CORI checks or the appointments could be amended from 3 years to 6 months.

Alderman Medeiros asks the City Solicitor who the proper person to perform the CORI checks would be. Attorney Lucas says the City Solicitor, the Deputy City Solicitor or the Human Resources Director. Alderman Medeiros asks if any of them are certified; Attorney Lucas says he doesn't believe so.

President Conn asks if the Board of Aldermen has the statutory authority to appoint constables for a period of months. Attorney Lucas asks if he means without amending the ordinance. The ordinance reads that a CORI check is a minimum requirement. The question becomes could the Board appoint someone that hasn't offered minimum information for the appointment. President Conn asks if the ordinance was amended, could a three month appointment be legally made; does the Board want to take a short-term fix and be confident that the Administration will appoint someone to do CORI checks.

Alderman McAteer-Margolis asks if the short-term solution isn't taken, what the outcome would be of not having constables for a couple of weeks. Attorney Lucas says that realistically the City could hire the Sheriff's office to serve process.

On a Point of Information Alderman Infurna asks how many constables there are in the City and how many are up for reappointment. Alderman Seaboyer says there are 11 constables, three of which are up for reappointment.

Alderman Mortimer asks if the Human Resources Director is CORI certified if she would then have the same problem as the Police Chief with the constables not being employees of the City. Attorney Lucas says whereas a constable is appointed by the mayor, the position could be considered a special employee.

Alderman Medeiros asks if Mr. Pazos could do the reports; Attorney Lucas says he doesn't know.

Alderman Brodeur says The Bridge can do checks on volunteers – if Mr. Pazos or Ms. Long were chosen as the designee they would have to apply to do CORIs in that capacity.

Chief Lyle says Mr. Pazos and Mr. Flanagan are only certified to read the reports, not to perform CORI checks, and only because of the work they do in the police station.

Alderman Mortimer motions for a 1-minute recess, 2nd by Alderman Medeiros. All in favor. Legal and Legislative Matters recesses at 8:34 p.m.

Legal and Legislative Matters reconvenes at 8:37 p.m.

President Conn says that as a result of the recess he has a recommendation. There is a short-term problem that needs to be solved and that may be accomplished with the amendment proposed by the mayor.

Mayor Dolan says he will send down another order with a designee to do the CORI checks.

Alderman Tramontozzi withdraws the motion to amend; President Conn withdraws the 2nd.

Chairman Wright says they are back to the original motion to recommend.

On the motion to recommend, All in favor.

Chairman Wright adjourns the Committee on Legal and Legislative Matters at 8:40 p.m.

Public Service Committee

Chairman Tramontozzi, Mortimer,
Wright, Seaboyer, Medeiros
Attending: Conn

Public Service called to order by Chairman Tramontozzi at 9:50 p.m.

Order No. 08-151, APPOINTMENT Of: John McLaughlin, 41 North Ave. To: Park Commission Term to expire the first Monday in May, 2008

Alderman Mortimer moves to recommend, 2nd by Alderman Seaboyer. All in favor.

Order No. 08-168, REAPPOINTMENT Of: James F. Herrington, 25 Batchelder St. To: Memorial Hall Trustees Term to expire on the first Monday in March, 2011

Alderman Medeiros moves to recommend, 2nd by Alderman Seaboyer. All in favor.

Order No. 08-169, REAPPOINTMENT Of: Michael Margolis, 22 Stowecroft Rd. To: Memorial Hall Trustees Term to expire on the first Monday in March, 2011

Alderman Medeiros moves to recommend, 2nd by Alderman Seaboyer. All in favor.

Order No. 08-170, REAPPOINTMENT Of: Laura Paladino, 10 Brown St. To: Memorial Hall Trustees Term to expire on the first Monday in March, 2010

Alderman Mortimer moves to recommend, 2nd by Alderman Medeiros. All in favor.

Order No. 08-171, REAPPOINTMENT Of: Mary M. Sexton, 19 Sears Ave. To: Memorial Hall Trustees Term to expire on the first Monday in March, 2010

Alderman Mortimer moves to recommend, 2nd by Alderman Seaboyer. All in favor.

Alderman Mortimer motions to adjourn, 2nd by Alderman Seaboyer. All in favor.

