

Protection and License Committee

Chairman Conn, Tramontozzi,
Seaboyer, Forbes, Buonopane
Attending: Boisselle, Wright,
Mortimer
In attendance: Mayor Dolan, Fire
Chief John O'Brien

Protection and License called to order by Chairman Conn at 7:30 p.m. Alderman Buonopane motions to open Public Participation, 2nd by Alderman Seaboyer. All in favor. No one comes forward. Alderman Tramontozzi motions to close Public Participation, 2nd by Alderman Seaboyer. All in favor.

Order No. 07-136, Introduction of Mark S. Hall on his appointment as Firefighter for the City of Melrose, effective March 28, 2007, in accordance with City Charter Sec.2-10.

Mayor Dolan offers Mark Hall as a new member to the Melrose Fire Department. He is an excellent candidate and is 35 years old, married with five children. He served in Iraq as a medic, is a former resident of Melrose and now lives in Tewksbury.

Chief O'Brien says that firefighter Hall is replacing a firefighter that transferred to Cambridge in June. Firefighter Hall is #1 on the list.

Mr. Hall thanks everyone present for the opportunity to serve in this community.

Alderman Forbes says that Mr. Hall attended firefighter school in New Hampshire and asks if it is necessary to go again. Chief O'Brien says he will attend the academy for 12 weeks in October.

President Mortimer says his credentials are very good. He asks Chief O'Brien how the three firefighters presently at the academy are doing. Chief says they are graduating on March 30th and all are doing very well.

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

Alderman Forbes motions to adjourn, 2nd by Alderman Buonopane. All in favor.

Protection and License adjourns at 7:36 p.m.

Public Works Committee

Chairman Buonopane, Forbes,
Seaboyer, Conn, Tramontozzi
Attending: Boisselle, Brodeur,
Heavey, Infurna, Wright, Mortimer
In attendance: Jose Rotger, Jack
Welch and Gregg Aloï, Melrose
Energy Commission

Public Works called to order by Chairman Buonopane at 7:38 p.m. Order No. 07-106, Requesting representatives from Mass. Department of Environmental Protection to

appear and inform the Board of Aldermen of the Massachusetts 2006 Waste Disposal Bans and various plans to increase community recycling efforts. (AL-4)

Alderman Tramontozzi moves to suspend the rules to allow Mr. Joseph Lambert to speak to the committee, 2nd by Alderman Seaboyer. All in favor.

Mr. Lambert says he has worked for the DEP for 50 years and that solid waste is his specialty. Waste bans are not something new. They deal more with commercial and demolition waste and with toxic materials found in computers, white goods, acid batteries and tires. The intent is to keep these items out of the waste stream as their emissions can be dangerous to the community.

Alderman Seaboyer asks how enforcement of these bans at transfer stations affects Melrose. Mr. Lambert says the DEP requires all incinerators to keep a logoff their clients. The DEP performs inspections all the time. If there is a gross violation involving refrigerators and water heaters the DEP will try to educate municipal officials to encourage recycling. Alderman Seaboyer asks if an infraction at the transfer station would filter back to the City. Mr. Lambert says that if more than 20% of any load was yard waste, that would be an infraction because Melrose has a compost system. There are only 17 landfills state-wide. Most trash is being burned. Some is shipped out of state to NH, NY and throughout New England. The DEP is working with cities and towns to get DARP status (Department Approved Recycling Program). Alderman Seaboyer says that different communities use different plans to help people recycle more. Mr. Lambert says the state is promoting the Pay-To-Throw program because it works the best. Under most municipal plans a senior citizen living on a fixed income disposes one bag each week and is paying the same amount as the neighbor that has four times the amount of trash. The Pay-To-Throw offers the same equity as with electricity or water use. The state's goal is 70% recycling. Alderman Seaboyer asks if there are other plans that work. Mr. Lambert says Billerica has waste ban enforcement for obvious violations and does not allow trash to be discarded in cardboard boxes. Some towns put stickers on recyclable items and leave them curbside. He says that some communities have contests at their schools for recycling used telephone books and other paper goods. There are many different plans that may be looked at, especially with the schools. The state wants to educate fourth graders in particular. Alderman Seaboyer asks if the state will enforce the buyer take-back program. Mr. Lambert says it is currently run on a volunteer basis and that companies such as Lowe's, Best Buy, Circuit City and Jordan's Furniture will take the replaced item for the value of customer service. Alderman Seaboyer asks if the state is contemplating enforcing it. Mr. Lambert says no.

Alderman Brodeur asks if the waste ban enforcement is built into the disposal contract where Mr. Lambert resides; Mr. Lambert says yes. Alderman Brodeur asks if curbside enforcement is built in. Mr. Lambert says yes, that recycling is a constant education effort. Alderman Brodeur says the money saved by the consumer using Pay-To-Throw is incentive for behavior modification. Mr. Lambert says that trash is a personal issue but that Pay-To-Throw makes common sense and dollar sense. He says the state has grants to work with communities on recycling and solid waste issues.

