

**METHUEN CITY COUNCIL REGULAR MEETING  
GREAT HALL, SEARLES BUILDING  
February 1, 2010 - 7:00 p.m.**

Chairman John Cronin called the Regular Meeting of the Methuen City Council, scheduled for February 1, 2010 to order with all members present.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Zanni seconded by Councilor Uliano, to accept the agenda as posted.

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

Fr. Patrick Armano from Saint Monica Church gave the Invocation. Everyone remained standing for the Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Giordano seconded by Councilor Campagnone to waive the reading and accept the minutes of previous meetings, January 19,2010:

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

City Council and Mayor Manzi presented a Proclamation to Methuen's' Pop Warner Team A cheerleaders for their accomplishments and ranking of 2<sup>nd</sup> in the nation at a competition held in Disney World Florida.

MOTION BY: Councilor Zanni seconded by Councilor Pappalardo to proclaim

UPON VOTE: UNANIMOUS

PUBLIC PARTICIPATION

Jack Burke 49 Canobieola Road spoke on ordinances TO-10-1 ten-year term limits for Boards and Commissions. Mr. Burke supports reinstating this ordinance. This used to be the rule in Methuen and was overturned two years ago. He also supports TO-10-2 establishing a one-year period before an appointment of a former City Councilor to a board or commission. He would change it to state "any elected official" and becomes effective at the end of the term, the end of the calendar year of any year that has a municipal election December 31<sup>st</sup>. Mr. Burke would recommend that all appointments (tonight) be put on hold. Mr. Burke read from the Methuen Municipal Code section 3-7 referencing no appointment shall be made unless the Mayor has published in a newspaper

a notice (to all citizens) of vacancy for said position. He does not believe this has not been done.

Ray Martineau 80 Salem Street stated that he got a letter to Martineau's Garage stating that he no longer tows for the city of Methuen. He contacted councilors, tried to contact the mayor and does not understand why he is no longer towing for the city.

Mayor Manzi stated he has been unavailable because he was in Boston last week (and today) was unavailable on Friday but will meet with Mr. Martineau when he has an open spot on his calendar.

Mr. Martineau stated he has lost a week in rotation and would like to know if this went out to bid and when can he meet with the Mayor.

Mayor Manzi stated this is exempt from 30B it will not be discussed at Public Participation.

Councilor Pappalardo asked if the Mayor would set a meeting to settle the issue.

Mayor Manzi stated he has every intention of doing that but he cannot do it if he is not in the city. Mr. Martineau could have met with Matt (Chief of Staff) but he wanted to meet with the Mayor. Mayor Manzi will be available and his office will arrange the meeting.

Councilor Uliano stated she does not understand how a letter can dismiss someone who has been towing for the city numerous years without an explanation.

Mayor Manzi stated he has an obligation to make decisions based on the (best) information he has. He sent a letter. The letter was not insulting, nothing wrong with it and he would send the same letter tomorrow. He spoke to the Chairman about this matter and has ample reason to do what he did. The Mayor will give a meeting. It was offered to have him meet with staff but he (Mr. Martineau) wanted to meet with the Mayor. This is not an issue of not wanting to meet with him; Mayor Manzi was in Boston for school building issues. He will try and get to it this week but some days he is available and some days he is not. He (Mr. Martineau) was told he would get an appointment and the Mayor will give him an appointment. It was never a situation that he would not give him an appointment.

Councilor Uliano stated it is not right to dismiss a company, through a letter, that has towed for the City for many years (or anyone) without any meeting or explanation.

Mayor Manzi did not agree with the Councilor Uliano's interpretation.

Councilor Pappalardo stated that in the letter it stated that if there were questions or concerns he should contact the Mayor. Councilor Pappalardo said she would like to settle the matter (tonight). Perhaps go into executive session.

Mayor Manzi repeated he would give Mr. Martineau a meeting. Under 30B the Mayor has the authority of granting the license. He is not prepared to discuss certain things in open session. He will speak with Mr. Martineau in his (Mayor) office. He will give him a meeting.

Councilor Lahey asked that a meeting be set up with the Mayor and Mr. Martineau this week.

Mayor Manzi agreed to meet with him this week.

