

**METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 15, 2007 – 7:00 p.m.
GREAT HALL, SEARLES BUILDING**

Chairman Zanni called the regular meeting to order at 7:00 p.m. with all members present.

ACCEPTANCE OF THE AGENDA

MOTION BY: Councilor Leone, seconded by Councilor Corey Rahme to include Resolution Authorizing Equipment Donation to the Department of Public Works with an EPA requested and TO-07-16 Zoning Amendment pertaining to 380 Merrimack Street.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Leone, seconded by Councilor Quinn to move TR-07-85 out of order as item 5A.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Leone, seconded by Councilor Quinn to accept as amended. UPON VOTE:

Invocation/Pledge of Allegiance

Father Waters from our Lady of Good Counsel gave the Invocation for the evening. Everyone remained standing for the Pledge of Allegiance.

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Giordano, seconded by Councilor Leone to waive the reading and accept the minutes of September 24, 2007 – Special Meeting and October 1, 2007 – Regular Meeting.

UPON VOTE: UNANIMOUS.

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PROCLAMATION/CORRESPONDENCE – None

TR-07-85 Resolution Authorizing Acceptance and Expenditure of FY' 07
Massachusetts Community Development Block Grant Community Development Fund
(EPA Requested)

Linda Soucy, 7 Kirk Street, Methuen, read a prepared statement regarding Mann, Inc. (attached) and in support of the FY'07 CDBG grant.

Patti Fay, 223 Haverhill Street, Methuen, stated she has two children that go to the YMCA. The program is important and great for both her children, who are safe and very well cared for. The teachers and staff there are wonderful and she wouldn't want to see any of the programs cut because of the grants being cut. Her children love the program and were very upset when they were under the impression she might have to take them out. The YMCA came to her aid when she needed them because of her financial situation. At the program, the children receive help with their homework, it teaches them a lot, and they have fun. Without the "Y" she wouldn't be able to work full time and be able to be a homeowner in Methuen.

Kristen Hawkes, 2 Sugar Pine Lane, Methuen, MA stated that she has depended on YMCA childcare for many years. She's worked full time and her children have attended the after school program at the Marsh Grammar School and the summer program at the branch on Haverhill Street. Two and half years ago, her daughter was fifth grade at the Marsh when she had a cancer relapse and began treatment again. Kristin said her work hours were cut down quite a bit in order to stay home for her and bring her in to Boston for treatment and tests. As a single parent household, our income was greatly affected. She's had to rely on the kindness of the community many times and the YMCA has consistently been a great help to them. Her son needs a safe place to be after school every day. Without the financial assistance the YMCA has provided them, she could not enroll him in the program. Her son was able to enjoy his summer vacation at Camp Otter and the branch YMCA because they were approved for financial aid. The YMCA offers her son a stable routine, getting his homework done, and playing with his friends. She knows he will be taken care of. When a family is struck by a financial hardship temporarily or even long term as they have been, you have to cut corners. Luckily she has not had to sacrifice quality childcare for her son because there has been financial assistance available to them from the YMCA. She asked that the Council consider re-instating the grant funding so the YMCA can continue to help as many children as they can. The programs are so important to families in need.

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Tom Hajj, 19 Harmony Lane, Chairman of the Board of Managers of the YMCA, said he was on the fact-finding committee when they started the process of bringing the YMCA to Methuen. The YMCA, the then Mayor in collaboration with the then City Council, and school committee found a place to be in Methuen, the Stephen Barker School. A lot of time and effort was put into that building and they have been successful, held up their part of the bargain in supporting the children and families of Methuen. The YMCA clearly builds strong kids; build strong families and strong communities. Last week they found out about the block grant, with very little time to develop a plan of what to do, how to service these fifteen children and families that are affected by the loss of this grant. Part of the problem is they planned, as an organization; they have financial people that do this for a business and knew they were going to lose some of this money because the grant was lessened from last year. They weren't prepared to lose everything and they did. The YMCA will go on and support these children and families, but need the community's help. There may be nothing they can do about that right now but hope in the future that this could be considered again. The article in today's newspaper said there could be alternate funding found for it and if that were possible, they'd like to keep this going. They don't want to affect these families because these children and families are part of our community.

Laurie Vermette, 87 Oakside Avenue in Methuen, said her son has been at the YMCA for approximately three years now, starting off in the preschool program and in September started in kindergarten, participating in the after school program as well as sporting events. Without the financial backing from the YMCA being a single parent, it would be extremely hard for her to afford childcare. The programs are fantastic. The teachers and staff are great. Looking at the paper tonight, it seems like the YMCA is the only one that really lost everything from this grant. She suggested a split in funding so that they are not losing the entire amount of the grant and they can continue to help these people in Methuen to stay in the day cares and the after school programs.

Ruth Ann McGowan, 32 Lexington Avenue, said her daughter attends the Marsh after school program. She is a single mother and sole provider for her seventy two year old mother and her eight-year-old daughter. Her eight-year-old daughter at age 4 was diagnosed with a disability that she would have to deal with her entire life. Part of her problem is socialization. She has a difficult time understanding emotional cues, verbal cues, and things of that nature. Going to work full time was necessary in order to take care of both her mother and her daughter. She was desperate to find a place that was going to give a good nurturing, caring spot for her daughter, that could help her learn these life skills. She was grateful that the YMCA was able to give her financial assistance in doing so. Her daughter attends two days a week and does beautifully there. Without that unfortunately her afternoons would be relegated to sitting on a couch watching TV because her elderly grandmother cannot provide her with what she needs and that would be the only alternative. If she stopped working, she wouldn't be able to pay the mortgage and would not be able to support them. She asked that the Council please find some way to help fund the YMCA because they do amazing work for every child of every walk of life and they need help.

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Councilor Cronin asked the Chairman to inform the audience of the role that the Council plays and the fact they cannot restore this money.

Chairman Zanni said the Mayor has made a cut, which is not the prerogative of the Council. The Council cannot reinstate an amount that has been cut from the budget. It is not the Council's charge. The Council's charge is to listen and maybe look at alternatives. Council cannot restore money that has been cut at this time. The way the Charter is written, that is the prerogative of the Mayor. Chairman Zanni asked Karen Sawyer, Director of Community Development, to come forward and provide information regarding the distribution of funding.

