

Appropriations Committee

Chairman Brodeur, Boisselle,
Mortimer, Infurna, Tramontozzi,
Forbes, Wright, McAteer-Margolis,
Seaboyer, Medeiros, Conn
In attendance: City Engineer Bob
Beshara, City Auditor/CFO Patrick
Dello Russo, Veterans Agent John
Dunne, City Solicitor Robert Van
Campen, Police Chief Mike Lyle

Appropriations called to order by Chairman Brodeur at 8:50 p.m.

Order No. 08-246, APPROPRIATION Amount: \$200,500.01 From: Available Free Cash
To: various accounts as set forth herein

Alderman Tramontozzi moves to recommend for discussion purposes, carving out the Memorial Hall items to allow Chairman Brodeur to be part of the discussion, 2nd by Alderman McAteer-Margolis.

President Conn asks Mr. Beshara if the \$75,000 for Snow Hired Equipment is to reduce the snow budget deficit for this fiscal year and the amount of the remaining deficit. Mr. Beshara says it will still be quite high; the state promised some money but it's unlikely the City will receive it. FEMA money is coming in slowly, however.

Alderman Tramontozzi says these questions are for Mr. Dello Russo and motions for a 1-minute recess to locate him, 2nd by Alderman Forbes.

Appropriations recesses at 8:53 p.m.

Appropriations reconvenes at 8:56 p.m.

President Conn says this money is being transferred to reduce the snow deficit and asks Mr. Dello Russo the remaining amount of snow debt. Mr. Dello Russo says the snow debt for FY08 is \$528,506.50. By applying \$75,063.69 toward the deficit, \$453,442.81 remains. President Conn says the state used to pretend they'd give the City money to reduce the deficit. Mr. Dello Russo says that no notice from the state has been given that they'll pay anything toward the snow debt. This year Melrose realized more than \$462,000 from storm damage in May 2006. Reimbursement came to the City's benefit just prior to this order. He has revised the budget revenue to denote the \$211,547.56 received from the Commonwealth, which is 25% of the payment they indicated they would pay. Those funds may be applied to the snow deficit. The City is very fortunate to receive the funds; otherwise there would have been a negative impact on the FY2009 budget.

Chairman Brodeur asks Mr. Dello Russo if it is possible for him to prepare a statement of real dollars in loss of state aid and grants. Mr. Dello Russo says yes.

Alderman Seaboyer asks what remains in Free Cash after this order is approved. Mr. Dello Russo says there will be nothing left. If not applied in this fiscal year, the line-item will be zeroed out and be applied toward the next year's Free Cash. Alderman Seaboyer

asks how much money has been accumulated for the Skate Park so far. Mr. Dello Russo says the City has contributed \$25,000 from Free Cash. Alderman Seaboyer asks how much has been donated. Mr. Dello Russo defers to Ward 4 Alderman Boisselle. Alderman Boisselle says \$39,000 has been collected from private sources. Alderman Seaboyer asks how much money is needed to fund the park. Alderman Boisselle says \$60,000. Alderman Seaboyer says he is concerned about soundproofing and the openness of the pond. Alderman Boisselle says the closest home that will be impacted is 400 feet away. The area will be planted with evergreen screens and the park shouldn't generate any more noise than the swimming pool.

Alderman Forbes says the \$35,000 appropriation to the Contract Stabilization Fund is for anticipated FY09 retroactive police salaries and asks if the City is close to signing the contract. Mr. Dello Russo says the City is in negotiations with the police and he believes this is an accurate estimate. Alderman Forbes asks about the \$3500 for veterans benefits. Mr. Dunne says it should be more than enough to cover unanticipated applications; he expects to see \$1500 go back to the General Fund.

Alderman McAteer-Margolis asks if the Pine Banks bathroom line-item is the City's share. Mr. Dello Russo says yes, it is 50% of the total cost. Alderman McAteer-Margolis asks about the \$12,389.78 to the City Solicitor Suits and Claims line-item. Attorney Van Campen says it will cover the deductible for a claim brought by a city employee. Alderman McAteer-Margolis asks if there are any outstanding injury claims brought by the public; Attorney Van Campen says he is not aware of any.

