

Protection and License Committee

Chairman Infurna, McAteer-Margolis,
Boisselle, Seaboyer, Forbes
Attending: Brodeur, Conn, Medeiros,
Mortimer
In attendance: Police Chief Mike Lyle, City
Solicitor Robert Van Campen

Protection and License Committee is called to order by Chairman Infurna at 7:30 p.m. Alderman McAteer-Margolis motions to open Public Participation, 2nd by Alderman Seaboyer. All in favor. No one comes forward. Alderman McAteer-Margolis motions to close Public Participation, 2nd by Alderman Boisselle. All in favor.

Order No. 10-179, GRANT Amount: \$60,000.00 From: Commonwealth of Massachusetts To: Fund #2463 – VAWA STOP Grant as set forth herein

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

Alderman Forbes asks if the \$60,000 will continue the domestic officer's position. Chief Lyle says it will be used to create a new full-time position; it has been part-time for the last 18 months. It will be used strictly for the salary of Officer Daye, who is being promoted to become the full-time Domestic Officer.

Alderman McAteer-Margolis asks if she will work in the public schools. Chief Lyle says she will work with the schools and with MAAV, assisting victims of domestic violence to move forward.

Alderman Conn asks if the grant figures into the current budget. Chief Lyle says no, since it hasn't been approved yet. The City is very fortunate to receive the grant; Melrose is one of only 12 communities to receive it. He thanks the Planning Board and especially Matt Hennigan in getting it.

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

Order No. 10-162, Amending Melrose Revised Ordinances, Chapter 127, Hawkers, Peddlers and Transient Vendors as set forth herein. (A-6)

Alderman Forbes motions to suspend the rules to hear from Atty. Van Campen, 2nd by Alderman Boisselle. All in favor.

Alderman Forbes asks if the proposed changes by the state have anything to do with this order. Atty. Van Campen says no final legislation has passed and he's not sure it would affect what is before them.

Alderman Seaboyer says the ice cream truck permits are issued by the Board of Health; he asks if that gives the Police Chief jurisdiction to perform CORI checks. Chief Lyle says no. Alderman Seaboyer says it has to be determined if the Board of Health or the Police Department has jurisdiction. Alderman Seaboyer says the proposed language restricting vehicles from stopping or remaining within 10 feet of any crosswalk differs

from state law, which is 20 feet. Chief Lyle says that Melrose's ordinance regulates intersections at 20 feet, but there is no language for crosswalks.

Alderman McAteer-Margolis asks who enforces an intersection violation; Chief Lyle says the police department, for parking purposes.

Alderman Brodeur says that during campaign season folks fill their vehicles with food and drive around and distribute it to volunteers; reading what is written in this proposal would prevent that practice. Perhaps removing the reference to charging or not charging for food would remedy it.

Alderman Conn says the list of operations fall under the jurisdiction of the Traffic Commission.

Alderman Forbes says that the way it's written, the Board of Health issues the permit; the Chief of Police can't run a CORI. Chief Lyle says absolutely not; also, if someone has a valid license there's no reason to run a license check. Alderman Forbes says he would like to see the restriction of vending after 8:00 changed. There are a lot of events going on in the summer when it stays light out until 9:00 p.m.

Atty. Van Campen says that if it is passed as is, vendors would have to stop operations at 8 p.m. or sunset, whichever is earlier.

Alderman Seaboyer says there is no fine structure; he'd like to keep the order in committee and have the author fine tune it and coordinate with the Health Department and the Police Department.

Alderman Seaboyer motions to place the matter on hold, 2nd by Alderman McAteer-Margolis.

Atty. Van Campen says that in order to CORI applicants, approval would have to be granted by the Criminal Systems Board. After inquiring with them, no community in Massachusetts has asked for expansion to allow CORI checks for this purpose.

Alderman Brodeur says the proposal before them requires an operator to obtain and submit a CORI report and asks if that is okay to do. Atty. Van Campen says that question remains unanswered. Alderman Brodeur says the nature of the operator's insurance and liability coverage would be very useful to have on record.

Alderman Medeiros says that the first item listed under operation could refer to anyone in the vehicle but not necessarily the driver. Also, although the operator would be required to submit to a CORI check, she doesn't see any means to accept or deny the license based on the results; it's very vague.

As the maker of the order Alderman Mortimer says this ordinance has two purposes: to protect the children in Melrose and to protect the businesses in Melrose from unfair competition. It is partially based on ordinances from Arlington and Malden. He hopes the Board of Aldermen can find a way to have the operators CORI'd. He was hoping to move it forward with amendments.

Alderman Brodeur asks if there are any current licensing regimes about ice cream trucks. Atty. Van Campen says he believes they need a food permit from the Board of Health. There's a CMR that authorizes the Board of Health to impose requirements.

Alderman Medeiros asks if this ordinance would govern pizza or Chinese delivery services. Atty. Van Campen says he hasn't given it that level of thought but he'll look into it. Alderman Medeiros says she believes it would include them and prohibit them from delivering after 8 p.m. It's unreasonable for employees to put identification and telephone numbers on their cars. Dominoes Pizza provides a valuable service to the community and employs a number of people.

Chairman Infurna says she spoke with Health Director Ruth Clay. The Board of Health issues the permits under the Code of Massachusetts Regulations; the Board of Aldermen can't dictate what the Board of Health does. These vehicles are already regulated by the Board of Health. The 8 p.m. or sunset clause is not conducive to Melrose. She is concerned with the items regulating operators and asks if delivery persons, store attendants, and gas station attendants are CORI'd. She thinks this requirement is going down a slippery slope.

