

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, DECEMBER 1, 2008 – 7:00 P.M.
GREAT HALL, SEARLES BUILDING

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

ACCEPTANCE OF THE AGENDA

MOTION BY: Councilor Zanni, seconded by Councilor Cronin to accept.

MOTION BY: Councilor Quinn, seconded by Councilor Zanni to move TR-08-78 out of order as the next item of business after Public Participation. UPON VOTE: UNANIMOUS.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Reverend Dan Trepanier gave the Invocation for the Evening. Everyone remained standing for the Pledge of Allegiance.

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Giordano, seconded by Councilor Kannan to waive the reading and accept the minutes of November 17, 2008 regular meeting.

UPON VOTE: UNANIMOUS.

CORRESPONDENCE/PROCLAMATION

Councilor Quinn read and presented a Mayoral Citation to Charlotte Blood in recognition of her generosity in donating \$1,000.000 to the Methuen Recreation Department.

Councilor Quinn read and presented a Mayoral Citation to LuAnne Bonanno in recognition of being selected by the Topsfield Fair Essex Agricultural Society as Mrs. Essex County 2009.

Representative Linda Dean Campbell presented a Citation from the Mayor and the Commonwealth of Massachusetts to Mike Borislow in recognition of thirteen years of dedicated service to the Methuen Youth Soccer Association, the Board, and the youth of Methuen.

Representative Linda Dean Campbell presented a Citation from the Mayor and the Commonwealth of Massachusetts to Fred Corey for two decades of dedicated service to the Methuen Youth Soccer Association, the Board, and the youth of Methuen.

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Councilor Cronin read and presented a Proclamation honoring “Firefighters of the Year” Deputy William Barry, Lieutenant Scott Sullivan, firefighter James Clark, firefighter Ryan Fortune, firefighter Michael Giarrusso, firefighter Jonathan McGhee, firefighter Juan Posada, firefighter Sean Quick, firefighter Robert Scarelli; and Police Officers of the Year”, Officer Christine Nicolosi, Officer Michael Farelii, Officer Stephen Hatem, and Officer Eric DeLeon; proclaiming December 1st 2008 as Police and Fire Appreciation Day. MOTION BY: Councilor Cronin, seconded by Councilor Kannan to proclaim. UPON VOTE: UNANIMOUS.

Chairman Lahey declared a brief recess.

PUBLIC PARTICIPATION

Jack Burke, 49 Canobieola Road, said he is not against TR-08-78 A Resolution Authorizing the Transfer of Funds from the Enterprise Fund Retained Earnings to the North Lowell Street Presidential Lane Sewerage Improvements, Capital Improvements. The transfer of funds, the \$250,000, doesn't seem to be a problem because its been certified by the accountant. The problem he has is with the Contract C-08-13, which states that it is the Town of Dracut Memorandum of Understanding between the City of Methuen and the Town of Dracut regarding sewers to serve Presidential Lane and the amount is not applicable. His first problem with this contract is the contract number. He went back and looked and November 19th 2007 Council signed Contract C-08-13 with Camp, Dresser, and McKee for professional design bidding and construction services on project #CWSRA-2910 and at that time that was for \$70,000 and it was to oversee some camera work and upgrade work in the east end of Methuen. It would appear that we're now going to take to the \$70,000 contract Council signed last November and add \$254,000 to once again Camp, Dresser, McKee. In his mind, this is a new project, to add in Presidential Lane and it should have gone out to bid. He understands that on the original contract C-08-13 it did not go out to bid because it met some stipulations and the contract process whereby because the state was funding it we didn't need to have multiple bids.

Chairman Lahey reported that C-08-13 should be C-09-13, a typographical error.