Alderman Conn says that one of the most important components of recycling is education. The Aldermen know about recycling and waste bans, but if 100 residents were asked 80% of them would have no idea what the Aldermen were talking about. He

says the City needs to know from the DEP which programs are available with grants to get the word out to people. Mr. Lambert says he encourages educating the children because they are aware of the environment. Alderman Conn asks if there is a program to help the City's employees who pick up curbside to identify waste ban items. Mr. Lambert says not yet, but that there is grant money to help with technical assistance. Grant applications are available in July and are due in September. There is more than \$3.5 million to award this year. Alderman Conn asks what the DEP can do to help a municipality that has an illegal dumping area. Mr. Lambert says it can act as a conduit to speak with the strike force.

Chairman Buonopane asks Mr. Lambert if he has a list of available grants for the committee. He says the FY08 grants will be released in July but that technical assistance and school recycling efforts will be included.

Alderman Conn motions to place the matter on file, 2nd by Alderman Seaboyer. All in favor.

Order No. 07-071, Requesting that the Mayor or other appropriate City official(s) appear before the Board of Aldermen to discuss the prospective benefits of entering into an energy performance contract with an energy service company to purchase energy saving improvements in city buildings where the basis for payments is the performance level guaranteed in the contract in accordance with General Laws Chapter 25A, Section 11C and 225 Code of Massachusetts Regulations 10.00. (A-3)

Alderman Wright says that he is not a member of the committee, but he would suggest a 1-minute recess to allow Mr. Lambert to gather his materials. So moved by Alderman Conn, 2nd by Alderman Seaboyer. All in favor.

Public Works recesses at 8:50 p.m.

Public Works reconvenes at 8:55 p.m.

Order No. 07-071 is before the committee. Mr. Jose Rotger says he thought it would be useful to present a summary of the Energy Efficiency Initiatives for Municipal Buildings. The objective is to increase energy efficiency to reduce energy bills and increase building comfort and performance. There are at least three alternatives in achieving this objective, and all are complimentary. The first is performance contracts with Energy Service Companies (ESCOs), as identified in the order before them. Worthy of study are utility-sponsored energy efficiency programs offered by Keyspan and National Grid. There are hundreds of millions of dollars available in state-sponsored grants for municipal energy efficiency programs. Another option is direct arrangements with consultants and contractors. The lion's share of energy consumption is the schools, and that is where most efforts should be focused. The City's new schools are more energy efficient but they also use more energy.

Alderman Wright says there are several communities that have already taken the ESCO route and that they have saved money on all utilities. He asks if it is fair to say that Performance Contracting is guaranteed savings. Mr. Jack Welch says yes. Melrose entered into an ESCO contract 20 years ago at the High School when it converted from electric to gas heat. An ESCO will take a holistic approach to assess a building, as will

National Grid. Electricity, water, gas and oil consumption will be analyzed. Mr. Rotger says it is important to note that utility companies have in place funds that have been collected from consumers. National Grid has \$75 million to spend on these programs and under state law it must be spent, and National Grid is eager to spend it with Melrose. Alderman Wright asks if National Grid would come to Melrose and look at all municipal buildings. Mr. Welch believes so but what National Grid likes to do is analyze four buildings of the City's choosing and put together a proposal of those four based on a benchmark of utility use in North America. This would be at no cost to the City, targeting buildings that are using too much energy. The proposition could be expanded upon from there. Mr. Rotger says the study would be done on a minimum of four buildings. The City could request all buildings be looked at but it is prudent to choose four to start. National Grid will do for free what an ESCO does under contract. Having National Grid do the study does not preclude the City from contracting with an ESCO. Alderman Wright says that this is a potential way to save hundreds of thousands of dollars for the City. He would like to encourage this and put it on the fast track.

Alderman Boisselle asks if four buildings have been targeted yet. Mr. Welch says no. Alderman Boisselle asks which buildings he would suggest; Mr. Welch says he would recommend the High School because a large part still uses electric heat, City Hall, and another school.

Alderman Forbes asks if the thermostats in the schools are centrally located. Mr. Welch says no. Alderman Forbes asks if money could be saved by turning off every other street light or by putting traffic lights on blinking mode after 11:00 p.m. Mr. Rotger says if the City purchases the street lights from MassElectric that \$100,000 could be saved each year. Over lit areas such as parking lots or individual lights may also be looked at.

Chairman Buonopane asks why the City is not participating in the National Grid program yet. Mr. Welch says it is a new program; it was not available even three months ago. Mr. Rotger says the City has to sign up for it and a memorandum of understanding is required. The City also has to share its energy bills with them. Mr. Welch says that in addition a City official must be named as a contact.

Alderman Wright says that utility bills are public record so sharing them for this purpose would not be problematic. He asks if the issues with the HVAC at the Senior Center have been addressed. Mr. Welch says that grant money is available for energy savings for low-income buildings, and that Frank Romano of the Massachusetts Technology Collaborative is the contact person.