Alderman Forbes asks where the voluntary CORIs go; Chief Lyle says to the Criminal History Board. Alderman Forbes says that Ruth Clay would have to be CORI certified; Chief Lyle says yes; he thinks it may be illegal to require voluntary CORI checks. Alderman Forbes asks if the Board of Aldermen could recommend that Ruth Clay be CORI certified. Chief Lyle says yes; it would take up to a month to be cleared.

Alderman Seaboyer says in his line of work he is required to be CORI'd by various communities. He always requests a copy, and it's easy to make it look good. He wants to create a document that can't be shot through. This order needs a lot more work done to it. He doesn't think it can be done in committee; someone needs to fine tune it and bring it to the committee.

Alderman McAteer-Margolis asks Chief Lyle if he has any comments. Chief Lyle says the parking violations and time limits is an expensive proposition for the police department to enforce. Alderman McAteer-Margolis asks if he has received any complaints regarding inappropriate or criminal activity taking place on the ice cream trucks. Chief Lyle says there have been none. Alderman McAteer-Margolis asks if there have been any legal challenges to this type of ordinance in any other community. Atty. Van Campen says Arlington's bylaw was newly enacted in 2009 and has not been challenged yet. Alderman McAteer-Margolis wonders if this can be a priority with the resources the City has. She says she would appreciate it if Alderman Mortimer as the maker of the order would delve a little deeper into the aldermen's concerns and check with the Board of Health.

Alderman Mortimer says in regards to the chair's comment about dictating to the Board of Health, that is exactly what the Board of Aldermen does. That is the Board's job: dictate how the board would like them to operate. He agrees that more work has to be done and that is what committees are for. He would ask the aldermen to bring ideas and amendments to the next meeting that this order appears on the agenda.

Alderman Brodeur says there are certain mandates in Massachusetts about CORI and

who has to be CORI'd. What the law doesn't do is offer the "who doesn't". This discussion begs the question. The delivery thing is intriguing; that's a better place to require a CORI check.

On the motion to place on hold, All in favor.

Alderman Boisselle motions to adjourn, 2nd by Alderman McAteer-Margolis. All in favor.

Protection and License adjourns at 8:20 p.m.

Public Works Committee

Chairman Forbes, Infurna, Boisselle,
Seaboyer, McAteer-Margolis
Attending: Brodeur, Conn, Medeiros,
Mortimer
In attendance: City Engineer Bob Beshara

Public Works Committee is called to order by Chairman Forbes at 8:22 p.m.

Order No. 10-164, Requesting that the Recycling Coordinator and Department of Public Works seek bids for the purchase of 60 gallon recycling barrels for placement in the city's most heavily used parks. (AL-1)

Alderman Infurna motions to suspend the rules to hear from Mr. Beshara, 2nd by Alderman Seaboyer. All in favor.

Mr. Beshara says he authorized the recycling coordinator to order recycling barrels for the Common as a pilot program. She has also ordered some belly barrels which will likely be placed downtown, although he has not yet discussed it with the Mayor or the Chamber of Commerce. If the pilot program works at the Common he will look to purchase more. The belly barrels are part of Melrose being designated as a Green Community. The pilot barrels are heavy duty wire mesh and will be anchored to the ground.

Alderman Brodeur says there is an active Little League program at the Lincoln School. A lot of trash accumulates including crushed cans. He is hoping for a barrel for proper disposal. Mr. Beshara says he will know quickly if the pilot program works; if so, he'll be able to order more in a couple of weeks and will place one at the Lincoln School.

Alderman Forbes asks who will be responsible for emptying them. Mr. Beshara says DPW.

Alderman McAteer-Margolis motions to place the order on file, 2nd by Alderman Boisselle. All in favor.

Order No. 10-177, APPROPRIATION Amount: \$364,607.00 From: Available Free Cash
To: Various Snow Budget Lines

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

Alderman Seaboyer says there is nothing in the order indicating which various snow

budget lines this funding will be applied to. Mr. Beshara says the intent was for the auditing department to apply funds to the lines as needed. He will provide the information to the aldermen.

On the motion to recommend, All in favor. The order is referred to the Finance Committee.

Alderman Boisselle motions to adjourn, 2nd by Alderman Infurna. All in favor.

Public Works Committee adjourns at 8:48 p.m.

Health, Education and Welfare Committee Chairman McAteer-Margolis, Boisselle,
Seaboyer, Forbes, Infurna
Attending: Brodeur, Conn, Medeiros,
Mortimer

Health, Education and Welfare Committee is called to order by Chairman McAteer-Margolis at 8:48 p.m.

Order No. 10-182, TRANSFER Amount: \$500.00 From: A/C 015411-511000 - Council on Aging – Salaries To: A/C 015412-527401 - Council on Aging, HVAC Maintenance as set forth herein

Chairman McAteer-Margolis says there is a note from Mr. Beckley indicating the need for the transfer. He also addressed it during his budget hearing.

Alderman Boisselle moves to recommend, 2nd by Alderman Seaboyer. All in favor. The order is referred to the Finance Committee.

Order No. 10-185, TRANSFER Amount: \$137.00 From: A/C 015432-527803 - Veterans, War Memorial Maintenance To: A/C 015432-530501 - Veterans - Misc. Supplies as set forth herein

Chairman McAteer-Margolis says there is a memo from Ms. Webb indicating the transfer is needed for postage.

Alderman Boisselle moves to recommend, 2nd by Alderman Seaboyer. All in favor. The order is referred to the Finance Committee.

Chairman McAteer-Margolis says the two other orders on the agenda are appointments to the Historical Commission; neither Mr. Christopher Brown nor Mr. Paul Cunningham is able to attend this evening's meeting.

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

Health, Education and Welfare Committee adjourns at 8:50 p.m.

Maribeth Harrington
Clerk of Committees