

Appropriations Committee

Chairman Brodeur, Boisselle,
Mortimer, Infurna, Tramontozzi,
Forbes, Wright, McAteer-Margolis,
Seaboyer, Medeiros, Conn
In attendance: City Auditor/CFO
Patrick Dello Russo, City Engineer
Bob Beshara, Deputy City Engineer
John Scenna; City Treasurer Art
Flavin; Health Director Ruth Clay,
City Solicitor Robert Van Campen,
Substance Abuse Prevention
Coordinator Kara Showers, Police
Chief Mike Lyle

Appropriations called to order by Chairman Brodeur at 7:35 p.m. Alderman Mortimer motions to open Public Participation, 2nd by Alderman Boisselle. All in favor.

Sue Kelleher, 67 Meridian Street, says she is speaking to Order No. 08-269. The water and sewer rates have been billed backwards. She hands out copies of her bills for 3/16/06 to 6/30/06 and 7/1/06 to 6/30/07. She says the bill arrived after July 1; she received it August 2. She says the bills reflect the last three months of the fiscal year being billed at the new rate; it is very unfair and it is not right to do this. She says it should be easily fixed with computers. She hopes the Aldermen can remedy this – it's been going on for two years; 2008 will be the third year.

Arnold Koch, 66 Cranmore Lane, thanks Sue Kelleher for bringing this matter to his attention. It can be easily corrected and is the right thing to do.

Alderman Mortimer motions to close Public Participation, 2nd by Alderman Boisselle. All in favor.

Order No. 06-266A, Be it ordered by the Board of Aldermen that the sum of Two Hundred and Twenty-Nine Thousand Dollars and No Cents (\$229,000.00) be and hereby is appropriated from funds borrowed by the City under Order 06-226 for the purpose of drainage repairs to the Ell Pond Soccer Field area, for the reconstruction of the Ell Pond Soccer Field and all other costs incidental and related thereto which are no longer needed to complete the projects for which they were initially borrowed and to apply those amounts to pay costs of upgrades and repairs to various parks, playgrounds and recreational facilities within the City.

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

Chairman Brodeur notes the traditional paperwork from the Auditor's office accompanies the order as well as a letter from the Mayor to the Board of Aldermen explaining why he has made this request.

City Auditor/CFO Patrick Dello Russo, City Engineer Bob Beshara and Deputy City Engineer John Scenna come forward. Mr. Dello Russo says the funds are available within the note. Under Chapter 44 §20, the City is permitted by law to use these funds: "If a balance remains after the completion of the project for which the loan was

authorized, such balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued." For the Board's purposes, these funds were previously bonded and are on the books. They may not be used for debt relief; they have to be used for a purpose for which a loan may be incurred. The City has the authorization to use these funds for these purposes.

Chairman Brodeur asks the amount of the original note. Mr. Dello Russo says the entire note is just over \$5.4 million.

President Conn asks if there are any other bonds with surplus funds. Mr. Dello Russo says there is nothing of this magnitude. President Conn asks where the loans are located in the City budget. Mr. Dello Russo says it's not in the City budget: it's with the bond funds. President Conn says the state won't let the City use these funds to lower its bonded indebtedness and wants the City to spend it on like projects. Mr. Dello Russo says that is absolutely correct. President Conn says he supports the projects.

Alderman Seaboyer asks about improvements at the Franklin School. Mr. Beshara says the School Department has set up the Early Childhood Center there and the driveway has to be redone. Between 80 and 120 cars will be arriving at the same time, in two lanes of traffic. They will exit onto Main Street and queue down Franklin Street. Alderman Seaboyer asks if the driveway will be widened; Mr. Beshara says yes. Alderman Seaboyer asks if the Franklin will receive a new playground system; Mr. Beshara says yes.

Alderman Forbes says the children at the Early Childhood Center at the Ripley School enjoyed the playground equipment which was built through the hard work of the old Ripley PTO, and the residents are trying to keep in Ward 7. Foss Park is a new hot playground and the Lebanon Street Park is also a possibility. He asks for an overview of the progress at the Lebanon Street Park. Mr. Scenna says if this is passed this evening all contracts can be finalized. The goal is to be in construction by late July and the facility will be in use by Labor Day.

Alderman Boisselle asks if an inventory of playground equipment was taken to determine the upgrades. Mr. Beshara says that over the past year he identified several locations with potential safety issues. Hopefully this transfer will remedy all equipment issues.