Jack Burke said asked if the city went out to bid on contract C-09-13. He wants to make sure on this contract because exclusively the Enterprise Fund is funding it. As far as the project itself, he just wanted residents on Presidential Lane to be aware that there will be a betterment fee assessed against them, which would be approximately \$1250 per year over a twenty-year time frame. He also wants to make sure that the people on Presidential Lane are aware and have had their septic systems have Title V inspections. He questioned how many of these systems have failed and what is the cost to close and connect to the new sewer system for all the residents. It is incumbent upon us to let them know what the true costs of adding sewerage lines to their lane is going to be. In addition, he wants to make sure that this money is going to go back and pay back the Enterprise Fund and not go into the General Fund.

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TR-08-78 Resolution Authorizing a Transfer of Funds from Enterprise Fund Retained Earnings to North Lowell Street/Presidential Lane Sewerage Improvements Capital Improvements
MOTION BY: Councilor Cronin, seconded by Councilor Zanni to adopt (for discussion)

Mr. Russo said the contract went out to bid July 12th with the Dracut contract, as an alternate for Presidential Lane. Council should have a copy of the bid results. The low bidder was Bridges Inc., from Lawrence. There is a sewer assessment, which was discussed with the residents in June of this year to find out if they wanted to go forward with the project or not. Council has a copy of that sign in sheet he prepared. Seven out of the eleven residents had agreed to participate. That night they were informed, based upon the estimated bid prices, that the assessment was \$23,000 to \$24,000. The bid actually came in a little higher, approximately \$20,000 than estimated. Their assessment will be in the neighborhood of \$24,000 to \$25,000. He informed every resident by sending a letter to them that the new price was \$24,000 and to go with the notion that if they do not respond within a weeks time, he knows they want to still go forward with the project. He received one comment from one individual (who did not show up at the meeting in June) that said he did not want to participate. Mr. Russo stated that he informed this individual that the majority will rule in this case, and he will be assessed accordingly. That's been the policy.

Councilor Kannan stated that she spoke to a resident who is not going to be able to get this. She is at the north end, after the cemetery. Appaloosa was not considered at that time.

Mr. Russo explained that Appaloosa is a whole different system because the ground topography goes the other way and we cannot get to it.

Councilor Kannan said we are going to be co-equally responsible as far as the Dracut project, the maintenance of the road. But on this contract, we will solely be responsible for any maintenance of Presidential Lane. Dracut will be responsible for bringing the main line down.

Mr. Russo agreed and noted Methuen ties into the main line. By Dracut building the line, it provides us with sewer service to connect to.

Councilor Leone said his understanding is that if 50% or more of the property owners agree to do the project, everyone gets assessed equally, everyone gets a stub.

Mr. Russo said basically, yes, not equally, per se. The residents have a lump sum assessment that's equal. The frontage is assessed at ten dollars per foot. That amount is subtracted from the project costs, and the number of lots divides whatever is left over.

Mr. Leone asked if that is the standard formula. Mr. Russo responded, yes.

Mr. Leone said the city would not move forward with the project if there were less than 50% of residents. Mr. Russo agreed.

Mr. Leone asked if Mr. Russo felt the letter sent out is sufficient notification and sufficient response. Mr. Russo responded, yes.

Councilor Leone asked what happens if Mr. Russo receives letters from these residents half way through the project that they don't want to participate because of the cost.

Mr. Russo said they were all told.

Councilor Leone asked if it might be better to give them a new figure and get a new signature from them.

Mr. Russo said he met with the residents in June and told them the figure was approximately \$24,000 based upon the estimate. When the actual bid came in, it came in \$20,000 higher. He sent them a letter saying their assessment went from \$24,000 to \$25,000. (He had in his possession a copy of one of the letters).

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Councilor Leone questioned the language and phrasing of the letter and asked if it would legally cover the city if somebody doesn't want to pay their assessment.

Attorney McQuillan said hasn't seen the letter but generally speaking he would say its sufficient notice. Legally, it's a caveat that's certainly understandable. He would say that the homeowner is bound to it and the language does preserve the city's rights to be entitled to notice if they fail to make the deadline.

Councilor Leone asked if municipal lien certificates would be recorded for all these, as they occur.

Attorney McQuillan said yes, they would have to be recorded.

