

Protection and License Committee

Chairman Infurna, Boisselle,
Brodeur, Forbes
Absent: McAteer-Margolis
Attending: Conn, Medeiros,
Mortimer, Seaboyer, Tramontozzi,
Wright
In attendance: Human Resources
Director Marianne Long; Mayor
Dolan, Police Chief Mike Lyle, City
Auditor/CFO Patrick Dello Russo,
Fire Chief John O'Brien

Protection and License called to order by Chairman Infurna at 7:32 p.m.

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

Order No. 08-106, Application for a Common Victualler License to Kelly Haggerty d/b/a Montana's at 454 Main Street, Melrose, MA

Ms. Haggerty introduces herself and says she has 18 years experience in the restaurant business and also works as a loan officer.

Alderman Forbes wishes her luck and asks about the menu. Ms. Haggerty says it will be a Tapas menu with steak, chicken and some seafood.

Chairman Infurna says all departmental reports have been filed.

Alderman Wright asks where the restaurant is located. Ms. Haggerty says where the Blues Diner is currently located. Alderman Wright asks if she is purchasing the diner; Ms. Haggerty says yes.

Alderman Seaboyer asks if she is making any changes to the floor plan. Ms. Haggerty says no; she is planning to paint and generally spruce it up.

Alderman Mortimer asks what type of exterior sign she will have. Ms. Haggerty says it will be exactly the same but the existing Blues Diner glass will be replaced with one with Montana's name on it. Alderman Mortimer says it is currently a neon sign and asks if the Planning Board has been in touch with her. Ms. Haggerty says no and asks if the sign is not supposed to be neon. Alderman Mortimer says no, that it was the last neon sign to be installed in the downtown district, just before the ordinance changed.

President Conn asks if she will keep the same business hours; Ms. Haggerty says yes. President Conn asks if she is the manager for licensing purposes; Ms. Haggerty says yes.

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

Order No. 08-113, TRANSFER Amount: \$2,400.00 From: A/C #011522-560200 - Educational Reimbursement \$2,000.00; A/C #019122-543101 - Worker's Compensation Expenses 400.00 To: A/C #011522-543000 - HR, Physical Exams This transfer is necessary to fund pre-employment medical exams for two police officers, one firefighter, and two DPW candidates in FY 2008

Alderman Brodeur moves to recommend, 2nd by Alderman Boisselle. On discussion Alderman Forbes asks Human Resources Director Ms. Long if the candidates requiring physicals are sent to a City doctor. Ms. Long says the candidates are required to have both medical and psychological physicals by an independent doctor. Alderman Forbes asks if the physical includes drug screening; Ms. Long says yes.

President Conn asks Ms. Long if she anticipates sufficient educational reimbursement funds to get to the end of the year. Ms. Long says given that it is the end of January, employees enrolling in college courses would have already done so and would have already requested reimbursement. However, she has informed the City Auditor that the City is obligated to pay reimbursement under contract. President Conn asks if this transfer wipes out that account; Ms. Long says yes.

Alderman Forbes asks if City is looking to fill the positions in the police department from the civil service list or transfers from other communities. Ms. Long says both. Alderman Forbes asks if transfers would already have graduated from police academy; Ms. Long says yes.

On the motion to recommend, All in favor.

Order No. 08-114, TRANSFER Amount: \$1,687.64 From: A/C #012111-511000 - Police-Salary & Wages To: A/C #012112-525202 – Computer Support This transfer will enable the purchase of an FBI-approved network system printer and duplexer and two years' maintenance for the equipment.

Alderman Boisselle moves to recommend, 2nd by Alderman Brodeur. On discussion Alderman Boisselle asks Chief Lyle the significance of "FBI approved network system printer." Chief Lyle says it is used to fingerprint prisoners, which is sent to the FBI. The current printer failed and it is cost effective to replace it.

On the motion to recommend, All in favor.

Order No. 08-115, Establish a Revolving Account, #2664 – Police Hazmat Accident Response Fund, in accordance with the provisions of Chapter 44, Section 53 E ½ of Massachusetts General Laws, for fiscal year 2008 as set forth herein.

Alderman Boisselle moves to recommend, 2nd by Alderman Forbes. On discussion Alderman Boisselle says the Fire Department usually responds to Hazmat accidents. Chief Lyle says the police often work in conjunction with the Fire Department by assisting with traffic. Alderman Boisselle asks if he will be billing the insurance companies; Chief Lyle says yes. Alderman Boisselle asks how the funds will be used; Chief Lyle says for fleet maintenance.

Alderman Forbes asks if any of the police officers are certified to handle accidents with gasoline spills; Chief Lyle says no. Alderman Forbes asks if he is looking at that; Chief Lyle says the Fire Department calls the shots when responding to such an accident and that the Police Department is there for traffic control.