Alderman Medeiros says some of the equipment at Horace Mann is 15 year old wood and has issues. The new configuration at the Franklin School is key to locating the ECC there. She asks if the work will be completed before the start of school; Mr. Beshara says yes.

Alderman Wright asks if the contractor that will resurface the basketball court at the Common is the same that resurfaced Gooch Park. Mr. Beshara says he is using a different contractor. Alderman Wright asks if the contractor for Gooch Park will return to fix the cracking surface; Mr. Beshara says yes.

Alderman McAteer-Margolis asks if the upgrade to the Franklin Field is the soccer field. Mr. Beshara says it is at the end of Greenleaf Place, and the playground and equipment

will be updated. Alderman McAteer-Margolis asks if the plan includes configuring parking for teachers; Mr. Beshara says no. Alderman McAteer-Margolis asks where the staff will park; Mr. Beshara says in the space currently provided and at Johnnie's Food Master. Alderman McAteer-Margolis asks about the lights at Morelli and Fred Green fields. Mr. Beshara says he is trying to bring that fund up to get a final design plan; the upgrade is an expensive proposition. Alderman McAteer-Margolis asks if this money won't fund the work; Mr. Beshara says no. Alderman McAteer-Margolis asks if he is looking at energy conservation measures. Mr. Beshara says yes, less energy will be consumed and it will be cheaper to maintain. Alderman McAteer-Margolis asks when the upgrade will happen. Mr. Beshara says soon; what is there will only last another year. It will happen quickly but not before football season.

Chairman Brodeur asks if there is a certification process in terms of closing out the bond. Mr. Dello Russo says no; when the outside auditor comes in they will make a note that it is split. Chairman Brodeur asks what the process is in reference to the original intent. Mr. Dello Russo says if the department head notifies his office that the funds are no longer needed, he considers the bond closed out.

On the motion to recommend, All in favor.

Order No. 08-267, APPROPRIATION Amount: \$111,500.00 From: Ban/Bond Premiums, Transfer Out - A/C #27902-590000 To: DPW, Road Repair Program, Transfer In - A/C #33434-490000 This will pay for costs of supplemental sidewalk and roadway improvements in the ongoing infrastructure programs

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

Mr. Beshara says the Mayor has made it a priority to make sidewalk repairs and replacing them with cement. FEMA funds allow for in-kind replacements only. Residents want grass curbs and concrete. The mayor made a commitment that if the funds were available that repairs would be made in front of the High School and around Ell Pond.

Chairman Brodeur asks Mr. Beshara if he has a plan for which sidewalks will be repaired. Mr. Beshara says no, but Larrabee Street will be done. Chairman Brodeur asks how much money will be left after the sidewalk improvements around Mary Foley Park and the Commons area are completed. Mr. Beshara says he's not sure.

Alderman Infurna says she was a member of the Master Plan Committee and she is delighted to see that the Mayor is continuing that vision.

Alderman Tramontozzi has a follow up question on the funding and asks if these funds are for dedicated projects. Mr. Scenna says the funds are being transferred into a city street bond. The remaining money will sit in the bond for the next project and will be available for future projects as well. Alderman Tramontozzi says he receives calls from residents requesting sidewalk work to be done and asks how they get on the repair list. Mr. Beshara says the list is a couple of years out. The work is done as the Board of Aldermen appropriate funds for those projects. Alderman Tramontozzi asks who to contact to get a project on the list. Mr. Beshara says either him or the Engineering Department. Alderman Tramontozzi asks what Ban/Bond Premiums are. Mr. Dello

Russo says a Ban is a temporary note, a bond anticipation note. He goes to market and makes it a bond. Sometimes there will be 9 or 10 bidders. At times they offer a premium up front as part of their offering. The City uses a Ban/Bond Premium account on a bid that is accepted by the City; often times the premiums are small amounts. At the end of the year he likes to see what it can be used for legally. He tries to use it for capital projects that will last a long time. Alderman Tramontozzi asks if there is any additional money. Mr. Dello Russo says there is \$493.50 available.

Alderman McAteer-Margolis says it sounds like the project will only use \$80,000 - \$95,000. Mr. Beshara says the sidewalks at 65 Myrtle Street will also be done. Alderman McAteer-Margolis asks if the whole \$115,000 has to be taken now. Mr. Beshara says if the City doesn't use the money the state will fine the City for not using it. Mr. Dello Russo says that wouldn't be the case here, but the full transfer will allow the money to be in this fund for projects like this. Mr. Scenna says these types of projects will come up this season and he expects to easily expend the entire amount this construction season. Mr. Beshara says when the betterments for Charles Street area came up – which will cost around \$60,000 – he said he'd find the money. This is an opportunity for that funding to make that project happen.