Finance Committee

Chairman Medeiros, Seaboyer,
Tramontozzi, Wright, Mortimer
Attending: Conn
In attendance: Police Chief Mike
Lyle

Finance Committee called to order by Chairman Medeiros at 10:00 p.m.

Order No. 08-133, APPROPRIATION Amount: \$5,000.00 From: A/C #29062-590000 - Parking Receipts, Lots & Permit To: A/C #014222-527307 - PW, Highway, Sidewalk Repairs This money will be used to fund handicap ramps, signage, and crosswalks on Melrose Street. Chairman Medeiros says this order comes recommended from the Public Works Committee and there is verification from the Auditor's office that the funds are available.

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

Alderman Wright motions to suspend the rules to allow Police Chief Lyle to come forward, 2nd by Alderman Mortimer. All in favor.

Alderman Wright says he did not attend the Public Works Committee meeting and has some questions about the order. He asks if this is to improve Melrose Street at Ashland Street. Chief Lyle says yes, to add another crosswalk. Alderman Wright asks if it has been before the Traffic Commission. Chief Lyle says no. Alderman Wright says he has heard that placing the crosswalk in this location may be a danger to the students. The sun is in the eyes of the drivers heading east on Melrose Street. Children believe they are crossing safely when in fact the drivers' vision is impaired. It is a well intended quick fix but has not been properly studied. Chief Lyle says there are currently only two crosswalks on Melrose Street; one at Albion and one at Johnnie's Foodmaster. Alderman Wright asks if anyone has studied the plan or if the Traffic Commission has expressed its opinion. Chief Lyle says there has not been any formal discussion. Alderman Wright says he has concerns spending money on a project that has not been studied.

Alderman Tramontozzi says he understands Alderman Wright's concerns about having further review or studies but he is also concerned about traffic on Melrose Street. He sees a large number of children crossing the street in that area because there are not enough crosswalks on Melrose Street. It is unreasonable and unrealistic to have them cross at only two sites. He prefers to err on the side of caution and will support this. He does think that further study of Melrose Street in its entirety is appropriate.

Chief Lyle says the Traffic Commission is holding a site visit at Crystal and Melrose Streets this Thursday evening. Alderman Infurna says she will be sure to bring up the aldermen's concerns.

Alderman Wright says he is not saying he is against this crosswalk, but the Traffic Commission needs to study it.

On the motion to recommend, 1 opposed. Motion carries.

Order No. 08-135, TRANSFER Amount: \$195.00 From: A/C #012212-560200 - Fire, Education Reimbursement To: A/C #012212-540500 - Fire, Dues and Membership This transfer is necessary to pay membership dues.

Alderman Tramontozzi moves to recommend, 2nd by Alderman Seaboyer. All in favor.

Order No. 08-136, TRANSFER Amount: \$3,000.00 From: A/C #012961-511000 - Parking – Salaries To: A/C #012962-529000 - Parking – Professional Services This money will be used for services provided by Kelly and Ryan.

Alderman Mortimer moves to recommend, 2nd by Alderman Tramontozzi. All in favor.

Order No. 08-138, TRANSFER Amount: \$1,348.08 From: A/C #015432-527803 - Veterans, War Memorials Maintenance To: A/C #015432-591007 - Veterans, Accounts Payable FY '07 This transfer is necessary to pay a prior year bill for flags.

Alderman Mortimer moves to recommend, 2nd by Alderman Tramontozzi. All in favor.

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Alderman Mortimer moves to recommend, 2nd by Alderman Tramontozzi. All in favor.

Order No. 08-163, TRANSFER Amount \$400.00 From: A/C #012452-529000 - Inspectional Svcs/WireDept. – Professional Serv. To: A/C #012451-513000 - Inspectional Svcs/Wire Dept. – Salaries This transfer is necessary to cover overtime anticipated for fire alarm system emergencies through April.

Alderman Mortimer moves to recommend, 2nd by Alderman Tramontozzi. All in favor.

Order No. 08-174, REAPPOINTMENT Of: Steven W. Trulli, 33 Bancroft Rd. To: Board of Registrars of Voters Term to expire on the first Monday in April, 2009

Alderman Mortimer moves to recommend, 2nd by Alderman Seaboyer. All in favor.

Alderman Tramontozzi motions to adjourn, 2nd by Alderman Wright. All in favor.

Finance Committee adjourns at 10:20 p.m.

Maribeth Harrington
Clerk of Committees