President Conn asks if there is a cap on the fund; Chief Lyle says \$10,000.

Alderman Brodeur says there is a request for two funds to be established. He asks City Auditor/CFO Patrick Dello Russo if the cap is on the intake or the outflow. Mr. Dello Russo says the cap controls the total amount that may be expended. If there is a \$5,000 cap, \$10,000 may be taken in but only \$5,000 may be spent. He would have to come before the Board of Aldermen to request to increase the cap. Alderman Brodeur asks if it is possible to use the funds for a different purpose. Mr. Dello Russo says it would take a vote of the Board of Aldermen to change the purpose of the fund and to transfer the funds to a fund other than the General Fund. Alderman Brodeur asks if the order for the false alarms pertains only to the Police Department.

Chairman Infurna requests a motion for concurrent action to take up Order No. 08-116, Establish a Revolving Account, #2665 – Police False Alarm Calls Fund, in accordance with the provisions of Chapter 44, Section 53 E 1/2 of Massachusetts General Laws, for fiscal year 2008 as set forth herein. So moved by Alderman Brodeur, 2nd by Alderman Boisselle. All in favor.

Alderman Brodeur says it seems as though most Hazmat costs would be incurred by the Fire Department and asks how the expenditure authority of the funds is determined. Fire Chief O'Brien says in regards to Hazmat, the Police Department's expenses are mostly personnel costs. When responding to an accident, everyone is reimbursed except Public Safety – the ambulance, the utility companies. Fire and Police haven't been reimbursed for services in the past. Alderman Brodeur says this is a logical extension of what the Aldermen did last term.

President Conn says the Board of Aldermen has authorized many revolving funds over the last several years which fall outside of the budget. Mr. Dello Russo says that is correct, but like the regular budget all revolving accounts require annual reauthorization by the Board of Aldermen. President Conn says the funds in these accounts are relatively small amounts, but he is concerned that in total there is a lot of money off-budget that the aldermen are not aware of. He says the City doesn't need these accounts to recoup costs; they are a vehicle to do so.

Alderman Seaboyer asks Chief O'Brien if he has gone after many claims or only a few. Chief O'Brien says his administrative assistant's hours were just increased to full-time and will now be able to bill the insurance companies. He takes them on a case-by-case basis. There was a recent automobile accident involving someone from Maine who didn't have any insurance. In that case there was no one to chase. Alderman Seaboyer asks if the Fire Department gets only a percentage of the claim amount. Chief O'Brien says he'll receive 100% of the claim.

Alderman Boisselle asks if there are an excessive amount of false alarms. Chief Lyle says a survey showed that there were 750 false alarms in 2005 and in 2006 there were over 800. Alderman Boisselle asks how many false alarms a company is allowed before

receiving a bill. Chief Lyle says there is an ordinance on the books from 1992 which gives businesses and residences two freebies and billed \$25.00 thereafter. He says he will file an order to amend it in the near future.

Alderman Mortimer asks Chief O'Brien if the insurance adjuster attempted to negotiate the claim he submitted. Chief O'Brien says no, that he had the check two weeks after he filed the claim. However he has heard that there are a couple of companies that will dispute claims. Alderman Mortimer asks the circumstance of billing. Chief O'Brien says it was a fatal accident. Like he said, he evaluates accidents on a case-by-case basis and was sensitive to this one. He only billed the insurance company and not the home-owner.

Alderman Forbes asks if the false alarms are electronic. Chief Lyle says yes. Alderman Forbes asks about personnel costs in responding to them. Chief Lyle says it depends on the alarm; a minimum of two units respond to a bank alarm. Alderman Forbes asks about a residence alarm being a possible break-in. Chief Lyle says the responding officer walks the home. Alderman Forbes asks why this is being set up as a revolving account versus an Enterprise Fund. Mr. Dello Russo says these types of programs can't be established as Enterprise Funds by statute.

Alderman Brodeur asks if the Department of Revenue audits these accounts; Mr. Dello Russo says yes. Alderman Brodeur asks if a bogus 9-1-1 call would be considered a false alarm. Chief Lyle says no.

Alderman Boisselle asks Mr. Dello Russo the total dollar figure in the six revolving funds. Mr. Dello Russo says the Recreation cap is \$160,000 and Recycling/Waste Collection is \$120,000; the others are minimal amounts.

Alderman Forbes asks if the electric company or the resident will be billed for a false alarm; Chief Lyle says the resident.

On the motion to recommend, All in favor.

Order No. 07-213D, Licenses renewed by the City Clerk for the year beginning May 1, 2007.

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

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

Protection and License adjourns at 8:05 p.m.

There are no orders in the Health, Education and Welfare or Public Works committee to be acted on.

Maribeth Harrington
Clerk of Committees