Alderman Forbes says an ESCO contract lasts from 5 to 20 years. He asks if the City should proceed with caution. Mr. Welch says a contract with an ESCO is down the road and it will be some time before considering it.

Alderman Conn motions to place the matter on file, 2nd by Alderman Tramontozzi. All in favor.

Order No. 07-107C, Proposed Ordinance amendment to Melrose Revised Ordinances Chapter 198, §198-5 through §198-10 – Solid Waste as submitted by the Solid Waste Committee as set forth herein. (AL-4) Chairman Buonopane says this is the fourth division of the solid waste order.

Alderman Conn commends the Solid Waste Commission on this task to update the ordinance. He has some questions about potential changes being proposed. One is to increase fines from \$20 to \$5000. He asks a) how the \$5000 amount was chosen and b) if this provision has been reviewed by the City Solicitor. He says it seems that the City would want to set a fine that is punitive but also payable by the violator. He questions if a \$5,000 fine would ever be collected.

Alderman Seaboyer speaks as a member of the Solid Waste Commission, saying there are four changes before them. Two are financial. In §198-5 the existing fine is \$20. The \$5000 will put the City on par with the figure the state uses. In §198-7 the proposed change replaces the existing not less than \$25 or no more than \$100 with no more than \$5,000, again to create a parallel with the state's figure. The other areas of change are to delete §198-6, which is repetitious of §198-2, and inserts §198-9.

Alderman Conn asks if the Solid Waste Commission received any legal opinion regarding the proposals. Alderman Seaboyer says no. Alderman Conn suggests the Public Works Committee might want to have the City Solicitor opine on this before it is recommended for passage.

Alderman Brodeur says he understands where the \$5000 figure came from but that he is not clear about who can enforce the fines or when. He asks if there is a list of rules promulgated under this regulation. He asks if §198-7 applies only to dumpster violations. Alderman Seaboyer says yes. Alderman Brodeur says he is interested in seeing what fines have been issued in the past.

Alderman Wright to Alderman Seaboyer also commends him and the Commission for taking on this task. He echoes Alderman Conn's concerns about the amount of the fines. He believes that MGL Ch 40 §21 caps the amount at \$300 for a municipality. He would also recommend that this be sent to the City Solicitor for his opinion. He is also concerned about the term "fined no more than" and thinks it needs to be better defined in terms of multiple offenses.

Alderman Forbes says there are a number of roofers that illegally dump debris in the woods. The City has to send a truck and two men to clean the site and remove it. He says a \$1000 fine would recoup the City's cost and get the message across.

Alderman Conn says he does not mean any disrespect to the Commission, but he would be very surprised if the City was able to promulgate a \$5000 fine. He would like the Committee to ask for a legal opinion from the City Solicitor.

Alderman Seaboyer says the ordinance change was rewritten with the help of the Board of Health and the Superintendent of Public Works. He would like them to speak to this as well.

Alderman Seaboyer motions to place the matter on hold and to request the opinion of the City Solicitor.

Chairman Buonopane suggests that instead of having a flat fee for each offense that the violator is fined per piece; each piece of trash would count as an offense.

Alderman Tramontozzi seconds the motion to place the matter on hold and to request the opinion of the City Solicitor. All in favor.

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

Public Works adjourns at 9:44 p.m.

Health, Education and Welfare

Chairman Seaboyer, Tramontozzi,
Buonopane, Forbes, Conn

Health, Education and Welfare called to order by Chairman Seaboyer at 10:35 p.m.
Alderman Tramontozzi motions for concurrent action on the five orders before them, 2nd by Alderman Forbes. All in favor.

Chairman Seaboyer reads the orders:

07-140, RE-APPOINTMENT of: Elizabeth B. Friedberg, 48 Walton Park to: Beebe Estate Board of Trustees term to expire the first Monday in March, 2010

07-141, RE-APPOINTMENT of: Jean M. Gorman, 53 Larrabee St. to: Beebe Estate Board of Trustees term to expire the first Monday in March, 2010

07-142, RE-APPOINTMENT of: James F. McArdle, 301 W. Foster St to: Beebe Estate Board of Trustees term to expire the first Monday in March, 2010

07-143, RE-APPOINTMENT of: Rosemary Behrle, 72 Lynde St. to: Council on Aging term to expire the first Monday in March, 2010

07-144, RE-APPOINTMENT of: Dr. Timothy A. Tierney, 3 Elmcrest Cir. to: Board of Health term to expire the first Monday in March, 2010

Alderman Conn says that these reappointments are for five long-term citizen volunteers who have volunteered to serve the City for many years. It has been the practice of this Board to not have people being asked to continue to serve in the same capacity to appear at these meetings.

Alderman Conn moves to recommend, 2nd by Alderman Tramontozzi.

On discussion Alderman Wright extends his thanks to all of these volunteers and to the volunteers of the Beebe Estate in particular.

On the motion to recommend, All in favor.

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

Health, Education and Welfare adjourns at 10:40 p.m.

Maribeth Harrington
Clerk of Committees