PUBLIC SERVICE (none)

GRANTS: None

LICENSES: None

CONTRACTS None

OTHER OFFICERS AND COMMITTEE REPORTS

OLD BUSINESS

RESOLUTIONS

TR-10-3 Resolution Authorizing Acceptance of Fiscal Year 2010 State 911 Department Support and Incentive Grant.

MOTION BY: Councilor Zanni seconded by Councilor Pappalardo to adopt.

UPON VOTE: UNANIMOUS

CONSIDERATION OF APPOINTMENTS

Council on Aging

Elena Ganem, 12 School Street, Methuen, MA

**MOTION BY:** Councilor Campagnone seconded by Councilor Zanni

Councilor Kannan asked if there is an ordinance that waived the ten-year limit?

Chairman Cronin stated council did do that some years back.

Councilor Kannan ask the City Solicitor if Council has the right to appoint if it has not been posted. City Solicitor Peter McQuillan stated past practice of this Council has been to comply with the terms of the Charter and the Rules and Procedures of the City Council for the purposes of an appointment submitted ten days prior to the consideration of Council for their review. There is no reason to stop past practice. This practice satisfies the Charter and supersedes any municipal code and that is the prevailing statute.

Mayor Manzi stated there is a posting on the website and an invitation to fill out a talent bank application. He is not aware of any newspaper that would advertise the notice free of charge.

Councilor Hajjar asked how many forms does the Mayor have currently?

Mayor Manzi responded he does not have an exact count but there are a few, not many.

Councilor Hajjar asked is there a (big) pile of applications and are positions not getting filled?

Mayor Manzi stated there are probably ten or under. Some of these are re-appointments.

Councilor Pappalardo feels any position available should be put on the web site to show people there are positions available and we may get more people to apply. There are talented people in Methuen and they should know what is available.

Mayor Manzi stated he would post specific slots on the web site.

Councilor Uliano said she would like to discuss the two ordinances TO-10-1 and TO-10-2 before Council votes on the appointments.

**MOTION BY:** Councilor Uliano seconded by Councilor Pappalardo to table appointments in order to act on new business TO-10-1 and TO-10-2.

Chairman Cronin stated that a motion to table ceases discussion on the motion. Chairman Cronin will entertain discussion on the tabling.

Councilor Zanni said there are longstanding individuals serving for a long period of time. If the new ordinance passes these individuals will no longer be able to serve. There are voluntary boards and three paid boards. The voluntary (people) boards should not be hindered in their service. The appointments are before Council and we should act on this issue. If a Councilor does not like an appointment then he/she votes it down.

**UPON ROLL CALL:** (table) 5-yes 4-no ( Clr Campagnone, Hajjar, Zanni, Cronin)

NEW BUSINESS- RESOLUTIONS

1. TR-10-4 Resolution Amending Order #4918 Authorizing Acceptance of Student Awareness of Fire Education (SAFE) Grant, Commonwealth of MA, Executive Office of Public Safety, Fiscal Year 2010

MOTION BY: (1<sup>st</sup> read) Councilor Zanni seconded by Councilor Campagnone to adopt.  
UPON VOTE: UNANIMOUS

2. TR-10-5 Resolution Accepting and Laying Out of the Way known as Hunter Avenue  
MOTION BY: (1<sup>st</sup> read) Councilor Campagnone seconded by Councilor Uliano to adopt  
Councilor Pappalardo asked if everything (money) due to the city has it been met.

Attorney McQuillan stated that is part of the criteria Community Development will approve prior to it coming before Council for final approval.

UPON VOTE: UNANIMOUS

3. TR-10-6 Resolution Accepting and Laying Out of the Ways known as a portion of Oakland Avenue and a portion of Ponderosa Avenue as shown on the plan Ponderosa Hill

MOTION BY: (1<sup>st</sup> read) Councilor Uliano seconded by Councilor Pappalardo to adopt  
UPON VOTE: UNANIMOUS

4. TR-10-7 Resolution Accepting and Laying Out of the Ways known as Nikki Street and Patrick Way

MOTION BY: (1<sup>st</sup> read) Councilor Uliano seconded by Councilor Pappalardo to adopt  
Councilor Uliano noted a cash bond in the amount of \$19,300 as held for a minor item. She asked the solicitor to inform Council what it is and if this does not pass inspection will the \$19,300 dollars be sufficient to cover any costs if this is passed.