Karen Sawyer, Community Development Director, said this has not been an easy year for the program. Prior to this grant year, Methuen has enjoyed the status of a mini-entitlement community, which means assuming we follow the paperwork, (and we have and the staff has done a fantastic job for the last eleven years), we were entitled to \$600,000 and knew how to spend that, knew how to RFP for social services and were very comfortable with the program, how to convey it, and how to share it within the community. Last fall, the city was notified that as the result of a formula that the state no longer regarded our poverty level as low enough to be qualified as mini-entitled, it placed us into what is known as the community development fund round which is more competitive with other communities. The city was not going to get the \$600,000 and our grant had to be competitive. The city did receive feedback from the Department of Housing and Community Development that we submitted a very competitive grant and the packets that the city submitted; in particular by the social service grantees were strong. The challenge to us was that we were holding onto funding that had not been committed and that was for housing rehab cases and for some remaining social service sub grantees that had not spent all of their money. There was no way, in four months time that all those funds could have been committed. The change between statuses meant that the city was then held in abeyance for the money they hadn't committed. There was a program and a time frame for spending it all but when our status changed that unexpended money was held against us. This money could not have been spent any faster and had it all planned out so all the city had to do was represent to the Department of Housing and Community Development what they planned to do with the money on hand and then made their submission. As a result, they received \$315,000 instead of the \$600,000. Decisions, in house, had to be made as to how to break that down and how to provide for that. She provided a summary in the Council packet. Of the \$315,000 proposed for acceptance tonight, they suggest that \$129,937 be put toward housing rehabilitation. The department has routinely serviced eight clients and rehabilitated eight units per year but this will mean they will be able to do four units per year. Others will have to wait until future years. They were fully funded for their code enforcement program and officer, which takes place in the target area. It's a very successful program. And of the \$121,000 asked for the support the social services, \$61,535 was received. That also covers in-house administration and the people that request the money. The recommended breakdown of that \$61,535, is as follows: \$40,000 be awarded to Mann Inc. for their youth social services; that \$6530 be awarded to the Council on Aging, the transportation subsidy program; that \$12,000 be awarded to the literacy volunteers program and that \$3,005 be awarded to Mann Inc.'s job training program. She explained

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that there were two entities that had not spent a great amount of their money (06 grant money) the contract year we are currently in. One entity was the YMCA, awarded \$40,000 last year. They've been able to spend down \$24,268, leaving them with a balance of \$15,731. Projecting at the rate that they expend their money on a monthly basis, this would allow them, unless there is an unanticipated surge, to provide services for another eight months (if this average holds out). The city intends on extending their contract, seek an extension of the overall 06 grant to DHCD, which would allow them to continue spending that money. There is a significant amount of funding available to the YMCA in this current year. The other entity that has not spent the bulk of their money is the Council on Aging for their transportation services and that's why the recommendation is that they don't get the seventeen thousand that they requested, that they get a much lower rate again for the same reason. There does exist 06 money that they can use and program to carry them through so that they won't see a cut in service.

Councilor Lahey asked how much money would be needed to fund for the full year.

Karen Sawyer said the amount approved would carry through well into 08.

Councilor Lahey asked if another \$10,000 should take care of everything if the \$15,000 is good for eight months

Chairman Zanni said the Community Development Director is stating is there is \$15,700 left in the budget, which is from November. That would carry through with the amount and projection through next June. A new budget will be submitted for July 1st of 2008 and Karen is suggesting at that point, any allocations can be drawn appropriately going into the 2008/2009.

Councilor Lahey asked if they have enough money until the next budget.

Karen Sawyer said the funding in place, what they've already contracted with the city for, should carry them for several months and our estimate is well into 08, potentially through the end this current fiscal year. We're recommending no 07 money to them. Next month, the city is going out for our RFP with 08 funding, applying for that in February of 08 and hear from the state sometime in the June, July time frame for 08. In October Council is asked to accept the money and then the city can contract with the entities.

Councilor Quinn asked if there are any alternatives, such as other grants.

Karen Sawyer said they haven't explored alternatives and she isn't sure if the city would seek funds or help the YMCA secure funding.

Councilor Lahey asked if it is possible for them to get through a twelve-month period until the next budget time and possibly make up the difference in the next budget.

Karen Sawyer reiterated that she knows there are several months worth of funding left. It would be up to the YMCA to confirm how long that may be extended to and the city will have to extend our contract with them and seek the approval of the state's extension of this.

Councilor Leone said he understands by the calculations that the YMCA has seven or eight months of funding provided the city gets an extension from the state to continue disbursement of money on hand. Karen Sawyer said that's correct. Councilor Leone said its going to take twelve months to bring us to this point again where the city may have another grant to accept, which they may or may not be included in. Karen Sawyer said that's correct. Councilor Leone asked if the granting authority determined

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the funding level for the four major categories; housing rehab, code enforcement, social services, and project delivery and general administration.

Karen Sawyer it was determined by them in terms of how much could be spent as a maximum in each block. The one thing the city has to decide is how to divide up the social services funding.

Councilor Leone said there's no question that you can't take money out of housing rehab and put it into social services.

Karen Sawyer said in order to do those; they'd have to seek an amendment to their request.

Councilor Leone said if the city wanted to do that, they'd have to say we really don't need as much money as you gave us in this program. He asked if the city runs the risk that the state could take it back.

Chairman Zanni asked if that could jeopardize the grant.

Karen Sawyer said they could do a number of things and she's not sure how to accurately answer the question.

Councilor Quinn said in the project delivery and in general administration there are some fringe benefits, travel costs, and aren't broken down.

Karen Sawyer said that block explains three full time equivalents; two are full time people who run the administration of the program, monitor the grant, administer the grant, and a housing rehab specialist, who works twenty hours per week. He's the one that goes out and inspects that all the jobs are done correctly. And nobody travels.

Councilor Andrew said, if his figures are correct, \$200,000 out of the \$315,000 grant is going into the Arlington Neighborhood, \$129,000 is going into financial assistance that will consist of low interest loans, no interest loans, deferred loans and loans with forgivable terms in a target area which is the Arlington District. \$28,000 is going into code enforcement for the Arlington District. Karen Sawyer said that's correct. Councilor Andrew said there's \$40,000 from the grant into the Arlington District. He asked why there is a need for \$28,000 for code enforcement when we have code enforcement officers and asked if someone else is being hired.

Karen Sawyer said there is a person on staff and has been since she's been with the City of Methuen, who primarily focuses on code enforcement in the target area.

Councilor Andrew asked if he is on salary anyway.

Karen Sawyer said she is a part time person and works twenty hours per week, paid strictly with the grant. That is her salary, travel allowance when she drives within the district, and fringe benefits.

Councilor Andrew said the point of his question is there are other areas in town. Linda Soucy is doing a fabulous job in the Arlington District and he applauds her for that. But, there are other areas in town where people also need this kind of assistance and they don't fall into the target area. The locations are sporadic throughout the community. It's not fair that fifteen families who are not in the target area will be cut. The YMCA is in his district and he will support their need for assistance. Almost 2/3 of the grant money is going into the Arlington District. Some of that could be diverted and relocated if you have a special amendment to the grant.

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Karen Sawyer said it is not possible. It is because of demographics in census track 2524 that the City of Methuen is even eligible to participate in CDG grant funding. If not for those statistics, the city wouldn't be able to take advantage of any of this. Its target based, based on census track and block information that is tied, in the case of Methuen, to that particular neighborhood.

Councilor Andrew said two thirds of the money has to go to the Arlington Neighborhood.

Karen Sawyer said it is the state that determines the target area for the funding they provide and the city is working within those parameters. The city calculated the amount of the grant per entity and how many people that entity tries to serve. It is relevant here because they all submitted excellent packets and they do excellent work. The Nevins Literacy assistance program for \$10,000, serves 50 clients – that would be roughly \$200 per client. Mann, Inc. with \$40,000 services 310 people. That works out to about \$129 per child. The YMCA received \$40,000 and had serviced much fewer people. A decision was made as to where the dollars fit the people and the need and the ratio of the people that it served.