Mr. Russo said once the project is completed and the actual true costs are realized, then they will come back with a sewer assessment.

Councilor Leone asked how long the residents have to pay it.

Mr. Russo responded they have twenty years to pay. Councilor Leone said there is no interest cost.

Mr. Russo said there is a standard interest cost of 5%.

Councilor Leone asked if that's computed in the amount.

Mr. Russo said the city is paying the full amount as the contractor completes the project, coming out of the Enterprise Fund, and will not get this money back for twenty years. The 5% is the standard price, paid by the homeowner on the betterment, on whatever is left on the balance at 5%.

Councilor Leone asked if all the residents are aware of the procedure.

Mr. Russo said they know that there is an assessment and its generally twenty percent.

Councilor Leone said he would like to see each homeowner, whether they signed onto the project or not, get a letter, individually addressed to them with the actual number that they are going to be expected to pay over the next twenty years, including whatever interest we have to calculate, based on the bids. If there is a cost overrun at a later date, Mr. Russo could address that issue with Attorney McQuillan to make sure the city is legally entitled to recover it. Councilor Leone said he would like to see a signed agreement with each homeowner because if two of them change their mind, there is no project. It could be done by mail and doesn't require visiting the house.

Councilor Zanni said the most important thing is seven out of eleven want this done. He agrees with Councilor Leone that there should be a letter. We don't have any assurances that all of them are going to participate – there is nothing saying the residents are legally bound to participate. He expressed concern if the project is started and two or three opt out of the project because of the economy maybe or cost, they just can't afford it anymore. Each one of those residents on Presidential Lane, including the ones that are not tied in presently, should receive a letter with the actual amount they are going to be paying.

Mr. Russo stated that he sent the residents a letter.

Councilor Zanni said he is referring to the amount they are going to have to pay over the next twenty years.

Mr. Russo said he did send them that and distributed one copy of a letter sent.

Councilor Zanni noted that the letter went out August 5th and Mr. Russo stated that the estimate has gone up since that time. He asked if the new estimate is \$24,000 figure mentioned.

Mr. Russo said that is correct. At the time, an estimated construction cost was assigned to the project and the estimated assessment was \$21,700. Since that time bids were received for work and based upon the actual submitted bid the new estimated assessment is \$24,300.

Councilor Zanni reiterated his question as to what each resident is paying each year over twenty years and if they were told.

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Mr. Russo said it is \$2,000 per year.

Councilor Zanni said they should have that information.

Mr. Russo said there is no way for him to know what the interest will be after twenty years.

Not everybody waits twenty years to pay and could pay in five or ten years. He doesn't know what that true number is.

Councilor Zanni said the 5% has to be figured in as well.

Mr. Russo said it is 5% of the balance. If it is paid in ten years, then the individual is not paying twenty years worth of interest.

Councilor Zanni said the project is a good project and he is happy for the residents. He believes more clarity is warranted, in terms of what they receive and what the city can do to make sure how many residents are going to have it done. Once the project is started, what happens if somebody says they can't afford it or they do not want to tie in to the service?

Councilor Cronin asked if there are failing septic systems or if this is for a general betterment of the area.

Mr. Russo said he hasn't heard if any are failing and is not sure. No one has approached him to say they have a failed system and needs this right away.

Councilor Cronin said he agrees with Councilor Zanni and Councilor Leone and believes the residents should have a payment schedule attached to a new letter so they know what they have to pay every year. If they wish to pay it off sooner, that's fine. He asked Mr. Kelly how the betterments are collected.

Mr. Kelly said a lien is placed on the real estate bill.

Mr. Russo said it's a special assessment included with the bill.

Councilor Cronin said Councilor Kannan mentioned there is one person that would like to tie in but cannot.

Councilor Kannan said the resident is near another project, corner of North Lowell after the Dracut project.

Councilor Cronin asked if this individual could put in a pumping station.

Mr. Russo said it wouldn't be feasible. Its approximately 1,000 feet away.