Alderman Infurna says people were excited about the sidewalk repairs done last year and asks if this account would be the vehicle to expand the sidewalk repair program. Mr. Beshara says it probably could.

Alderman Forbes says the sidewalks at St. Mary's were damaged by the contractor and asks if the City could get any money from him. Mr. Beshara says the contractor will pay for and repair all damaged sidewalks.

On the motion to recommend, All in favor.

Order No. 08-269, Amending Melrose Revised Ordinances, Chapter 228-15 by adding paragraph C as set forth herein. (AL-2) (A-2)

Chairman Brodeur asks Mr. Dello Russo, Mr. Beshara and Mr. Flavin to take the Aldermen through the mechanics of how the water and sewer billing system currently works and then the committee will have discussion of how and if it needs to change.

Mr. Dello Russo says there is a mechanical process of how the City bills the community. He distributes a billing schedule which outlines the three sections of the City and the timeframes of when they are billed. The need for the current schedule and the original purpose came about by addressing the implications of the billing cycle to the Treasurer/Collector's office. The implications of pro-rating are far and wide. Taking a reading of every household on June 30 won't and can't happen. The most important aspect of billing is that each bill is accurate.

Mr. Beshara says that water and sewer billing is a process. There are four bills per household per year and every meter in every household of the City must be read. The City is split into 3 sections, and each of those is split. Meter reading is a continuous effort.

Chairman Brodeur asks how the readings take place. Mr. Beshara says that most

households have outside meters. The meter reader is equipped with a handheld instrument which is loaded at City Hall with route information. The handheld is downloaded at the end of the day and the data is sent to the billing clerk who generates an electronic file. She sends the file to Kelly & Ryan who in turn generates the bills. They send samples to the City for review. The bills indicate the number of days covered and the number of days read. It is typically 90 days but sometimes it's 110 days or 80 days. Last year the meter reader was out of work due to a motor vehicle accident and he was unable to read the meters for a week; the number of days on those bills fluctuated. Once the bills are complete they're added to the ebill system, Kelly & Ryan print the bills, stuff the envelopes and mail them out. Mr. Beshara says the process was in place when he began working for the City but it wasn't managed very well. He reorganized some routes and the City does its own meter reading creating a steady flow of income to the City. Chairman Brodeur says the schedule indicates that a subsection of bills go out every month. Mr. Beshara says yes, bills go out monthly.

Mr. Flavin says he has been exposed to a number of water and sewer billing situations and that Melrose's is the best managed. He says the City can't staff meter reading enough to get all households read at the same time. Every new fiscal year the City has to come up with a water and sewer budget based on anticipated consumption. Changing the billing date to June 30 will take some analysis. One solution would be to upgrade to radio readers but that costs huge money. Another solution would be to push the billing at the new rate out to November. He says he appreciates this being brought to the forefront but it needs to be looked at to find a solution.

Mr. Dello Russo says the City has to be cautious that the change itself doesn't generate a rate increase.

President Conn says one reason he signed on to this order is that he wants to be able to justify the billing process to the constituents. He says the current process is a problem and the City needs to correct it. He thinks it could become a win-win situation and after speaking with Mr. Dello Russo he thinks the City can come up with a solution that is better than the current situation. He is not comfortable with the present situation billing at the new rate for water and sewer used during the previous three months and hopes that over the next few weeks that Mr. Dello Russo, Mr. Beshara and Mr. Flavin can find a solution. When bills were \$30 no one cared, but now they're \$450 and they care.

Alderman Medeiros says she is looking for something that is fair and right. This doesn't seem fair and she realizes the City can't send an army out on June 30 to take readings. Mr. Beshara says with the process in place, there is only one meter reader. How the City wants to bill is up to the Board of Aldermen. Certain things can be done and certain things can't be done. Hiring a second meter reader would cost the City. There are inequities in pro-rating and he doesn't know if it would be cost effective. Billing on the 1st of the month would create a two week overlap; changing the billing cycle would require having to make up for several months in revenue losses. Radio reads are very expensive and because they are wireless there would be technical issues; however, the reader could do more reads and bill monthly. Alderman Medeiros asks if it's possible to prorate for June through September. Mr. Flavin says the administration just became aware of the problem and didn't have time to do any research. He doesn't know if the system can handle that amount of billing. He wants to look at this carefully.

Alderman Infurna thanks President Conn and Alderman Medeiros for bringing this matter to the Aldermen; open dialogue is always good.