Councilor Andrew said he had a conversation earlier regarding the \$500,000 building in the Arlington District. The city can't walk away from our obligation to it. But a few years ago, the city chose to lease the Stephen Barker School for a \$1 and can't walk away from that either. It is an obligation. His point is that they should get their percentage of that grant money or somehow find some funding to take care of what they need.

Councilor Giordano asked what happens if Council doesn't vote on this tonight.

Karen Sawyer said if Council doesn't vote tonight, the Mayor cannot contract on behalf of the City with the Department of Housing and Community Development and all the entities who's contracts expire at the end of October. There are entities that are running out of FY 06 money that need to start spending the FY 07 money. They will not be able to start spending money until such time as the Mayor is allowed to contract with the state.

Councilor Giordano asked if there is anyway Council could change the recommendation of the Mayor and help the YMCA with \$20,000.

Karen Sawyer said the recommendation was as put forth to Council.

Chairman Zanni said, according the Charter, the Mayor makes the cuts.

Councilor Giordano asked if Council could send this back to the Mayor.

Chairman Zanni indicated there is a time constraint and if Council doesn't pass this, they could jeopardize the funding of these programs, especially the Arlington neighborhood area. The YMCA still has a \$15,700 balance and they have money for some months. The Council cannot transfer or add.

Councilor Giordano asked if there was anyone from the YMCA who could speak about the money issue.

Stephen Ives, CEO of the Merrimack Valley YMCA, said he understood that money could be carried over. The YMCA's estimate is the funding will last three to four months at full capacity. Part of the reason the monies haven't been expended is because there was a delay last year when they started receiving money and spending it down. There was a month or so that the "Y" provided services without the funding. The seven or eight month time frame is unrealistic.

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Chairman Zanni asked if the YMCA received a grant from Senator Baddour for \$50,000 in each of the past two years.

Steve Ives said they received an appropriation from the State targeted for “Y” drop-in teen program.

Councilor Quinn briefly spoke of her situation approximately ten years ago when she found herself in a similar predicament as some of these single mothers. The YMCA has been good to her and her children. There were no family vacations for her and her children. They got a membership to the YMCA, who was very generous at the time. She supports the YMCA and thanked them for their support and generosity. If she doesn’t vote on this resolution, the other projects and programs will not get the money that they need. The city cannot leave the “Y” as an island by itself and there is a need to bring the “Y”, Linda Soucy from the Arlington Neighborhood, Karen Sawyer and other entities together. The people in Methuen don’t hear enough about the “Y” and the programs they provide for families, such as childcare, lunches, after school programs, membership programs for families, all to benefit the residents.

Steve Ives of the Merrimack Valley YMCA said he doesn’t want the other entities to have the funding they need. He has great affection for the work that is being done in the community. He just wanted to make sure that the people understand the role that the “YMCA” has and they are asking for help, working together as a united group.

Councilor Lahey said voting against this resolution shouldn’t be an option. If it wasn’t for the Arlington Neighborhood, Council wouldn’t be getting this opportunity to vote. The resolution should be passed tonight. The “Y” has some funding to get them through the next five to seven months. They want to keep their program going. Helping them is one thing but taking away from the other three shouldn’t be an option.

Councilor Andrew questioned how much money Mann Inc. had remaining in their budget.

Karen Sawyer said that as of September 30th, Mann Inc. had expended 75% of its funding. There is a large amount of money remaining in the accounts of the Council on Aging Transportation and the YMCA.

Councilor Andrew asked if the Arlington Neighborhood Youth Center had any money left in their budget.

Karen Sawyer responded, no.

Councilor Andrew questioned if the need for the EPA had to do with a deadline for submittal.

Karen Sawyer said the EPA is necessary for the vote tonight so as not to impact these entities and services they provide.

Councilor Andrew said he has a problem with last minute EPA’s. If the deadline wasn’t tonight, he would have suggested tabling this item until the four departments could get together to come up with a future plan to secure other funding and/or so everyone would be satisfied.

Karen Sawyer said Councilor Lahey and Councilor Quinn suggested they would be willing to facilitate a meeting to figure out the next step for the YMCA and to maximize the funding that they still have and to bridge any potential gap.

Councilor Andrew asked Ann Guastaferrero if the money obtained from the sale of the building would go into the general budget or could it be earmarked for the Arlington Neighborhood budget.

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Ann Guastaferrero said according to state statute it goes to the general fund.

Councilor Andrew said once it comes into the general fund the Mayor has the authority to divert it.

Chairman Zanni said the Mayor could earmark the funds, if he chose to.

Councilor Andrew said the city could use that full amount for the YMCA. It would be at least \$10,000 or better depending upon what the property sold at. He asked if Council could request that of the Mayor.

Chairman Zanni said Council could have a letter sent tomorrow.

Councilor Willette asked Karen Sawyer for the figures of the unexpended amount that the state used in the calculations for the grant.

Karen Sawyer said, as of September 30th, the balance for the YMCA is \$15,731 and the Council on Aging had \$16,700.

Councilor Willette said the Federal Housing Urban Development did an automatic 10% cut from the State agency that oversees the community block grant.

Karen Sawyer said that was correct.

Councilor Willette said the changing demographics of Methuen further altered that process.

Karen Sawyer said it was altered such that the city was taken out of the mini-entitlement community pool of applicants into a competitive round with other communities for a finite pool of funding.

Councilor Willette said there are two items that are beyond our control to reduce the numbers.

Karen Sawyer agreed.

Councilor Willette asked if the unexpended amount was a state decision.

Karen Sawyer said it was a state decision.

Councilor Willette asked when the state's decision occurred (the change in policy).

Karen Sawyer said they notified the city in September or October of 06 timeframe that Methuen was switching statuses. They (community development) were gearing up for the February 07 grant submitted and had to change the way they submitted. There's a different set of rules associated with being eligible for the competitive round of funding such that the money programmed for housing rehab to spend within that grant year were held against us because it was unexpended

Councilor Willette asked if the legislative delegation was notified of the change. There is a budgetary process at the state level where they could insert that language into the state budget if you have commitments. He noted the federal budget is different from the state budget cycle. He asked if the unexpended amount was used in the calculation and if the money was going back to the state.

Karen Sawyer said she didn't understand the question of the money going back to the state.

Councilor Willette asked if there is a penalty for not expending the money.

Karen Sawyer said in changing from a mini-entitlement community with running a program showing how you were expending the \$600,000 every year, the city was placed into a different pool of applicants.

Councilor Willette said he understands that with the changing demographics.

Karen Sawyer said she is sure that the delegation was notified.

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Councilor Willette said it was mentioned that there was a penalty having unexpended money.

Karen Sawyer said the unexpended amount was taken off their request of \$600,000 and were funded in the amount of \$315,000. When they were notified of the \$315,000 amount, they immediately sought a meeting in Boston with the DHCD officials to understand how they calculated and determined this. That is when they learned that the grant was reduced by the amount that they had in uncommitted housing rehab funds.

Councilor Willette asked again if the Legislative delegation was notified.

Karen Sawyer responded, yes.

Councilor Willette asked for the total amount between the two entities again and then asked if there were previous cycles of reductions.