Councilor Pappalardo stated that she spoke to the Mayor about this and her understanding is that this was suppose to be assessed to these residents over a twenty year period, interest free. That's what the Mayor said. She doesn't know where the interest is coming in. This is supposed to be like the Forest Street project.

Mr. Russo said his last discussion with the Mayor was that we were going to charge interest on the project. There has been no other discussion that it would be interest free. In the past when came time to do a sewer assessment, Council has raised the question. At that time, the Mayor agreed to go that route and that's what happened. At this point in time that discussion has not occurred.

Councilor Pappalardo said seven people are interested. She asked if two of the new owners have contacted Mr. Russo.

Mr. Russo said one of the new owners indicated they're willing to tie in.

Councilor Pappalardo asked when the project would begin.

Mr. Russo said the Dracut project has already started but he doesn't anticipate this portion of the work until late spring early summer.

Councilor Pappalardo suggested tabling this.

Mr. Russo informed the Council that the contractor would hold the bid open until December 15th. He needs to give the contractor some type of direction, if in fact he is going to do this work or not.

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Councilor Pappalardo said she'd like to see the residents get sewerage because they want it. She was told they'd pay over a time frame of twenty years, interest free and wants it clarified before she votes on it. The price has gone up and the residents haven't been told what they were going to be charged. She asked Mr. Russo if he spoke to the Mayor today. (Mr. Russo responded, no, it's been a while). Councilor Pappalardo stated she spoke to the Mayor last week and told there would be no interest charged.

Councilor Pappalardo asked Mr. Kelly if he calculated the interest.

Mr. Kelly said the Treasurer would be the one who would calculate the interest on the project. He is unaware if there is going to be interest or not.

Councilor Giordano asked if the 8th person signed any paperwork.

Mr. Russo responded this individual agreed via a phone call.

Councilor Giordano said there is nothing in writing from the 8th person and questioned why the Council did not receive a copy of the letter as part of the package. He then asked why the Council has to vote right away prior to the 15th. Council is unaware of the residents are going to pay. He asked what happens to the residents who do not want to tie in.

Mr. Russo said if the residents do not tie in, it goes by their house. They will still be assessed and could tie in at a later date.

Councilor Giordano asked if it would cost more money. Mr. Russo responded, no.

Councilor Willette said he is voting against this. It is related to the Dracut Project. There is going to be an increase in traffic in that area and it does not benefit Methuen. There is a small universe of people involved but yet a good percentage of those people who were approached about this project declined. Until we have firm numbers it doesn't matter. Also, he doesn't like the fact that we are in a tough economy and the bidder is giving the city an ultimatum. He is voting against this.

Councilor Quinn said she spoke to a few people on the list that really wants this service. She didn't hear interest free and didn't speak with any of them about the interest. She spoke to neighboring communities and no one is doing sewer projects like this because it is too expensive. This is great opportunity for this community to get this. She will support this because of the residents that asked her in August to do this. They know that its twenty years and they know they can pay it off sooner so that interest rate would be different as applied five, years, ten years. If the residents don't take advantage of that now, with the street dug up and at this price, they may never get the opportunity again.

Councilor Leone said he understands that the residents will ultimately be paying the bill for the project and need to pay for it. If we don't charge interest, then the rest of the city is subsidizing the project for the residents. The city provides funding to get the job done and they pay for access. As far as interest or no interest, he would be leaning towards charging them. 5% is minimal interest and keeps the costs isolated to that project. As far as the documentation goes he is overly cautious. If Attorney McQuillan says that the letter you already sent out is sufficient to bind these homeowners, he's okay with that. He urged Mr. Russo to discuss this further with Attorney McQuillan. Councilor Leone asked if the Council has to adopt the final numbers after the project is done to actually assess this.

Mr. Russo responded, yes.

Councilor Leone asked if the question of interest could be addressed at that time.

Mr. Russo responded, yes.

