

Appropriations Committee

Chairman Mortimer, Infurna, Brodeur,
Tramontozzi, Forbes, Wright, McAteer-
Margolis, Seaboyer, Medeiros, Conn,
Boisselle

In attendance: City Planner Denise Gaffey;
City Solicitor Robert Van Campen, Health
Director Ruth Clay, Building Commissioner
Paul Johnson

Appropriations Committee is called to order by Chairman Mortimer at 7:20 p.m. Order No. 09-108, Acceptance of parcel of land shown as Area B on a plan entitled "Plan of Land Showing Areas A & B 36 Swains Pond Avenue Condominium, Melrose, Mass prepared for Rivers Construction Inc. by Otte & Dwyer, Inc dated August 18, 2008" and recorded as Plan #730 of 2008 as set forth in the Quitclaim Deed attached.

This conveyance of land to the City of Melrose shall be under the care and custody of the Conservation commission, for conservation purposes.

alderman McAteer-Margolis motions to suspend the rules to hear from Ms. Gaffey, 2nd by President Boisselle. All in favor.

Alderman Conn asks if the Committee should have Public Participation before addressing this order.

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

Ms. Gaffey says it is her understanding that the Aldermen raised questions about potential contamination on the site and that there was discussion about soil assessment. That never took place. The Conservation Commission reached out to a soil consultant. A baseline assessment could be performed but there is no history of any dumping and there is no indication that there is any contamination. It is not an unreasonable request to do a preliminary baseline test.

Alderman Brodeur asks the size of the parcel. Ms. Gaffey says the original parcel was 2½ acres. A variance was needed to build because of frontage. Less than ½ acre has been developed and 2.14 acres would be reserved and not developed. The Planning Board set the condition as a result of the Site Plan Review and the Slope Protection Act. Alderman Brodeur asks what would happen if the Board of Aldermen said no to accepting the land. Ms. Gaffey says it would have to be revisited. The intent is to prevent further development.

Alderman Conn says it is an excellent idea to have testing done if there is reason to suspect contamination. If no reason exists he doesn't want to require testing. It would discourage people from donating land and he doesn't want to adopt testing as a way of policy. He is ready to accept this land.

Alderman Seaboyer asks how close this property is to the other contaminated land. Ms. Gaffey says it's about ½ mile away.

Alderman Forbes asks who owns the land. Ms. Gaffey says Rivers Construction; they have built and sold 2 units. They were required to donate the land before doing any building.

Alderman Wright asks if anyone has walked the property or seen anything suspicious. Ms Gaffey says she looked at it prior to developing the property. She isn't sure if the Health Department performed a visual inspection.

Alderman Wright asks if Ms. Clay could address the question. Ms. Clay says her department has not looked at the land but would do so if the Board requests it.

Alderman Medeiros says the ground was frozen when this was first discussed and asks if it's a good idea to take a soil sample. Ms. Gaffey says she agrees with Alderman Conn that it's unlikely to be contaminated but if there are concerns she could have the Conservation Commission do soil testing.

Alderman Conn moves to recommend, 2nd by Alderman Infurna. Motion carries (Wright opposed.)

Order No. 10-04, Amending Melrose Revised Ordinances, Chapter 24, Article III, Department of Inspection Services by adding new Section 24-35.1 "Maintenance of Vacant and Foreclosed Residential Properties" as set forth herein.

Alderman Medeiros motions to reopen Public Participation, 2nd by Alderman Forbes. One opposed.

Joe Arc, 42 Dexter Road, hopes the ordinance passes.

Alderman Infurna motions to close Public Participation, 2nd by Alderman McAteer-Margolis. All in favor.

Alderman Brodeur motions to suspend the rules, 2nd by President Boisselle. All in favor.

Attorney Van Campen says the committee had some concerns earlier and he has offered revisions to address those concerns. The revised version is before the committee.

Alderman Brodeur asks if this creates any authority over abandoned car issues. Mr. Van Campen says no. That is already addressed in the City Ordinances.

Alderman Conn says he believes the Board of Aldermen has the authority and ability to go after properties like the ones on Dexter Road. In the 1990s the Board voted to declare a property a public health nuisance. Ms. Clay says the Health Department is able to do that, but the City has to pay for the clean up and put a lien on the property to cover the costs. She says she could declare a property a public health nuisance but she'd have to come before the Board of Aldermen to request funds to finance it. Alderman Conn says drastic circumstances take drastic action and he'd be in favor of taking that action in this instance. There is precedence in doing it.

Alderman Forbes says the idea behind this ordinance is to protect the people that pay their mortgages and take pride in their homes.

Alderman Conn motions to send the order to the full board without recommendation, 2nd by Alderman Brodeur. All in favor.

Order No. 10-30, Requesting that Associate Commissioner Jeff Wulfson of the Department of Elementary and Secondary Education appear before the Board to provide information about Chapter 70 and Chapter 46 education funding. (AL-1) (AL-3)

Alderman Brodeur says Mr. Wulfson has agreed to reschedule and motions to give the order Leave to Withdraw, 2nd by Alderman McAteer-Margolis. All in favor.

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

Appropriations adjourns at 8:02 p.m.

Maribeth Harrington
Clerk of Committees