Karen Sawyer said the Council on Aging still has \$16,700 on hand, which is why they are recommending that the city fund them \$6530 and the YMCA has \$15,731 of September 30th. In this case HUD took 10% off the pool of funding that was available to the CDF eligible communities of which there were 54. They understood in meeting with the state officials that Methuen was among many that only received partial funding. A handful of communities received what they wanted but this impacted the entire pool of competitive communities.

Councilor Willette asked if it is a result of reductions year after year from the federal government.

Karen Sawyer said they didn't ask and didn't receive that kind of historical information but she could obtain it.

Councilor Willette said he is just curious because they used to have an impartial formula and all of sudden they decide to use the unexpended amount as part of the calculations. Technically they take that money back, knowing that the city has agreements with the different entities.

Karen Sawyer said the state's response was that they are trying to spread more dollars as far as they can geographically and this is what the city was eligible to receive.

Councilor Giordano asked if the Council could send a memo to the Mayor.

Chairman Zanni noted that Council could direct him to do so.

MOTION BY: Councilor Giordano, seconded by Councilor Corey Rahme to send a memo to the Mayor requesting that he meet with the YMCA and see if there is something that can be done to help them, whether it be \$10,000 or \$20,000.

MOTION BY: Councilor Andrew, seconded by Councilor Quinn to amend and state that Council is also requesting that the money that comes in from the sale of the Building on Broadway be directed to the YMCA.

Councilor Quinn said it can't stop with the Mayor and the YMCA because we have to build a partnership in the community and should also include the Arlington Neighborhood, the Senior Center, the Community Development department, and the Director Karen Sawyer.

Councilor Leone noted that the building is potentially worth a lot more than what the YMCA needs.

Councilor Andrew stated the request could say "up to \$40,000".

Councilor Leone said the YMCA has worthwhile programs. They also have unexpended money, as does the Senior Center Transportation account. There is no question Council has to vote on the resolution tonight because there are other programs in

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need of this grant money. The city should make every effort to find some money to help the YMCA until they receive the next round of funding. He also doesn't want to mislead anyone into thinking that because the city can find a way to keep them going until the next round of funding, doesn't mean it is forever. Councilor Leone also stated he doesn't believe it is a good idea to commit money from a building that we still own and may not sell.

Councilor Andrew said there is a process and time frame that the building will be appraised and sold. He added to his request that the amount of money be up to \$40,000 and no more. Seconded by Councilor Cronin, who noted that this letter is strictly a recommendation to the Mayor. Council cannot appropriate anything.

Chairman Zanni said several good points were made by Councilors, the most important being that this resolution be passed this evening so we do not jeopardize the current programs in the Arlington Neighborhood, the Library and other aspects of this grant.

Councilor Giordano requested that the amendment be read.

The Clerk read "to get the money from the building that is sold on Broadway directed to the YMCA (up to \$40,000)& Councilor Quinn wanted to include C/D, the Arlington Neighborhood, the Senior Center, Karen Sawyer and the community in the meeting with the YMCA.

UPON VOTE: UNANIMOUS.

UPON VOTE: (main motion to send letter as amended) UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt an emergency preamble for the good and welfare of the community. UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt TR-07-85 in the amount of \$315,873.

Councilor Quinn requested that side letters go to Senator Baddour and Representative Linda D. Campbell at the state level to try to obtain more money for the community.

Chairman Zanni noted that the Mayor could write the letters.

UPON VOTE: UNANIMOUS.

Chairman Zanni declared a brief recess.

When Chairman Zanni called the meeting back to order, he reported that he spoke with Representative Linda Campbell during the recess. She stated she received some calls, seeking money for the YMCA and other grants. She in turn submitted the full grant for the YMCA to Chairman DeLeo who is the head of that committee for grant approval. He rejected part of that proposal. Senator Baddour and Representative Campbell did submit the grants properly at the State level but the amounts were decreased.

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PUBLIC PARTICIPATION

Cecilia Atkinson, 14 Anderson Drive, read the following petition as a matter of public record in the minutes. The petition is in support of Councilor Corey Rahme's request for an outside investigation, signed by over 120 residents, and sent to Senator Kennedy's office. "Dear Senator Kennedy, we the undersigned citizen of the City of Methuen respectfully request your intervention into the investigation of Police Chief Joseph Solomon. It is our opinion that the Mayor and City Council have mishandled the investigation and perceive their actions to be politically motivated. The Eagle Tribune's Editorial Board came close to hitting the mark in Sunday's editorial when they said the responsibility for that dysfunction lies at the top of the chain. It is held by Mayor Manzi and today he is doing his best to divert any responsibility for this situation away from himself during his campaign for re-election. A clear and transparent investigation by an outside agency is the only way Methuen residents can have confidence that the investigation is handled in a fair and timely manner. Chief Solomon has served the Methuen Police force for more than 20 years and deserves a fair and unbiased investigation of this matter.

Steve Taderonus, 14 Anderson Drive, spoke in support for Councilor Corey Rahme's proposal for an independent outside investigation into the Methuen Police Department. He said he's been following this matter for quite some time and is not very happy with the way that the city and the government has handled the situation. There are multiple lawsuits against our city, Our Police Chief Joseph Solomon's job is in limbo, questionable timing and motive initiated by our Mayor. This situation creates a more far reaching problem with how outsiders might perceive our city. It seems like every night Methuen is in the headlines and it hasn't been good news. Eventually the headlines affect our ability to retain and attract new businesses, industry, families and other individuals. Many residents share his feeling with regards to the Mayor's investigation because of the potential for bias and perceived political motives behind the Mayor's actions, there will always be a shadow of doubt hanging over the investigations conclusion. The only way to conduct an investigation which will satisfy all of Methuen's residents would be to enlist the services of an outside investigator who can enter into this process with a clean slate, without bias or other preconceived notions. He participated in his wife's efforts to collect signatures on the petition. It was a very low key low effort job on their part. They came here tonight with 126 signatures, which given the amount of time and effort they invested, it was a pretty good return on their investment. He recalled a quotation from the Mayor in the newspaper (a few days after the last meeting) from the Mayor stating he received forty phone calls, a strong show of support for his position on this matter. This evening they are submitting 120 plus names on the petition, which is a strong showing of opposition to the Mayor's position and a strong show of support to Councilor Rahme's proposal this evening. Councilor is going to make a very important vote this evening. Before that vote, he urged the Councilors to ask themselves "Does my vote reflect the will of my constituency?" This vote is too important to be marginalized by political or any unwarranted influence. The city of Methuen and the residents deserve better.