Alderman Seaboyer asks about the \$8,000 for Police Vehicle Lease. Chief Lyle says it is the final payment on a three-year motorcycle lease.

Alderman Forbes asks Attorney Van Campen about insurance coverage for the skate park. Attorney Van Campen says it will be covered under the City's liability policy. Alderman Forbes asks if a sign that reads "Enter at Own Risk" will cover the City. Attorney Van Campen says yes, but the City also has liability coverage.

Chairman Brodeur recuses himself for appropriations relating to the Memorial Building.

Vice-Chairman Boisselle takes the chair and asks if anyone has any questions regarding the Memorial Building items. Seeing none he asks the will of the Committee.

Alderman Mortimer moves to recommend, 2nd by Alderman McAteer-Margolis. All in favor.

Chairman Brodeur returns to the Chair.

Order No. 08-245, TRANSFER Amount \$32,778.82 From: various accounts To: A/C #014852-531000 - PW, Automotive, Gas & Oil, \$30,868.82 and A/C #011211-511000 - Mayor – Salaries \$1,910.00 as set forth herein

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

Order No. 08-257, TRANSFER Amount: \$300.00 From: A/C #015442-529000 – Human Rights, Professional Services To: A/C #015442-530501 – Human Rights, Supplies and Materials as set forth herein

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

Order No. 08-254, Be it ordered by the Melrose Board of Aldermen that the position of Board Members on the Planning Board in the City of Melrose shall be designated as a "Special Municipal Employee" as that term is defined in MGL, Chapter 268A.

Alderman Tramontozzi requests to hear from counsel. He has read the Massachusetts General Laws relative to this and it's essentially the conflict of interest law, which prescribes that members of boards and employees of the City not have a financial interest in the City. He asks why the administration feels it is necessary to reclassify volunteer Planning Board members as special employees. Attorney Van Campen says that regardless of whether or not a person is compensated by the City, he is considered an employee by contract. Certain members of the Planning Board have certain skills that the DPW would like to tap into. The only way that may happen is to classify all members of the Planning Board as special employees. It could also be a cost savings to the City. If a member of the Planning Board could provide a service at a cost savings he would have to be designated as a special employee.

Chairman Brodeur asks if this has to do with the position of the Planning Board and not a person. Attorney Van Campen says that is correct.

Alderman Tramontozzi asks if it is likely the individual Planning Board member would be compensated if the DPW taps into those services. Attorney Van Campen says yes, and the statute requires financial disclosure to the City Clerk. Alderman Tramontozzi asks if the individual would be eligible for benefits as well. Attorney Van Campen says no; the position would be considered as an outside contractor; it is not a dual employment relationship.

Alderman Infurna asks if there would be any reason that a person would not want to be classified as a special employee in the future. Attorney Van Campen says the reason of the status is to provide the opportunity to the individual to provide a service to the City without a conflict of interest.

President Conn says to simply things, as an alderman he cannot enter into a contract with the City and be paid for legal services. Planning Board members are considered employees because they provide a service to the City. Any position given this exemption allows a person to enter into a contract with the City and be compensated for his services. The exception is that he can't participate in any matters that are before the Board he sits on.

Alderman McAteer-Margolis asks if by designating a position as a special employee that a person would be prohibited from gaining municipal employment. Attorney Van Campen says no. Alderman McAteer-Margolis says she appreciates that there are Planning Board members with amazing skills but it seems to be a very fine line. She cautions Mr. Beshara that all disclosures are on file. Mr. Beshara says no one may be hired by the City without going through the 30B bidding process. There will be no

opportunity for a Planning Board member to work on a project that would have to go before the Planning Board for review.

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

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

Appropriations adjourns at 9:45 p.m.

Maribeth Harrington
Clerk of Committees