Alderman Seaboyer asks if a bill that is sent out after the rates are set for the new fiscal year could be billed at the old rate. Mr. Beshara says yes, but by doing that a deficit is created. There would be a revenue gap.

Alderman Tramontozzi says he is looking forward to a possible solution, sooner rather than later. It's a city-wide problem – not any one section is affected. Every home owner is getting four bills so every household will be getting a hit. Mr. Beshara says that is correct. Alderman Tramontozzi asks which sections are being affected. Mr. Flavin says that all sections are affected: one section is billed at the new rate for three months, one section is billed at the new rate for two months, and one section is billed at the new rate for one month. That's why a November start date is being looked at, but that creates a deficit on the revenue side and the rate for the new fiscal year would have to be increased even more.

Alderman McAteer-Margolis says this has been going on for two years and asks what changed. Mr. Flavin says it has always been happening. Alderman McAteer-Margolis asks why there's talk about moving out the billing cycle to November. Mr. Flavin says the first reading at the new rate would be read in October and billed in November. Alderman McAteer-Margolis says the most immediate solution is to raise the rate or find that revenue from another source.

Alderman Wright says these gentlemen need to come back before the aldermen, but he agrees with Mr. Beshara that unless there is a reading on every property on June 30 it won't be fair.

Alderman Forbes asks if it's possible to use the Enterprise Fund to hire someone to help the meter reader. Mr. Beshara says three guys are needed to read the City in a month. Alderman Forbes says there's one meter reader and one billing clerk. He asks if Mr. Beshara could get a second clerk. Mr. Beshara says the billing clerk is not the problem. Alderman Forbes asks what the average bill is. Mr. Beshara says FY2007 was \$737; FY2008 is \$820; FY2009 is projected to be \$856. Alderman Forbes asks how often the City pays the MWRA; Mr. Beshara says the MWRA is paid in 10 equal payments beginning in August.

Chairman Brodeur says the underlying concern is how this will affect the water and sewer rates. What people care about is the out-of-pocket expense. Any solution other than pro-rating would result in straddling the rate. He says there is always some old water usage billed at the new rate.

President Conn says he would like this order to stay in committee. He'd like to see a solution minimizing the retroactivity of billing and not increasing the rates.

President Conn motions to hold the order in committee, 2nd by Alderman Mortimer. All in favor.

Order No. 08-035A, Amending Melrose Revised Ordinances, Chapter 177 – Peace and Good Order by adding: Section 177-2.1 "Prohibition against consumption of alcoholic

beverages by minors on private property" as set forth herein.

Chairman Brodeur says the original order was posted on the City's website and since then City Solicitor Rob Van Campen has taken suggestions from the community. He has made somewhat minor revisions to the original and has distributed that document this evening. The committee may substitute by entirety or amend it in turn.

Alderman Medeiros motions to amend by substitution, 2nd by Alderman McAteer-Margolis.

Ms. Clay reads the mayor's statement into the record.

Atty. Van Campen thanks the committee for allowing this matter to come before the Board of Aldermen. The original version of the Social Host ordinance was 9 pages long; it has been drastically truncated after discussions with the Aldermen and other city officials.

Ms. Showers reads a statement by the Melrose Substance Abuse Prevention Coalition.

Alderman Seaboyer says the new copy contains a clause excepting "legally recognized religious observations" that was not in the previous document. Atty. Van Campen says it is a reflection of the criminal statute. Alderman Seaboyer says the opening paragraph states "The Board of Aldermen finds"; he'd love to see it changed to "The City of Melrose finds".

Alderman Infurna says she is still confused about the amendment which adds "or drugs are served to or consumed by persons under the age of twenty-one" and asks about an 18 year old taking an Advil. Atty. Van Campen says he worked to ensure there is no confusion about what type of drug is being consumed. It is not unlawful to purchase and consume Advil by someone under the age of 21.

Alderman McAteer-Margolis asks Chief Lyle to explain his department's enactment of this ordinance. Chief Lyle says this gives his department a tool it never had before. If the police show up at a house party at 3 a.m. the occupants can close the doors and windows and the officers can't go in. With this, the police department does its reports the next day and the occupants are put on notice. Hopefully it will never happen again. Alderman McAteer-Margolis asks if it pertains only to an underage party. Chief Lyle says the City is not out to ruin someone's cookout. Alderman McAteer-Margolis says the fines pertain to subsequent occurrences; Chief Lyle says yes, the repeat offenders will be fined. Alderman McAteer-Margolis says after the first response by the police department the occupant will get a warning and be put on notice. Chief Lyle says yes, it's a way to say that this type of behavior is not accepted in Melrose.