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Cynthia Hefner, 8 Strathmore road, an 11 year resident of Methuen and taxpayer, spoke in favor the independent investigation into the Methuen Police Department. The citizens of Methuen only know what is written in the Eagle Tribune, which is based on what the Mayor has to say. She referred to an article in yesterday's tribune regarding the open house for the Methuen Police Station. She thought it would be an article on improving the image of the police department. However, halfway through the story, the Police Chief's name was once again brought up and a joke was made about the infamous room where six police officers were watching a football game. As a taxpayer, she did not find this funny. The Acting Police Chief and the Captain giving the tours should not make light of a situation when the city was virtually left unprotected because football was more important than doing their jobs. In her job if she was caught watching TV, she'd be out. The best part of the article she had read was that the Police Chief's picture and his many awards are still hanging in his office. But why is the Police Chief's name and picture not on the Methuen website if he is still in fact the police Chief? There was a lawsuit filed by the Police Chief about the cut in his salary. She asked, "Who wouldn't?" As a citizen she's never heard of anyone agreeing to a decrease in pay. That's totally unfair and the article was disgusting. When she first moved to Methuen, she was a proud citizen that would gladly say where she lived. At this point in time, it has become an embarrassment because of the political vendettas. The Mayor has stated that the cost of independent investigation may not be feasible. Several times Methuen has found money when it really wanted to, such as the funding for the "Y" tonight, during the year of the flood, the Mayor was given a raise, money was paid to an independent company to weed out resumes for the Superintendent of Schools' position. Wasn't there anyone on the city payroll to perform this task? She asked where that money came from and why Mr. Nick wasn't given the consideration and the respect he deserved. After being a local city employee for so many years, she only hopes that the citizens of Methuen remember that it was the mayor who cast the deciding vote not to appoint Mr. Nick. Where did the money come from for the new public parking lot in Methuen Square? There are many lawsuits filed against the city, by certain councilors and family. If they win, where is that money going to come from? She remembered reading that the Bea's property was purchased with grant money for a boat ramp and asked, "Where is the boat ramp?" It is a dirty vacant lot with a granite memorial that is a total eyesore to the City of Methuen. She suggested someone should investigate that grant and whether or not there was any misspending there. She asked why citizens haven't heard about the discrepancies outlined by the city auditors and how many other grants have been received by the City of Methuen, which the taxpayers do not know about or where the money has gone. She said maybe the state and federal auditors need to come in and investigate all grant spending. She then asked, "Where is the money coming from to pay the Acting Chief of Police? And why wasn't the Deputy Chief of Police put into that position?" She also asked why it was necessary to give temporary promotions to three police officers, if the Chief of Police was put on leave. She is tired of reading about the personal attacks against the Police Chief. The Council and the Mayor have destroyed a fine man and his family through the newspaper. The Methuen City Council, the Eagle Tribune, and the Mayor should not be allowed to be the judge, jury, and executioners in this matter. Methuen needs an independent investigation into this. It is time to settle this matter by doing what is best for the City of Methuen and its residents.

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Emily Getchell, 38 Anderson Drive, Methuen MA, read a prepared statement and spoke on behalf of the entire Solomon family. “Our family silence has finally been broken. During the past year, we have, has a family sat back and watched while certain members of the City Council have attempted to berate our Brother Chief Joseph Solomon. There is no way we are going to conduct ourselves with the same strong-arm tactics that you are carrying out. We have read the false accusations daily in the Eagle Tribune mostly initiated by this administration. Now it is our turn to speak many of you present have blamed over shadowing issues of the Methuen Police department on the media yet it is you who have continued to bring these issues forward. As a family we have lived in Methuen for forty years. Our father fought in WWII to defend this country and the rights of free speech. However, what is happening is surely not what he and numerous others put their lives on the line for every single day. It is apparent to many Methuen residents that the tribune wants to keep these issues in the front page to sell more papers and that many here tonight are using these issues in a desperate attempt for reelection. We chose to stand together at all costs. When anyone attacks one of us, you attack all of us. You cannot bring this family down. We stand tall and proud. Chief Solomon promised to run a professional department and was doing so until this last election of Councilors. How can any intelligent professional not realize that certain Councilors, every day, every Council meeting are seeking vindication, many times crossing the ethics line. We thought you were elected to serve the people. Joe Solomon continued under this viscous attack to do his job. Many others would have walked away thinking this is not worth it anymore. Unfortunately for his enemies he is a strong man who wants to set the record straight. He will not break easily and he certainly will not go away without a fight. We understand that being in the public eye is part of his position. Unwarranted attacks against his children, parents, sisters, nieces and nephews are not part of the job. One thing that you may not know is that we were not raised to run away. Our culture, morals and ethics to do not allow us to let anyone make us fall. We live our lives personal and professional as public servants. Joe Solomon is a loyal professional, ethically and morally strong. Your attacks have only made him and our family stronger. We assure you the truth will come out. It is time to bring Methuen back to what it used to be, a great place to live and raise our children. We plead to the voters to review the facts before you cast your votes. Do we want the same political agenda for the next two years or do we want a change? There are so many important issues being tossed aside because the Council is trying to be the police commissioners. This is certainly a job you are not qualified to accomplish. ... Work of the Methuen Police Department is unable to be settled. Why? Because you do not want resolution. You are piece by piece replacing or attempting to replace superior officers with those who you know will obey your every command. We are the Solomon family and proud of our name. We will continue to fully stand behind Joe and support him every step of the way. We are confident he will overcome all the negativity brought to him. Lets put these issues to rest and move on to a more positive Methuen.”

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Doris Moks, 205 Edgewood Avenue, said she represent the Edgewood Avenue Circle, read a prepared statement which she distributed to Council along with pictures of the site. (Attached)

Nancy Bouchard, 42 Anderson Drive, homeowner and taxpayer in the City of Methuen for twenty-two years spoke in support of Councilor Rahme's request for an independent review of the facts surrounding Chief Joe Solomon and doesn't understand the reluctance to finding the truth in ending the crisis in a department that is responsible for the safety of our citizens in Methuen. If it is political motivation, she is embarrassed by the actions of this Council and discouraged by the inability of our city officials to rule professionally. She is worried about a police department divided by politics. We put elected officials in power to provide checks and balances not to police and micromanage. She is asking for a review of the facts by independent party because that is what is fair.

Dorothy Kalil October 15th 2007 8 Oakridge Street in Methuen stated she's been a citizen in Methuen all my life. She asked for clarification on the bus issue. Council denied the zoning request to allow the buses in the neighborhoods on a permanent daily basis. It is not being enforced. The buses are there during the weekend. She understood that Council would come up with another resolution through Community Development to allow buses during school business hours. That has not been done yet. In the meantime, there is a bus parked on Forest Street. But in the mean time, the bus on Forest Street is sitting there. She asked that the Council instruct the building inspector to enforce the zoning requirements in the town until this is decided as to how long it will continue. She stated that she's totally stayed away from the police business that's been going on in the town publicly, but found some of the previous speakers' remarks grossly offensive, to the Mayor and to the City Council. She's been a citizen for a long time here, has been politically involved for close to thirty years and has seen many police chiefs come and go in our community. Never has she ever witnessed the kind of politicking that has been coming out of this police department. It is an embarrassment to this community. She's spoken to the Mayor several times. Personally, she thinks the Chief needs to be fired, not suspended. He's having a paid vacation. He's cost us now close to \$200,000 we're going to have to pay back. The buck stops with him. It doesn't stop with Mayor Manzi or the Council. She doesn't want to see an independent investigation. The City has a perfectly capable Solicitor here and capable Councilors. This needs to be kept in house and perhaps all the negative publicity will stop but this man has been an embarrassment to the community. Several months ago, there were people standing behind the Council, (shades of Michael McLaughlin). The State Police should have been called in to remove these people. She also understood that individuals were walking back and forth with a Lebanese Flag. This is the United States. Walk back and forth with an American Flag, not a flag from another country. It is ridiculous to say this was racially motivated. She supports this Council and what the Mayor has done. She does not support an independent investigation. She believes the Mayor waited too long before he addressed the issue because he was trying to resolve it in-house between certain members of the police department and the Police Chief and that couldn't be done. The previous comments are unfair to this Council and the Mayor.

