

METHUEN CITY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 20, 2009 – 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. He expressed his thanks for the opportunity of being Chairman over the past year and thanked Council employees for their help through all the meetings, thanked the Mayor for keeping an open door policy and being available. They had a good relationship. In addition, he thanked all of his colleagues that have supported him, helped him, and encouraged him over the past year.

Councilor Zanni thanked Chairman Lahey for his services.

Election of Chairman - Chairman Lahey opened nominations for Council Chair. Councilor Giordano nominated Jack Cronin, seconded by Councilor Willette. Councilor Lahey nominated Deborah Quinn, seconded by Councilor Leone.

MOTION BY: Councilor Willette, seconded by Councilor Kannan to close nominations. UPON VOTE: UNANIMOUS.

UPON ROLL CALL VOTE:

5 votes for Councilor Quinn and 4 votes for Councilor Cronin (Clr. Cronin, Clr. Giordano, Clr. Pappalardo, and Clr. Willette)

Councilor Quinn thanked Councilors for their support, noting she is proud and pleased to hold this position, hoped to do her best, be accessible, and work for the people of Methuen

Election of Vice Chair - Chairwoman Quinn opened nominations for Vice-Chair Councilor Zanni nominated Jennifer Kannan, seconded by Councilor Lahey Councilor Pappalardo, nominated Councilor Giordano, seconded by Councilor Willette

MOTION BY: Councilor Leone, seconded by Councilor Willette to close nominations. UPON VOTE: UNANIMOUS.

UPON ROLL CALL VOTE:

5 votes for Councilor Kannan and 4 votes for Councilor Giordano (Clr. Cronin, Clr. Giordano, Clr. Pappalardo, and Clr. Willette)

At this point, Councilor Zanni excused himself and left the meeting, due to a family emergency.

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Vice-Chairwoman Kannan thanked the Council, noting she hopes to have a positive year this coming year and do the best for Methuen.

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Giordano, seconded by Councilor Leone to waive the reading and accept the minutes of January 5, 2009 regular meeting.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Kannan, seconded by Councilor Leone to take TR-09-07 out of order, placing it after public participation.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Kannan, seconded by Councilor Leone to take the Consideration of Appointments out of order, placing them after TR-09-07.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Kannan, seconded by Councilor Leone to take ordinance TO-09-01 out of order, placing it after the Consideration of Appointments.

UPON VOTE: UNANIMOUS.

PROCLAMATIONS/CORRESPONDENCE

Councilor Pappalardo read and presented a Proclamation honoring the Happy Hearts Choral Group for their community service. (She noted this proclamation is very well deserved by a very wonderful group of our seniors here in Methuen.)

MOTION BY: Councilor Cronin, seconded by Councilor Lahey to proclaim. UPON VOTE: UNANIMOUS.

Mayor Manzi stated that the Happy Hearts Choral Group is a well deserving group to receive this tribute tonight. He would like to point out that Sue Foster and the staff at the Methuen Senior Center do a wonderful job, Sue in particular, and Corrine bringing this group along and having them together for so long, bringing so much joy into the hearts of our seniors. Mayor Manzi presented a citation to the choral group.

Representative Linda Dean Campbell presented a State Citation to the choral group.

Happy Hearts Choral Group sang “Battle Hymn of the Republic”

Chairwoman Quinn declared a brief recess

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PUBLIC PARTICIPATION

Donna Gogas, President of the Methuen Education Association, spoke on the student activity account to clarify a misunderstanding. In October of 08, Methuen High School Teachers had proctored a PSAT test on Saturday, the 18th of October and they have yet to be paid. As she understands it, salaries cannot come out of the student activity fund. It should be a revolving account because these monies are collected from students. The process is that they pay the teachers, not the companies that have the materials or that the students pay to have the test done. The company doesn't pay our teachers. It's supposed to come out of the monies collected from the students. They are trying to clarify the need to have the money in a revolving account not a student activity account. Traditionally it was put in a student activity account by mistake and it needs to be converted to a different type of account. Hopefully this can be resolved because the teachers are getting impatient at this point. They should be paid.