Alderman Mortimer says that part of the Town Line Hotel is in Melrose and asks if they'd receive a letter in the event the Melrose police respond to a call. Chief Lyle says the occupant and the owner would be put on notice the next day. He's sure the owner would evict the occupant that day. Atty. Van Campen says the responsible person in that case would be the renter. Alderman Mortimer asks if this ordinance would go into effect immediately. Atty. Van Campen says it would be in effect as soon as the Board of Aldermen enacted it and the Mayor signed it.

Alderman Medeiros says the purpose of this ordinance is good and asks how it will be applied; she asks how the police will know if alcohol or drugs have been used and if people are underage if the house is locked up. Chief Lyle says if the department gets several calls in one night about a residence and the police are responding for a disturbance, everything unfolds from there. Atty. Van Campen says there is a certain level of burden of proof on the City. Alderman Medeiros asks if the police would have the authority to enter a house if a homeowner has two subsequent violations within 12 months. Chief Lyle says no.

Alderman Wright asks if there is a statutory obligation to notify parents. Atty. Van Campen says yes, but he doesn't know the section of the law. Alderman Wright says this addresses notification to the property owner under §(c) but the parents can't be cited if they're on vacation. Atty. Van Campen says he is looking at this as a strict liability ordinance. He has had some discussion with some of the other aldermen about the term "knowingly" and how that changes the intent of the ordinance. Alderman Wright says it would get thrown out of court. Chief Lyle says the parents would be put on notice after the first occasion. Alderman Wright says that whether it is the first offense or the fourth offense, if the parents are out of town they didn't know it was happening. He says there is also the right to appeal. He asks if the City has a model ticket. Ms. Clay says both the Health Department and the Building Department use them. Alderman Wright asks what happens if a homeowner doesn't pay a fine. Ms. Clay says the City takes them to court for failure to pay the fine.

Alderman Tramontozzi says he doesn't think there is a significant problem in the City, and he may be naïve, but he thinks Melrose kids are good kids. He does see this as a good tool for law enforcement to help pave the way for peace and tranquility that everyone in Melrose strives to enjoy. He says if this is accepted by the Board of Aldermen it can be revisited after three months for the purpose of seeing the effect it has had on the community. Chief Lyle can provide enforcement statistics at that time.

Ms. Clay says this will also be used as a prevention tool through the Substance Abuse Prevention Coalition. There is a significant number of parents in Melrose that think it's okay for kids to drink at home as long as they aren't driving. We're saying it's not okay, and this ordinance is a deterrent.

President Conn says this is not really a social host liability, it's a fine. There are all sorts of fines in Melrose. The intent is not to collect money by the City but to notify people that may not be aware of what's going on in their homes. The City is trying to get word out to parents about this. He wants to emphasize that the fines the Chief wants to use to combat underage drinking are relatively small.

Alderman Forbes asks who would represent the City in an appeal; Atty. Van Campen says he would.

Atty. Van Campen says he has amendment language for the first sentence in §(c) that may make it more agreeable for the aldermen: Strike the word "allow" and insert "be responsible when"; strike "to take place" and insert "takes place". The amended sentence reads: "No person who owns, rents or otherwise controls any premises shall be responsible when an open house party takes place at said residence where any

alcoholic beverage or drug is being unlawfully possessed, served to or consumed by persons under the age of twenty-one (21) at these gatherings at said premises."

President Conn motions to pass as amended, 2nd by Alderman Tramontozzi. All in favor.

President Conn says that no one will be able to sue anyone with this ordinance. People can be fined either \$150 or \$300.

Atty. Van Campen proposes further amending by striking the first word of the paragraph "No" and insert the word "Any".

So moved by Alderman Wright, 2nd by Alderman Mortimer. All in favor.

The amended sentence reads: "Any person who owns, rents or otherwise controls any premises shall be responsible when an open house party takes place at said residence where any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by persons under the age of twenty-one (21) at these gatherings at said premises."

Alderman Mortimer motions to recommend as amended, 2nd by Alderman Boisselle. All in favor.

Order No. 08-268, Be it ordered that the City Clerk shall provide a copy of any filing or disclosure related to conflict of interest laws to the Board of Aldermen through the Clerk of Committees within 48 hours of receipt of same by the City Clerk. (AL-1)

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

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

Appropriations adjourns at 9:59 p.m.

Maribeth Harrington
Clerk of Committees