Attorney McQuillan stated there was an issue regarding trash pick-up and the contractor used for the purpose of disposal of the trash. This is an outstanding bill and any monies owed to the private contractor who maintains private rubbish disposal. Once Council accepts the roadway the city assumes the service to the neighborhood. This is a sufficient amount of money to cover any costs.

UPON VOTE: UNANIMOUS

5. TR-10-8 A Resolution Establishing a Committee of the City Council to be Known as the "Finance Committee" (Req. of Clr. Hajjar and Clr. Kannan)

MOTION BY: (1<sup>st</sup> read) Councilor Campagnone seconded by Councilor Zanni to adopt

Councilor Hajjar stated that given the times we are in, it is a good idea to have a committee that can look at the city finances from a current view and also look forward into the next fiscal year and two years out in the future. In business this would be done in good times and bad times. We can look at the current views and report back to City Council or the Mayor or anyone asking how are we doing financially. This would also give Council a person to do the legwork of a proposal for different departments or committees to pull together the financial picture and clearly spell out what the financial impact will be to the city so that Council can make a good decision based on the financial picture. We do not have this; each one tries to do it in their own way.

Councilor Zanni stated this is a good idea but two years ago it was proposed that the Auditor do a quarterly report and Council does receive a quarterly report on all forecasting's, how the finances are and the projections for the next quarter. We do have this in place now.

Councilor Giordano questioned loans and city bonding capacity. Is Council overstepping their boundaries in this area?

Solicitor Peter McQuillan said Council is entitled to the information. The intent is in order to be an effective committee there has to be informed recommendations and advisory to the Council. That includes matters including fiscal policy regarding the City. Councilor Kannan said as part of a picture for the whole Council she would bring sources of city revenue to the attention of the Council and why are some revenues not coming into the city and what we can do to make sure it does come in. Councilor Kannan would look at the type of deficit we have report to Council and as a Council implement ways to collect that revenue. More transparency.

Councilor Pappalardo asked if this committee would usurp any power of the Council? Are they advisory only?

Solicitor McQuillan stated they are strictly advisory and responsive to the Council as a whole.

Councilor Pappalardo said Council should receive the information without having a separate committee but they will do the legwork.

Councilor Kannan said this is a tool for the Council going into a tough budget. The intent is to supply information to the Council.

Councilor Hajjar was not aware of the quarterly reports and the finance committee would take that into account and wrap it into the current working view of the finances. He will try and get the committee to project out two years into the future. All of this will be before Council. This is for Council information. This is a clear concise view for the people, a shared view with the Mayor's office, as we get closer to the budget.

Councilor Lahey asked that as they receive all of the information that they forward it to Council

UPON VOTE: UNANIMOUS

## ORDINANCES

1.TO-10-1 Ordinance Establishing Ten-Year Limit on Terms of Office for Boards and Commissions (Req. of Clr. Giordano)

**MOTION BY:** (1<sup>st</sup> read) Councilor Giordano seconded by Councilor Campagnone. Councilor Giordano stated there are 44,000 people in town after ten years we should be able to find qualified people to fill boards. People on some of the boards have been here eighteen and twenty years. It is time for some of these people to give other people the opportunity to get on these boards. He wants to bring this out for discussion. The intent is after ten years they have to move on.

Councilor Kannan said we currently have a newly elected Charter Commission. Her opinion is that Council can say yes or no and vote the appointment. We can send a letter to the Charter Commission to have them review this issue.

Councilor Zanni said we have nineteen boards in the city and why choose only five of the nineteen. The Mayor has a talent pool; we still have vacancies on some boards. The Mayor puts forth people he feels will serve the community to the best interest of the city.

The advertising is important for people to know what is out there. We must look at the years of service of the individuals who have done a great service and it would be a disservice for us to turn them down because they pass the ten years. Councilor Zanni asked when does the ten years start? Now or does it go back to when they first started. We have boards that are paid. Assessors, Board of Registrar and Retirement Board (one appointed by Council) and GLSD. Councilor Zanni would agree that paid boards should have a type of regulation. Volunteer boards whether they served in the community or council and they want to be part of the community should be allowed to serve.