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Jack Burke, 49 Canobieola Road, spoke of TR-07-86 a Resolution Establishing a Major Robert Rogers Survey Trust Fund, and asked for the Council's support. He said the Historical Commission is trying to raise funds independent of the City budget to fund a survey of 151 Cross Street to determine if there are any remains from our illustrious ancestor Robert Rogers who lived here 276 years ago. We have already started to receive funds and unknown to him they couldn't accept them because we didn't have a trust fund. He's asked the City to establish a trust fund and also asked if he could have an EPA because there are checks waiting to be deposited. He is here tonight to ask Council to please support the establishment of this trust fund.

Councilor Quinn said in June she received calls from Doris and Cheryl and she contacted the Mayor and they went to Edgewood Drive. At that time, F.W. Webb was already being built and they didn't know about the Shawn Mahoney project that was to the left of the circle. It had already been approved by zoning, not Council. She said she went down to Edgewood Drive numerous times and has spoken with Cheryl and Doris, numerous times. She's been to Edgewood Drive on Sunday morning, in the rain, at 8:30 a.m. The Mayor and Joe Giarrusso, Conservation Agent, has been there a dozen or more times. The situation is awful and it's deplorable. The Mayor promised the residents that when the building gets completed, they would have a berm with vegetation and replace trees that were taken down. F.W. Webb is paying for this. Once the work in the street is finished, it will be paved. Right now the residents are frustrated and upset. The work could not be finished in September because the street was dug up to work on sewer lines and gas lines, etc. things that had to be done first. Councilor Quinn said that she heard from the grapevine that they're trying to get permits to stay until 10:00 p.m. at night because they are trying to do some kind of grading inside the building and it can only be done at night. She informed Doris and the Mayor. The Mayor called the police department and asked them not to issue any permits for F.W. Webb to do construction at 10:00 o'clock at night. She and the city has been dealing with this and trying to help these residents every step of the way. There's been communication the whole way. If they do not do the planting by November 1st, and if anything happens to that vegetation, they won't warranty it.

PUBLIC SERVICE:

Grants: None

Licenses: Special Excavation License – 247 Haverhill Street, Methuen, MA

MOTION BY: Councilor Leone, seconded by councilor Corey Rahme to approve.

UPON VOTE: UNANIMOUS.

Contracts: None

OTHER CITY OFFICERS AND COMMITTEE REPORTS – None

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OLD BUSINESS

TR-07-78 Resolution Declaring a Parcel of Land in the City of Methuen as Surplus Property and Authorizing the Same for Sale – Broadway

MOTION BY: Councilor Cronin, seconded by Councilor Quinn to adopt.
UPON VOTE: UNANIMOUS.

TR-07-79 Resolution Declaring a Parcel of Land in the City of Methuen as Surplus Property and Authorizing the Same for Sale – Danielian Way

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt.
UPON VOTE: UNANIMOUS.

TR-07-80 Resolution Authorizing Acceptance of a Federal Grant Administered by the Mass Board of Library Commissioners: “On the Same Page, Methuen Reads”

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt.
UPON VOTE: UNANIMOUS.

TR-07-84 Resolution Accepting Gifts of Land – 157 Bay State Road (Map 11-13, Block 109AF, Lot 6 and 63 Hampstead (Map 806, Block 74, Lot 20C)

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt.
UPON VOTE: UNANIMOUS.

Ordinances: None

Consideration of Appointments: None

NEW BUSINESS

TR-07-86 Resolution Establishing a “Major Robert Rogers Survey” Trust Fund (EPA REQUESTED)

MOTION BY: Councilor Cronin, seconded by Councilor Quinn to adopt an EPA for the good and welfare of the community. UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt.

Councilor Leone asked if this activity and investigation on site is going to be done with the owner’s knowledge and consent.

Jack Burke said the current owners do not support the survey at this time but the land is for sale. The Historic Commission is dealing with the realtors and have every expectation that as soon as the property is sold, they will start to negotiate with the new owners and move the survey forward. They are raising the funds in anticipation of being able to work with the new owners to create the survey

Councilor Corey Rahme congratulated Mr. Burke for his efforts and also put a challenge out to Methuen residents, noting that she and her husband donated from their family toward this historical archeological survey.

Councilor Willette questioned the need for an EPA.

Mr. Burke said there are already checks that are waiting to be cashed and he’d like to get them deposited into the bank to start the fund. The Mayor has already approved this.

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Councilor Willette said the army rangers want to be involved in that.

Mr. Burke said yes, they do want to be involved. The problem was as he worked with the Historical Commission; he overlooked the setting up of the trust fund. The checks started to come in and he would like to get them into the bank so they can start to track it.

UPON VOTE: (main motion) UNANIMOUS.

TR-07-87 Resolution Authorizing Acceptance of 2007 Shannon Anti-Gang Grant, Executive Office of Public Safety

MOTION BY: Councilor Corey Rahme, seconded by Councilor Quinn to adopt for first read.

Councilor Andrew asked if he is correct in assuming that there is someone in City Hall reviewing these grants

Mr. Kelly responded, yes. Cheri Halloran is the designated person.

UPON VOTE: UNANIMOUS.

TR-07-88 Resolution Declaring Certain Parcels of Land in the City of Methuen Surplus properties and Authorizing the Same for Sale – Clinton Street

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt for first read and forward to a public hearing.

Councilor Andrew asked if this is a buildable lot.

Ann Guastafarro, Treasurer, said they are two small garden lots; most of it is wetland area. An abutter has already approached her; but these lots will go through the process of auction once it is declared surplus.

Councilor Andrew asked if the land could be offered to the neighbor first.

Ms. Guastafarro responded, no, it has to go through the proper process according to State Statute.

UPON VOTE: UNANIMOUS.

TR-07-89 Resolution Calling for an Independent Investigation of the Methuen Police Department (Req. of Clr. Corey Rahme)

MOTION BY: Councilor Corey Rahme, seconded by Councilor Quinn for discussion purposes.

Councilor Corey Rahme read the resolution into the record. She said she would just like to address a couple of points of information regarding this. The Mayor is the one who can spend money. The City Council is not authorized under Charter and that is not their legislative function to spend money. Council can only take money away. In this particular resolution Council is asking the Mayor to acknowledge the need for this independent investigation and asking for him to designate that money as such. She is asking for an independent outside investigator, not a consultant, to come into the City of Methuen to look at the police department without prejudice, to finalize a ruling as to the behavior and all the innuendos and all the dark cloud that is floating over that department filled with hardworking individuals. The findings would be credible at that time. The credibility of this city's government and its public servants needs to be reestablished. This investigation cannot be done by someone with vested interests in the city. Whatever questions or answers are evidenced as a result of this investigation, the citizens deserve to

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know the truth. The truth and trust will be reestablished. She asked Council to consider supporting her and many citizens in this effort. She thanked the petitioners for their support.