Michael Crawford thanked the Council for allowing him to speak and thanked the Mayor. He stated he is a medical user of marijuana, a professional, always been successful at life. He had a back injury for about thirteen years from sports and he's been arrested for marijuana. It did ruin his life basically for something that he considers medicine. The Mayor has offered to work with compromise to the ordinance. He's not here to complain. This is about other kids that are working class. He's lived his whole life in Massachusetts, a working class person and is speaking for a lot of younger people. Whether it's alcohol or marijuana or another drug. A lot of times, younger people make mistakes, do things maybe once or twice that they shouldn't do, and a police officer, an adult, a parent or teacher steps in and things do change. It happened to him as a youngster, he had some teachers step in and coaches that helped save him. In the state of Massachusetts, as a worker, the arrest for marijuana for him in the court was a big issue. The Mayor has agreed to not go for the criminal aspect. The current law that everyone voted for in Methuen, as well as the state over sixty percent of voters, most people understand what they were voting on and most people understand what the subject is because they have life experience. They know somebody like him. He is not out front smoking a joint. If you knew him in his daily life, one would never know that he uses marijuana. In the last couple of years that he's come out and said he's not going to be embarrassed. He's not going to let other people get arrested and have things happen like happened to him. He's seen it happen to others. They are the young workers in the state and are concerned that a lot of people in the state have a criminal record. Almost half the people in the state have a criminal record and can't get a security job that requires a Cori. The law that was passed for the \$100 civil fine works. He doesn't think that there are mass groups of people smoking marijuana in the streets. He's not going to be smoking in the streets and he doesn't think anyone he associates with will be doing that either. He just wanted to express his opinion. If the new law doesn't work, then consider a new ordinance. He thanked everyone for taking the time to listen to him.

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Nancy Wright stated she worked in Methuen at the Bon Secours Hospital. She had to watch kids with drugs every day because she was in food services, a very dangerous place to work if you are high as a kite or drunk as a skunk. She supports the Mayor's ordinance. Others don't keep under control on this drug. It's a drug. They love the high and they are not with it, are out of control. It shouldn't go on.

Jack Burke, 49 Canobieola Road, stated he doesn't support this new \$300 fine. He understands the Mayor wants to have it only for keeping our parks safe. In Essex County, according to the last published data from the year 2006, only 5% were near a school or a park, a very low percentage. Increasing the fine to \$300 is not going to change that. All of the data suggests that these methodologies do not work to reduce marijuana uses. Marijuana use in the State of Massachusetts has stayed current for the last decade. There are about 1,000 arrests in the State of Massachusetts every year just for possession. We now have a \$100 fine. He would like to recommend that since 60% plus in the State of Massachusetts have just passed a law that we allow the law to start to work. In California when they passed this law, they found within the first six months marijuana usage had decreased by 50% and prosecution and arrest for hard drugs. The drugs you really are interested in - cocaine, heroin, had increased by 33% and that is because we are no longer going to be wasting police time in running reports, talking with DA's, doing all the paperwork, for something we could just give them \$100 fine, confiscate it, and move on. Our police resources could be used to reduce major crimes, like rape, murder, and burglary, the kind of crimes that police are paid to protect us from. He is against this \$300 increase.

TR-07-09 Resolution Accepting Gateway Plus Action Group from the Commonwealth of MA Department of Housing and Community development (EPA)

MOTION BY: Councilor Willette, seconded by Councilor Kannan to adopt an EPA.
UPON VOTE: UNANIMOUS.

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

Karen Sawyer, Director of Community Development, stated that in the Fall of 2008, the staff decided to apply for the Gateway Plus Grant offered by the Department of Housing and Community Development to allow up to \$75,000 in grant money to study to potential for affordable housing and revitalization of economic development in the area that they chose to put forward to them. They were awarded the \$75,000 and the Mayor with Council approval can execute the contract. Methuen can then use the \$75,000 to study three different areas of the downtown. They chose the site around St. Andrews Church and Messer Avenue, Mt. Carmel Church site, and chose the eight-acre parcel that's bounded by Osgood, River and Railroad Streets in the downtown. This is not only to study feasibility of types of housing, be it affordable and specific types but also to develop mix use strategies for revitalizing those three particular areas of the downtown.