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Councilor Pappalardo said she had many questions last week and the Mayor asked if she could wait until this meeting. That's why the questions are here this evening. She also noted that the minutes of the meeting state, "Mayor Manzi said the amount is between \$20,000 and \$25,000 over twenty years, without any interest". Councilor Pappalardo said twice the Mayor told her there would be no interest.

Mr. Russo said he and the Mayor haven't had any discussion regarding the interest at this point in time. In June, when the project came forward, they talked about if there was going to be interest and the Mayor said yes. Maybe he changed his mind.

Councilor Pappalardo said she wants to see Presidential Lane get sewerage, if that's what they are looking for. We should do this as long as it can be done at a reasonable amount. She hopes the Mayor will stand by the zero interest.

Councilor Kannan asked when the Presidential Lane project would start.

Mr. Russo said he doesn't anticipate it until late spring or early summer

Councilor Kannan asked if the road would have to be dug up again from the work already done with the Dracut project.

Mr. Russo said right now the Dracut project went from the cemetery west towards Dracut. Once they complete that work, although he doesn't have the contractor's schedule, he's assuming this would be the last amount of work to be done there. Then it would go east towards Presidential Lane.

Councilor Kannan said if the residents want it, this is the opportune time to have it done while this project is ongoing. The residents just need a little more information on what they'll be charged. She does support the sewer proposal.

Chairman Lahey asked Mr. Russo if this could be delayed to a Special Meeting (with tax classification) on December 9th, 2008.

Mr. Kelly said the Mayor just emailed and said he'd be willing to delay this until Tuesday.

Chairman Lahey said this would meet the December 15th deadline.

Councilor Leone suggested that anyone who has questions for Mr. Russo should ask them between now and December 9th.

MOTION BY: Councilor Pappalardo, seconded by Councilor Kannan to table. UPON VOTE: UNANIMOUS.

C-09-12 Ti-Sales, Inc. 36 Hudson Road, Sudbury, MA 01776 for Cold Water Meters in the amount of \$128,049.16

MOTION BY: Councilor Cronin, seconded by Councilor Zanni to adopt.

Councilor Pappalardo asked if these are household meters. Mr. Russo responded, yes, the 5/8" and 1" are commercial.

Councilor Pappalardo asked what the difference is between PIT and MIU.

Mr. Russo said the 5/8 regular encoder is the same as the 5/8 with PIT. The difference is the PIT means it is water resistant and can be put in the pit.

Councilor Pappalardo asked if this was the only bidder.

Mr. Russo responded, yes, he only had one responsive bidder.

Councilor Pappalardo noted that we have F.W. Webb in Methuen, one of the biggest plumbing supplies. Mr. Russo said not on this type of meter. This is a special meter and they have to meet the specs. It is the meter we've been using for the last thirty/forty years.

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Councilor Pappalardo said she understands they have the cold-water meters. Mr. Russo said they could have bid, but they have to meet the spec. Councilor Pappalardo asked if it was only advertised in the Tribune.

Mr. Russo said it was advertised in the Tribune and the Central Register and Dodge Report, New England Construction News, and Goods and Services.

Councilor Pappalardo said it only says the Tribune here. She requested that all the information as to where it was advertised be attached to the contract for distribution to Council.

Mr. Russo said when he advertises in the Eagle Tribune; the other construction journals pick it up from there at no charge.

Councilor Pappalardo asked if this is the only person that bid on the contract. Mr. Russo responded, yes. He said he received a call from someone in Jew Jersey on this project thinking that it was an installation contract not a meter contract per se. He knows they are receiving it in New Jersey.

Councilor Pappalardo asked if this company manufactures the meters or if they are the middlemen.

Mr. Russo said they are the middlemen.

Councilor Pappalardo said that's what F.W. Webb would be doing and is surprised they didn't bid. Mr. Russo said he is unsure if F.W. Webb could supply it. Councilor Pappalardo commented that they could get cold-water meters but like you said, they need to meet the specs.

Councilor Leone asked how the prices compare with the current contract.