Councilor Quinn said she has faith in Mr. McQuillan to do this but there are many questions. Maybe there should be an independent investigation. She has a problem asking the Mayor to pick someone. “Why not have the Council pick someone such as District Attorney Blodgett? He is the leading law enforcement person in Essex County. It would make more sense for Council to find the person if you want an independent investigation. Council should use a resource that’s free and independent and not by the Mayor.

Councilor Corey Rahme asked the Solicitor if there was a legal reason why the language specified “by the Mayor”.

Attorney McQuillan indicated that he followed Councilor Corey Rahme’s instructions and language.

Councilor Corey Rahme she never asked that the Mayor be the one who designated the individual and thought there was a type of Charter requirement that, as the Mayor and Chief Executive Officer of the City, that was his purview and his purview only. If Councilor Quinn is formalizing an amendment to this to seek D. Blodgett’s involvement in this, she would second that motion.

Attorney McQuillan asked the Chairman for permission to respond and read the Councilor’s email to him “I am interested in having the City Council request of the Mayor to call for an independent outside agent”. He prepared the legislation as requested, submitted it, and it was returned to him with two minor corrections, which he addressed. He submitted it to Council as requested.

Councilor Corey Rahme stated that Attorney McQuillan said he would not write this legislation. Chairman Zanni interceded on behalf as the Vice Chair of the City Council and as a Councilor at Large, to instruct him as such.

Attorney McQuillan read his response to Councilor Corey Rahme “given the fact that this office is presently engaged in its own investigation regarding the MPD I respectfully suggest that you knowing the design and intent and purpose of this proposed independent investigation could/should author the proposed measure. For this office to do so would be counter productive to its current efforts. Further, given the inexplicable need for my presence during your proposal for this independent investigation at the last Council meeting clearly underscores your lack of support and confidence in this office.”

Councilor Corey Rahme said that is correct, noting he may have succeeded if his attempt is to discredit the resolution by having this awkward conversation in public.

Councilor Willette - Point of Information - Council reviews the legislation before it is filed. If we have any type of communication issue, we have the legislation corrected. We’re the elected body and file legislation. The Solicitor does not file it. They work for us. Where’s the miscommunication. There is a time period where the legislation is filed. If a Councilor is not happy with it, don’t file it.

Councilor Corey Rahme said she is very happy with it and is accepting an amendment from Councilor Quinn.

Councilor Willette commented that Councilor Corey Rahme is attacking the City Solicitor for not doing her job.

Councilor Corey Rahme noted she does not write legislation.

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Chairman Zanni stopped the debate. There is a piece of legislation before the Council and Councilors should ask questions relative to the legislation.

Councilor Willette - Point of Information - said this was the same District Attorney involved in the whole Festival of Trees issue. There was no criminal finding. Councilor Willette said he doesn't necessarily have confidence in the District Attorney either. There is a federal investigation underway and that's it. It's regarding federal grant monies. If the Attorney General or the District Attorney finds issues that need to be investigated, by all means do so. He doesn't see the need for a letter or a proposal.

Councilor Lahey said he is tired of the accusation made that any vote he's every taken has either been personal or political. He asked the Solicitor if bringing in the District Attorney would interfere with other investigations or lawsuits

Attorney McQuillan said if an investigation is being conducted by a law enforcement agency and another law enforcement agency conducts or begins a parallel or collateral investigation, normally they would touch basis and either coordinate, diversify or separate issues. It would be inappropriate for him to speak on the ongoing investigations. But given the investigation that's currently being conducted by the federal government, if Mr. Blodgett steps in or his office stepped in, he would suspect just as a matter of professional courtesy and out of professional necessity that they would contact the appropriate federal agents. He can't speak for them but normally that's the procedure.

Councilor Lahey asked what happens if the District Attorney's office comes in or an independent investigator makes a different finding than the federal government who is doing the grants and other investigations. "Who wins?"

Attorney McQuillan said, given the fact that they are law enforcement agencies, they're going to make their decision whether they are going to pursue whatever findings there are. If the federal government is exclusive dealing with grant issues and the findings merit any further action, they are certainly going to conduct themselves accordingly. The same applies to the District Attorney or any other law enforcement agency. There are certain issues that they are going to look at and if they determine that the findings warrant additional actions, they're going to act accordingly.

Chairman Zanni said this is legislation put forth by Councilor Corey Rahme and hopefully Councilors had time to review it. He has some questions that Councilor Corey Rahme can answer now or at her convenience. He asked the following: "What is the scope of the investigation?" "What authority is going to be given to this investigator?" "Is the purpose of the investigation to determine criminal activity?" "Since every city employee has a right to keep his or her personal record confidential, what authority does a private entity have to access these records?" "How effective can this investigation be if this person or this entity conducting the same has the power or authority to compel individuals to provide information or even discuss the matter?" "Without access to records or individuals how reliable can the results of this investigation be?" "Aren't you concerned whether your proposed investigation would conflict with the ongoing federal investigation that's ongoing right now?" "Wouldn't it be prudent for the Council to wait for the results of the ongoing federal inquiry before launching an investigation?" At the present time, the Mayor has an investigation ongoing where there was a thirty-day window, which means at the end of this month. He personally would like to see what

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comes out of that before discussing the future. It is important to put forth these questions.

Councilor Corey Rahme said she's been on the City Council for four years and has never seen so many queries. She never heard anything about a thirty-day window. Relative to if this legislation is in conflict with the ongoing investigation into the grants, and asking about the scope of this investigation, she doesn't know anything about what's going on over there or what the charges are against the Chief of Police. She doesn't know why he is being put on paid administrative leave for an indefinite period of time for non-disciplinary reasons. As far as asking what she wants investigated, she doesn't know what the problem is, doesn't know if the Chief is guilty or innocent. She wants to know why an individual has been put on paid leave, why we have two Chiefs of Police, and questioned the chain of command. She is more concerned about due process. She reiterated that she doesn't know what the Chief being charged with or what is being investigated. She does know there is federal investigation going on for misspent or questionable misspent grant money. Chairman Zanni asked some very good questions. She doesn't know anything more than the rest of the Council. She and 120 people are asking the same questions.

Chairman Zanni said he's asking questions related to the resolution.

Councilor Corey Rahme said she is looking for an outside point of view that will take the shadow and the dysfunctional attitude already been tainted by comments in the paper and by people in our City about the police department. She reiterated that she doesn't know why the Chief is on leave, why the city is paying two chiefs, and doesn't know what happened to the chain of command.

Councilor Andrew asked the Solicitor what the difference is of bringing in an outside investigator or the town Council having a 2-11 investigation.

Attorney McQuillan said the difference is the Council has the power to subpoena, has the power to review documents, has the power to have people present themselves for the purposes of lending information whereas an independent entity would not.

Councilor Andrew said if there was a 2-11 charge by the Council, they would put the Solicitor in charge as the investigator, as the officer of the court.

Attorney McQuillan said that would be the normal procedure.

Councilor Andrew said the Solicitor would be the one in charge of doing the investigation and Council, individually, could request through him to subpoena people to come in and testify under oath.

Attorney McQuillan said that is correct.

Councilor Andrew said if Council has an outside investigator, whether it be Attorney Blodgett or anyone else, the Council has no authority to do anything, request any information or request anyone to come in under oath.

Attorney McQuillan said the District Attorney has his own procedures, rules, and regulations.