Councilor Uliano stated that the Charter Commission is looking to make recommendations to up-date the Charter. Some of the questions and changes are going back to the voters. Some changes cannot go to the voters as an individual question it has to be part of the whole (one) question. Anything to do with government change in the Charter can only be asked as one question on the ballot. Councilor Uliano asked if the city council votes on an ordinance and it passes that some boards be elected and these ordinances are in place council should do this because there are ordinances questions that the Charter cannot ask separately of the voters.

Solicitor McQuillan stated when the Charter Commission is considering a change in the makeup of mode of election in terms of the offices of the government legislature and executive it has to be proposed in one question as an amended Charter. Any other matters can be lineated as a separate single question. To address an elected board from a constitutional view, will be a problem because we are a city and the Attorney General would prohibit (us) from providing for elected boards where the statute is clearly defined as appointed in the city form of government. Setting limits for appointee's to a volunteer board (or minimum compensation) can be addressed by the Charter Commission as a single question. It can also be addressed as a piece of local legislation. There was an ordinance that was (once) in the books and repealed two years ago. If the Charter Commission would like to entertain this issue it would have to be listed on the ballot as one single question.

Councilor Uliano stated Council could take steps forward (ordinances) put it into the Charter and as the Commission wraps up in two years it may stay or it may not. Council should not have to relinquish their ability to do things now.

Solicitor McQuillan said the Charter Commission acts independently of the general government.

Councilor Lahey said he is a supporter of term limits for local and state. He feels Council is turning the clock back three years to what it used to be. The Mayor can still recommend someone who has more than ten years, he would need a two thirds vote for approval. Many of these boards have no other people applying and chances are the same person will be put back in.

Councilor Pappalardo is in favor of the ordinance and thinks putting the postings on the web site for vacancies on boards and commissions will interest people. We can also post a vacancy in the City Clerk's (notice) board. Many people feel that zoning and community development boards should be an elected board and can Council (or Charter) do that?

Solicitor McQuillan stated "no".

Councilor Giordano said the mechanism is in place and calls for a two-thirds vote. There are a lot of good people on the boards and he would be the sixth vote to keep them on.

He is stating that this was in place, eliminated and he is bringing it back. He would amend this to include all boards.

**MOTION BY:** Councilor Giordano to amend the Ordinance to include under section B **shall mean all boards and commissions.** Seconded by Councilor Lahey

Councilor Hajjar stated the Mayor appoints someone for a two or three year term. The elected get elected for a two year term get to decide on that person for the two or three years. Council can turn people down at any time by voting no.

Mayor Manzi said any of the appointments before Council (tonight) can be voted down. Councilor Hajjar thinks there is a murmur that people are not getting the opportunity yet there is not a big list of people applying. There are people on the list that are good people and do a good job and no one would want to replace them. Why would we do this? If Council thought there was someone better we would vote no. He is a strong believer of term limits but in this case these are volunteers who come forth and give their time. He does not understand why Council would want to put in limitation.

Councilor Kannan said Ordinances come before Council and we can vote it up or down. Councilor Kannan suggested this be brought before the Charter Commission and have them review the issue. The appointments tonight are satisfactory to her and she will vote no on this ordinance.

Councilor Zanni said there is a list of names before Council and they have done a good job for the community. If they have been in for ten years and did a good job why vote them out. Council can in turn vote them out if they have not done a good job.

**UPON ROLL CALL:** (amend) 6-yes 3-no (Clrs Hajjar, Kannan, Zanni)

**MOTION BY:** (main motion as amended) Councilor Giordano seconded by Councilor Lahey

**UPON ROLL CALL:** 5-yes 4- no ( Clrs Zanni, Campagnone, Hajjar, Kannan)

2. TO-10-2 Ordinance Establishing One Year Period before an Appointment of a Former City Councilor to a Board or Commission (Req. of Clr. Giordano)

**MOTION BY:** Councilor Giordano seconded by Councilor Lahey to adopt. Councilor Lahey supports this ordinance would like to have seen this two weeks earlier or two weeks later, the timing is off.