Mr. Russo said just looking at the 5/8ths; it went up approximately 10%. He didn't do all of the percent increases but the 5/8ths last year was \$2.09 and now it is \$2.29, up 10%.

Councilor Leone asked if these are purchased "as needed".

Mr. Russo responded yes, they are bought as needed.

Councilor Kannan asked if the city installs them in residential homes and businesses.

Mr. Russo responded, yes. Meters that the city goes out to replace we pay for. But when a new home is built, the contractor buys the meter through us through the contract so we have them all standardized.

Councilor Pappalardo asked how much the city charges the homeowner to replace these meters in a residential home.

Mr. Russo said the city does not charge for replacement if it's defective because it's our responsibility to do so.

Chairman Lahey asked if the city still does meter repairs.

Mr. Russo said no, it's not worth the repair. This is the price for a whole meter.

UPON VOTE: UNANIMOUS.

C-09-13 Town of Dracut, Memorandum of Understanding Between the City of Methuen and the Town of Dracut Regarding construction of Sewers to Service Presidential Lane – Amount N/A

MOTION BY: Councilor Zanni, seconded by Councilor Pappalardo to table.

UPON VOTE: UNANIMOUS.

OTHER OFFICERS AND COMMITTEE REPORTS – None

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OLD BUSINESS

TR-08-79 Resolution Authorizing Acceptance of a Federal Library Services and Technology Act (LSTA) Grant, Nevins Memorial Library

MOTION BY: Councilor Cronin, seconded by Councilor Zanni to adopt.

UPON VOTE: UNANIMOUS.

TR-08-80 Resolution Amending Traffic Rules and Regulations – Park Avenue (remove from the table) MOTION BY: Councilor Cronin, seconded by Councilor Zanni to remove from the table.
UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Pappalardo to adopt.

UPON VOTE: UNANIMOUS.

Ordinances: None

Consideration of Appointments:

MOTION BY: Councilor Zanni, seconded by Councilor Cronin to confirm the following appointments:

Board of Health

Jeanine Lorenzo, 20 Garfield Street, Methuen, MA

Term to Expire

01/31/10

Conservation Commission

Sandra Boulay, 624 Forest St., Methuen, MA

George Kazanjian, 55 Sevoian Dr., Methuen, MA

John Wilkens, 399 Pelham St., Methuen, MA

Term to Expire

12/31/11

12/31/11

12/31/11

Licensing Board

Henry Foderaro, 57 Kimball Rd., Methuen, MA

John MacLeod, 15 Boornazian Rd., Methuen, MA

Term to Expire

06/01/12

06/01/13

UPON VOTE: UNANIMOUS.

TR-08-82 Resolution Authorizing a Transfer of Funds from Other Expenses Accounts to Personal Service Accounts in the Following Departments; Information Technology, Economic and Community Development, and Law Enforcement (Mileage and Clothing Allowances)

MOTION BY: Councilor Cronin, seconded by Councilor Pappalardo to adopt for first read.

Councilor Giordano asked if this is part of the contract.

Mr. Kelly said yes, some of them have this in their contracts. This is an IRS regulation where if they are receiving that as a stipend, it has to be in their paychecks and taxes withheld.

Councilor Giordano said they charge them taxes.

Mr. Kelly said yes. The Fire Department has been doing this for quite some time. The independent auditing firm said that we need to be in conformance with the IRS regulation. We are moving out of Other Expenses into Personal Services. It will be in their paycheck with taxes withheld.

Councilor Zanni asked if this was in the budget already.

Mr. Kelly said it is in the Fire Department budget but not in the rest of the departments. He further explained these specific line items are in the budget right now, but he is moving them from other expenses into personal services so it can be included in their paycheck.

Chairman Lahey asked if this adds clothing allowance, plus mileage, to the annual paycheck.

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Mr. Kelly said it wouldn't be added to the annual pay. Their monthly mileage reimbursement will be in their paycheck, a separate check, taxes withheld. Right now, it is drawn off the warrant as another expense. It is not going into their base salary and will show as a separate line item.