Councilor Andrew said Council wouldn't have anything to do with that.

Attorney McQuillan said that is correct.

Councilor Andrew said he is not comfortable with an outside investigator that becomes the judge, jury and executioner. Also, his recommendation would be the final decision.

Attorney McQuillan said that is correct.

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Councilor Andrew said one situation is there was a misspent grant of \$30,000 of which we paid back \$23,000, without an appeal. In his opinion, not to appeal was an admission of something done wrong and saying we'll negotiate out of court for \$23,000. There is a \$170,000 grant which is allegedly being questioned that was misspent and that's now under appeal.

Attorney McQuillan clarified that the city did appeal the initial findings of the COP grant and decreased the figure by \$7,000.

Councilor Andrew said the third item is the alleged mismanagement of the police department by the staff and administration of the police department. All three items are separate. Once a recommendation or finding comes in from the federal government, at that point Council and the Solicitor could try to solve the third problem, which is chaos/mismanagement in the police department caused by the Chief.

Councilor Leone said he is a little bit resentful of people coming up to the microphone and cautioning him not to make political decisions. Every single decision that's made in this room is political. Councilors are elected and its part of a political process. When Councilors make a decision based on their best belief of constituents' need, what they want you to do, it's a political decision. If Councilors don't make a political decision in this room, they're not doing their job. He asked if Council would even be discussing this if it was the DPW Director, the Fire Chief, or Community Development Director. Or would the Council let the Mayor do his job? He's the person responsible ultimately for all employee related decisions. If the employee feels that they have not been treated fairly, they have two avenues. If they're civil service employees, they have the civil service commission. If they're non civil service, they have the city Council to appeal to. Right now Council has no business getting involved. The U.S. Attorney's office, the Inspector General's office is looking at two different aspects, two major investigations not to mention three major lawsuits all revolving around this department, not around any other department, not around any other department head. The Mayor did what he needed to do as part of his ongoing process. Councilor Leone said he is content to let him conclude that process. If there's something, a decision that he makes, that anyone feels is not warranted, there are many avenues of appeal. Council doesn't have a role in this right now. One does not conduct an investigation. One has an investigation to investigate allegations of wrongdoing. You don't have an investigation to look for allegations of wrongdoing.

Councilor Willette said during his first term there was a similar scandal called the Festival of Trees. They packed the room. He challenged the Mayor and said for her to return the money. Similar circumstance - \$200,000 in allocations from the federal government that no one wants to take responsibility for in that police department. Two years ago he was up for reelection. In less than a month, he will be up for reelection again. He will challenge ethical behavior that he finds questionable and challenge anyone in the city government when they cannot defend their actions. When someone works for the taxpayers, they should be held accountable. For the record, he stated that he voted in support of a non-binding no confidence resolution against the Police Chief. He made a public pledge that he would not vote for the Chief's contract or the deputy Chief's contract and supported the reduction in both individual salaries. He will not have anybody mischaracterize his behavior or attack his character. He clarified that he absolutely has no personal relationship with the Chief, never knew his ethnic

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background; but when someone who's a department head says they have no responsibility over the administration of the grant program, he calls that into question.

Councilor Quinn said she doesn't have a legal background. Councilor Andrew says let the Council be the deciding factor during a 2-11. None of the Councilors have a law enforcement background and she doesn't believe Council should be the ones doing this. She also doesn't think the Mayor should pick the person or have the city pay for it. If there is an outside agency that can do it and can do it for free, that's what Council should do.

Councilor Corey Rahme said if that's a motion, she'd second it.

Councilor Quinn said she doesn't have a legal background and doesn't want that responsibility.

Councilor Andrew said he doesn't have a legal education but he does know that a 2-11 has the Council assisting, not making a decision, but assisting the Legal Officer of the City of Methuen, which would be Peter McQuillan, on bringing the facts to him so that he can make the decisions and the recommendations. The City Council has the authority by way of the Charter to bring people in, under oath that they know should be testifying that maybe someone else doesn't. There are nine people sitting here that would have that opportunity which would assist the Solicitor in an investigation.

Councilor Lahey - Point of Information - Mr. Chairman, in a 2-11 investigation are nine Councilors the jury?

Attorney McQuillan said the nine Councilors are basically an inquiring body, gathering information, questioning any conduct of any department in the City.

Councilor Lahey asked at the end of a 2-11 investigation, which determines the guilt by fault or no fault.

Attorney McQuillan said that would be the Council.

UPON VOTE: (To amend replace mayor with the City Council to pick someone such as Attorney Blodgett, for free, no charge). 7 no, 2 yes (Clr. Corey Rahme, Clr. Quinn)

Councilor Willette said he doesn't want to have his actions conflict with any outside investigation from any federal law enforcement agency to compromise any outside investigations, and he's voting against this resolution.

UPON VOTE: (main motion) 8 no, 1 yes (Clr. Corey Rahme)

TR-07-90 Resolution Authorizing Acceptance of Equipment Donation to the Methuen Department of Public Works (EPA REQUESTED) MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt an emergency preamble for the good and welfare of the community.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Corey Rahme to adopt.
UPON VOTE: UNANIMOUS.

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TO-07-16 An Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen.

MOTION BY: Councilor Andrew, seconded by Councilor Giordano to adopt.

Councilor Cronin said he was curious about the map. There is one block in the corner they kind of cut it out and he is wondering why it didn't go straight across.

Chairman Zanni said there was a public hearing – the engineering department addressed that with the residents separately. The people of Fenwick Circle were agreeable to the way it was set up and they had a meeting with Mr. Pappalardo as well and they were in agreement the way the zoning amendment was going to read. So, they were satisfied.

Councilor Cronin said he wondered if there was a reason that it was.

Mr. Pappalardo explained that the owner of the property would have to request it.

Councilor Corey Rahme said she's been active with the Fenwick Circle Association and questioned why TO-07-16 was placed on the desk this evening rather than being placed on the agenda so as to allow the neighbors to come to the meeting tonight to listen and to speak.

Chairman Zanni said Council received communication over the weekend from the Community Development Department. The builder met with the neighbors and no one came forth. He thought it was important to bring forward because the next Council meeting is November 8th.

Councilor Corey Rahme said she would have been supportive of this had been properly on her agenda and the neighbors could have come out. She has no problem with what goes on usually on Merrimack Street. It's a good project. Out of respect to the Fenwick Neighborhood Association, she will not be voting in favor of this.

UPON VOTE: 8 yes, 1 no (Clr. Corey Rahme)

MOTION BY: Councilor Cronin, seconded by Councilor Andrew to enter into Executive Session to discuss ongoing litigation and to include the Mayor and the Solicitor. Chairman Zanni said the Council would adjourn from the Executive Session and not return to open session.

Councilor Leone said this is an important topic and should be addressed at an evening when Council can get to it earlier in the evening.

Councilor Cronin it is an important issue and Council should not put it off. Council needs to know what is going on as quick as possible, because of all the litigation that is before us.

Chairman Zanni announced that there is a motion and second to enter into Executive Session and to include the Mayor and City Solicitor.

UPON VOTE: 8 yes, 1 no (Clr. Leone)

The Methuen City Council went into Executive Session at 9:40 p.m. not to return to open session.

COUNCIL CLERK