Councilor Pappalardo asked where we are as far as the percentage rates that are mandated by the state for 40B.

Karen Sawyer stated Methuen is at 9.3% as most recently certified by DHCD.

Councilor Pappalardo asked if 40Bs would be going in on some of these sites.

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Karen Sawyer responded, not necessarily. That's not what the goal of the feasibility study is to do. Its to study density, type, be it rental or homeownership but we need to stay mindful of the fact that we are just about fifty units shy of the 10% and when the 2010 census data becomes available in late 2011, that balance will go against us and we'll start at a lower percentage. It's not something that speaks to 40B. It just helps us to determine what's the most viable and most well suited housing for each of the sites.

Councilor Pappalardo asked if the Railroad Street area mentioned contains the actual building.

Karen Sawyer said the area of land in that general vicinity, that neighborhood. They'll study all the parcels there to determine what might be able to become mixed use or some type of housing.

Councilor Pappalardo said the \$75,000 that Council is voting on tonight is just to receive the grant for this study. Karen Sawyer responded, that's correct.

Councilor Giordano asked if there is any activity on the former Mt. Carmel Church property.

Karen Sawyer said they've seen lots of activity; several deals have come and go. They'll be in active coordination with the broker and with the Archdiocese. They chose to include this site because the deals have come and gone from that site. It's been on the market for over three years. The idea was let's figure out the best use of that site.

Councilor Giordano asked if there are any underground tanks on the property.

Karen Sawyer reported that there was an underground tank issue and it's been resolved. There might still be a tank in the ground but they resolved the leakage issue.

UPON VOTE: UNANIMOUS.

Consideration of Appointments

MOTION BY: Councilor Cronin, seconded by Councilor Giordano to approve:

<u>Arts & Cultural Affairs Council</u>	<u>Term to Expire</u>
*Donna Jackson, 4 Meadowbrook Rd., Methuen, MA	12/31/10
*Mary Lee Moynihan, 255 Howe St., Methuen, MA	12/31/10
*Beverly Winn, 40 Elmore St., Methuen, MA	12/31/10
*Barbara D'Agata, 35 Ponderosa Ave., Methuen, MA	12/31/10
*Carla Friedrich, 3 Arbor Glen Lane, Methuen, MA	12/31/10
*Phyllis Lungo, 38 Elmore St., Methuen, MA	12/31/10

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Cronin, seconded by Councilor Leone to approve.

<u>Cable Advisory Board</u>	<u>Term to Expire</u>
* James Atkinson, 7 Cochrane St., Methuen, MA	12/31/13
* Thomas Grassi, 15 Coolridge St., Methuen, MA	12/31/13
* Pamela Healy, 26 Lantern Lane, Methuen, MA	12/31/13
* John Hollins, Jr., 30 Davis Rd., Methuen, MA	12/31/13

UPON VOTE: UNANIMOUS.

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MOTION BY: Councilor Cronin, seconded by Councilor Leone to approve.

Commission of Trust Funds

Term to Expire

* Sandra Perrault, 76 Woodland St., Methuen, MA

12/31/12

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Leone to approve.

Greater Lawrence Sanitary District

Term to Expire

* Charles Thompson, 50 Capital St., Methuen, MA

12/31/11

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Leone to approve.

Youth Commission

Term to Expire

Ann Tersolo, 9 Madison St., Methuen, MA

12/31/12

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Leone, seconded by Councilor Kannan to approve.

Zoning Board

Term to Expire

Vincenzo Pesce, 235 Merrimack St., Methuen, MA

12/31/11

UPON VOTE: 6 yes, 1 no (Clr. Cronin), 1 present (Clr. Pappalardo)

MOTION BY: Councilor Leone, seconded by Councilor Cronin to approve.