Councilor Cronin asked if they get a separate 1099 for that.

Mr. Kelly commented that some do, for instance if it is over \$600. That is why the IRS decided it belongs in personal services so they can monitor it.

UPON VOTE: UNANIMOUS.

TR-08-83 Resolution Reducing the Current Bond Authorization of Miscellaneous Completed Projects

MOTION BY: Councilor Leone, seconded by Councilor Zanni to adopt for first read.

Councilor Giordano asked for a brief explanation.

Mr. Kelly reported that these projects have been completed and we've had them on our books for quite some time. This is just the balance remaining and we are taking it off.

Chairman Lahey asked if one of these was the DPW Equipment Bond.

Mr. Kelly responded, no. For instance, the landfill closure was 1.3 and it only cost one million. We have \$300,000 out there that we could authorize but we are not going to. It is pretty much to balance the books.

UPON VOTE: UNANIMOUS.

TR-08-84 Resolution Establishing a School "Other Student Activities" Revolving Fund Pursuant to the Provisions of General Laws Chapter 44, Section 53E ½

MOTION BY: Councilor Kannan, seconded by Councilor Zanni to approve for first read.

Councilor Kannan asked who would oversee this account.

Mr. Kelly said the School Department will generate the revenues but we will oversee it through the general ledger. Council will see it on a monthly basis

Councilor Zanni asked what they've done in the past.

Mr. Kelly said this is new. According to the Superintendent, they've been collecting fees when they are doing various programs for the children. They charge a fee for outside of school activities. Now some of the people that are monitoring that activity want a stipend. They are going to do this through a revolving fund.

Councilor Zanni said they are looking for stipend. He commented that this is something within the School Department and we're setting up a general account.

Mr. Kelly said they're asking for a revolving fund, which has to be adopted by the City Council in order for them to use it. The new fund would be named "other student activities"; the collection of revenue would be coming from fees for various activities collected from participating students who engage in these activities. Expenditures of the funds shall be deemed for payments to proctors and monitors for administration of said tests. Further payment will be paid to employees issued through the payroll department to report on the respective W-2.

Councilor Zanni said Council doesn't have a list of what activities are going to be charged, how they are getting this from the activities, or what the stipend they are receiving. Council just has a collection to approve.

Mr. Kelly said he requested a list. If Council would like to table it for first read, he will ask the School department to produce that information - who is getting the stipend and how much they're getting.

Councilor Leone asked why the kids are being charged a fee to take a PSAT test and asked if that is something the school department is suppose to do anyway. He is not going to condone

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charging students to take a test to pay people more money for keeping an eye on them to take the test. That doesn't make sense. He doesn't want to table it and would prefer to reject it.

Councilor Cronin said his question lies right along with Clr. Leone's – most student activities' accounts are run, for instance, if a student is involved in chorus or the band, and they want to have a fundraiser, it goes into their student activities' account. He asked where the money would come from to administer an SAT test and what kind of school activity account would be generating money to administer a test. It doesn't sound right. He hopes they are not going to assess all the other student activity accounts, according to this, to pay off monitors and test administrators. There are a lot of questions that need to be answered.

Councilor Zanni said he couldn't see having this, the way it is set up now.

Councilor Willette suggested rotating the assignments to administer the tests. There are excellent salaries for teachers and administrators, cost of living increases built into contracts, and step increases. He can't understand why we are charging students for a test that's mandatory that allows them to proceed forward. This is maybe a way of increasing fees across the board. There are many things people do in life, either on a volunteer basis and to enhance the community and don't get paid stipends for it. He will not vote in favor of this.

Councilor Giordano asked how many revolving accounts the School department has.

Mr. Kelly said we have a couple of accounts such as police outside detail revolving account. The majority of them come from the school.

Councilor Quinn said she thought they took the PSAT while they are in school. If they are in a classroom with a teacher, she doesn't know why the teacher has to leave the room for a monitor to come in and then we have to pay a monitor.