Councilor Hajjar stated it should state all elected officials

**MOTION BY:** Councilor Giordano to amend Ordinance TO-10-2 to state under Section 3-81 **“Establishing a One- Year Period Before Appointments of Previous City Elected Officials to Boards or Commissions.** Seconded by Councilor Hajjar.

Councilor Giordano further amended the Ordinance to **add part D. Term to end on the last day of the calendar year December 31<sup>st</sup> following a municipal election.**

Seconded by Councilor Uliano.

Mayor Manzi stated this is a legislative matter but at the State House, Representatives and Senators all move to the executive branch without any wait period. They can take jobs (within the executive branch) or be appointed to a state boards and commissions with no wait period to serve on an unpaid board.

Councilor Zanni recalled a (previous council) Home Rule Petition when a city councilor was elected to a paid position in the community and did not have to wait the one-year.

Councilor Zanni would agree if this were for paid positions. Elected officials should not be getting any paid job. Volunteers get no pay and why should they be eliminated to

serve the community in a good will. Councilor Zanni would support this if it were for paid boards but not for volunteers who want to serve.

Councilor Giordano's intent is that it does not look good for a city councilor who served six years to be appointed to a board paid or not. People do not like it, the perception does not look good and that is why he is bringing this forward.

Councilor Hajjar feels this is clear and the right thing to do. Twelve months is not too long a time to wait. The voters maybe voted someone out and it looks like this is a way to get around that vote

**UPON ROLL CALL:** (amendment- part D) 6-yes 3-no (Clrs Campagnone, Kannan, Zanni,)

**UPON ROLL CALL:** (amendment- all elected officials) 6-yes 3-no (Clrs Zanni, Campagnone, Kannan)

**MOTION BY:** (main motion as amended) Councilor Giordano seconded by Councilor Pappalardo

**UPON ROLL CALL:** 7-yes 2-no (Clrs Zanni, Campagnone)

**MOTION BY:** Councilor Giordano seconded by Councilor Campagnone to table TO-10-1 and TO-10-2 until the March 1,2010 council meeting for a second read.

**UPON VOTE:** (to table) UNANIMOUS

#### APPOINTMENTS

**MOTION BY:** Councilor Campagnone seconded by Councilor Zanni to remove appointments from the table

**UPON VOTE:** UNANIMOUS

#### Council on Aging

Elena Ganem, 12 School Street, Methuen MA

**MOTION BY:** Councilor Campagnone seconded by Councilor Zanni to approve

**UPON VOTE:** 8-yes 1-no (Clr Giordano)

#### Community Development Board

Deborah Quinn, 26 Garfield St., Methuen, MA

**MOTION BY:** Councilor Campagnone seconded by Councilor Kannan to approve  
Councilor Lahey stated he will vote no because this does not look good. Her intentions are honorable but he has to do what he thinks is best for the citizens of Methuen. He will reluctantly vote no.

Councilor Uliano will also vote no based on the previous ordinance votes. Her support goes along with the ordinances.

Councilor Kannan feels that Ms Quinn wants to give back to the community by volunteering. She served this Council for four years where a Master Plan was passed and her four years on the Council gives her the experience needed, Councilor Kannan will vote to approve.

Mayor Manzi stated it is his appointment. Council just approved someone who has been on the board for ten years and he would hope that this Council would give former Councilor Quinn consideration. She has served the community and did a great job and would be an outstanding member of the planning board and has shown herself by her dedication to the community. He put her up because he believes she will do a good job

for the city and would hope that Council would vote to confirm one of their former colleagues.

Chairman Cronin supports this appointment. We are dealing under the rules in effect now, not rules that may be in effect in April. Under the existing rules this appointment falls within the current rules and he will vote to approve.

Councilor Hajjar said that the Mayor feels he is putting in the best person for the position, he is pleased it is a west district person and he does not doubt the mayor's position with this appointment.