Councilor Zanni commented that PSAT tests are given on a Saturday.

Councilor Quinn suggested the teachers work the weekends as part of their contract.

Councilor Leone asked if we are getting to the time of year when Council has to approve all the school's revolving funds.

Mr. Kelly explained that the funds are re-authorized at the end of the fiscal year for the beginning of the new fiscal year. They'll be coming up again in June.

Councilor Leone asked that each one include an accounting of what they raised and what they did with the money for the last two or three years. Mr. Kelly agreed.

Councilor Cronin said there is a lot of security involved, meetings, and work that goes into to administering these test. Certain pencils have to be used. The test cannot be out of sight from a monitor or a teacher. There are only certain people who are certified to administer these tests. He doesn't have a problem with people getting paid to administer the test because there is a lot of time and effort by many people to make it work and to do it right because of the state regulations. He questioned where the funds are going to be generated from to pay it.

Chairman Lahey said everyone has questions and suggested tabling this item.

MOTION BY: Councilor Giordano, seconded by Councilor Kannan to table.

UPON VOTE: 7 yes, 2 no (Clr. Leone, Clr. Willette)

TR-08-85 A Resolution Accepting Gifts (two vehicles) for the City of Methuen's Police Department – From the Commonwealth of Massachusetts

MOTION BY: Councilor Cronin, seconded by Councilor Pappalardo to adopt for first read.

UPON VOTE: UNANIMOUS.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, DECEMBER 1, 2008 – 7:00 P.M.

Chairman Lahey passed the gavel to Vice-Chair Deborah Quinn.

Ordinances:

TO-08-09 An Ordinance Amending the Methuen Municipal Code, Chapter 10A, Section 23 – Automatic Door Openers Requirement (Req. of Clr. Lahey)

MOTION BY: Councilor Zanni, seconded by Councilor Kannan to adopt for first read.

Chairman Lahey said he had a previous discussion with Sid Harris regarding this issue as well as personal experience taking a family member to the doctor. We have so many buildings that are handicap accessible but aren't if you cannot open the door. This is something that the Disability Commission would like to see and they will notify businesses and the public, with the help of the media.

Councilor Quinn said, speaking from personal experience, this is a great idea.

UPON VOTE: UNANIMOUS.

Vice-Chair passed the gavel back to the Chairman Lahey

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Quinn announced that the Tree Lighting event would be held on Friday, December 5th at 5:30 p.m. at Riverwalk Park. In the case of inclement weather the event will take place on Sunday, December 7th.

Councilor Willette stated he is the proud father of twins, Brady and Kendall. The City Council congratulated Councilor Willette and his wife on the recent birth of their twins.

Councilor Zanni congratulated the Methuen High Football Coaching staff and the athletes for a great game at Thanksgiving and beating Dracut High School and for the great season they had.

Chairman Lahey reminded all the residents of Methuen that the winter parking ban begins today.

Councilor Pappalardo asked that a resident in the audience be allowed to come forward and address the Council.

Ron Kilgore, 2 Mystic Street, spoke about a guardrail request he made last year to be placed in front of his home, at the curb. In the last week, he's had two cars on his lawn. Over the last five years, they've had over a dozen cars on their lawn. His lawn has been ruined and no shrubs remain. The police informed him that the City Solicitor said he couldn't place rocks in front of his home because of a liability issue for the city.

Chairman Lahey suggested further discussion on this issue take place after the meeting.

Councilor Willette said he travels West Street every day and residents have barriers on that street as well as other streets to protect their property.

ADJOURN

MOTION BY: Councilor Giordano, seconded by Councilor Zanni to adjourn. UPON VOTE: UNANIMOUS.

The meeting adjourned at 8:15 p.m.

I do hereby certify that at a meeting of which a quorum was present, the foregoing minutes were approved by the City Council by a unanimous vote on December 15, 2008.

COUNCIL CLERK