UPON ROLL CALL: 5-yes 4-no (Clrs. Giordano, Lahey, Pappalardo, Uliano)

Disability Commission

Elaine Aufiero, 20 Washington St., #53, Methuen, MA

MOTION BY: Councilor Campagnone seconded by Councilor Zanni to approve

UPON VOTE: 8-yes 1-no (Clr Giordano)

Historic District Commission

\*Joseph Bella, 77 Ford St., Methuen, MA

\*Robert Fabino, 17 Charles St, Methuen, MA

\*Joseph Fisichelli, 3 Albion St., Methuen, MA

MOTION BY: Councilor Campagnone seconded by councilor Zanni to approve

UPON VOTE: 8-yes 1-no (Clr Giordano)

Historical Commission

\*Francis Welch, 1 Stevens Street, Methuen, MA

James Smith, 31 Albion St., Methuen, MA (alternate)

MOTION BY: Councilor Campagnone seconded by Councilor Zanni to approve

UPON VOTE: 8-yes 1-no (Clr Giordano)

**ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY**

Councilor Uliano questioned the meeting with Civil Service and asked what the decision was with regard to Civil Service Firefighter list? What is the timeframe?

Mayor Manzi said the Civil Service Commission has issued an order he is within the timeframe and is satisfied with what Civil Service sent forward.

City Solicitor McQuillan stated the order was issued Friday and we have sixty days to comply. It is straightforward and he will insure compliance. All the responsibilities under the Civil Service law has been complied with exclusively and the considerations for appointment revert back to the original certification. As ordered we do make the fifteen appointments made from the original certification and (they) do not lose any rights and the Mayor will make the appointments that he deems appropriate. Once submitted to Human Resource Department the State will validate it and we will go along with the procedures outlined by Civil Service as with the Human Resource Division of the State. Mayor Manzi stated he has complied with all of the orders with no overages in any of the orders. We have been within the timeframe on both sides. This will be done by the timeframe set by the Civil Service Commission.

Councilor Zanni asked a question on streamlining the recyclables to help out the community.

Mayor Manzi said there are two issues. The single stream recycles and how often do we pick up recycling. Single stream is being adopted by several communities and Methuen is in favor of it. The problem is the start up cost and to outfit the city would cost

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hundreds of thousands of dollars. He is prepared to pick an area maybe in the East end with some Federal grant money that will enable Methuen to start a single stream pilot program. He is in favor of this but the big issue is the enormous start up costs. When ready to make an announcement he will come back to City Council pick an area and hopefully grow into a citywide project.

Councilor Zanni brings this up because the tipping fees are quite low at this time and would help with the start up costs

Mayor Manzi said they are and he will have grant money to get the plot program started. We have to see how it will work and if it would increase our recycling rate in the affected areas, if it does then it can translate into some savings citywide.

Councilor Zanni asked questions regarding the (new) Post Office and a site for historical artifacts?

Mayor Manzi said he is still waiting to hear relative to a site. He is in contact with them but (as of today) they have not picked a site. The Mayor is waiting to hear on the Grant proposal discussed at last meeting regarding the historical artifacts and where to store them. He was told by the end of January. He will check to see where we are with that matter.

Councilor Kannan noted the tragic accident in the East end of the city and on behalf of the City Council would send prayers and condolences to the family of Bryan Fielding who lost his life and for the recovery of the other individual who is in the hospital.

Councilor Hajjar noted the "Relay for Life kickoff at Methuen High School Thursday, February 11 at 6:30 pm.

Councilor Hajjar asked if it is appropriate for the city to remind the elected officials that we (Methuen) are counting on that money and if there are cuts, cut someplace else. Can we officially do that?

Mayor Manzi said Council can do it and should. The two component parts are the Governor's recommendation for general local aid would be to level fund it. Chapter 70 the Governor's recommendation works well for Methuen. He brings all communities to foundation level. This would increase appropriations for the City but the maintenance for local effort requirement would be fully restored, looking at potentially a bigger chunk of State money but also a bigger chunk of local money. We would have to go back to meet the local commitment again.

REQUEST OF COUNCIL

ADJOURN

MOTION BY: Councilor Giordano seconded by Councilor Campagnone to adjourn.

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:40 pm

I do hereby certify that at a meeting of which a quorum was present, the foregoing minutes were adopted by the Methuen City Council by a unanimous vote on February 18, 2010.

Diane Lasonde/Council Secretary

METHUEN CITY COUNCIL REGULAR MEETING