Director of Economic and Community Development

Karen Sawyer, 19 Sutherland Street, Andover, MA

UPON VOTE: UNANIMOUS.

TO-09-01 An Ordinance Regarding Public Use of Marijuana

MOTION BY: Councilor Leone, seconded by Councilor Lahey to adopt for discussion.

Mayor Manzi indicated that he submitted some prospective changes to Solicitor McQuillan over the weekend that he would like to bring forward now. The Solicitor has cleared these for legal form. He's had some pretty good discussions on this issue, give and take, and this is what he would recommend for Council consideration. It was never his intent to criminalize marijuana. At no point did the proposal look to go to that part of the code. He would simply like to add a fine. The change that he would propose to Council would further restrict the areas where the local ordinance would be applicable and that would be to parks, playground, school ground, and Forest Lake. If Council chooses to get us through first reading tonight, the Solicitor will redraw and have for Council for second read. Any other open areas of Methuen would be governed by the referendum. Originally he proposed to the City Council that the fine be \$300, which is the maximum allowed. He proposes to lower that to \$100, a civil infraction in those four areas only. It would be for open usage, not for possession, similar to the open alcohol beverage container ordinance that this city has. The Solicitor has provided him with a copy of that. His second proposal to Council, for the next meeting, would be to take the open container law that deals with beverage alcohol that currently it has a fine of \$50. He

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would propose to Council that the fine for open container beverage alcohol be increased from \$50 to \$100. In that sense, we would be equalizing the fine. The logic of what we are doing is not to try to circumvent the referendum. It is simply to do what we do with beverage alcohol and that is to strongly discourage the open usage in parks, playgrounds, school grounds, and Forest Lake. He would concede to Council that the referendum would cover everything else. The referendum could cover those four areas but like beverage alcohol, but we're taking a little bit of an additional step that says that our parks, our playgrounds, schools, and Forest Lake shall remain drug and alcohol free. He proposed it on that basis. It is a good conceptual idea that we've all along. He would propose to Council that we keep it. The ordinance does not criminalize it, nor does it go against the referendum. It simply makes it analogous to having an open container of beer in our parks, which is also subject to fine and in reality arrest. He does not propose arrest for this marijuana ordinance, just an additional civil fine for the usage. If Council sees fit to move forward, he'll have both items at the next meeting.

Councilor Giordano said alcohol is only \$50 and the Mayor wants to increase it to \$100. Mayor Manzi responded, yes and it would make it directly analogous to what Council would be doing if they adopted his recommendation.

Councilor Giordano asked if the Mayor thought about increasing alcohol to more than \$100.

Mayor Manzi said his recommendation would be \$100 because he thinks that would be suitable. He gets the sense that people feel there should be some sort of proximity in those fines. If Council did raise the alcohol fine under our local ordinance, his recommendation would still remain at \$100 for each.

Councilor Leone said his understanding is the Mayor would come back with an amendment to this.

Mayor Manzi said he would come back with the two amendments to the marijuana ordinance and back to Council with the section of the ordinance rewrite that simply would change the open container local ordinance from \$50 to \$100. There would be an additional measure before Council at the next City Council meeting.

Councilor Lahey commented that he's not one of the 60 or 61% who voted for this in November. He voted against and feels very strongly against any kind of drug or illegal drugs. But it passed. He was willing to come here to go against the Mayor's proposal because he's been taught that you have to abide all the laws, not just the ones you agree with. He noted that he saw the video on the Internet and his only regret was that people, who put this on the ballot in November, didn't use that video to endorse it because then it might just not have passed. He'll go along with the arrangement made with the Mayor.

Chairwoman Quinn passed the gavel. She stated that we want our parks safe, anywhere where children are playing, the families are there for recreation – parks, lakes, schools, there is no place for open containers and no place for any kind of pot smoking. She agrees with the decriminalization and would not want to overstep what the vote was. She agrees with the Mayor. The most important thing is to keep the children safe and she supports safety issues. Safety first. Let the people of Methuen know and the kids in Methuen know that under no circumstances will we let our parks, lakes, or recreational areas be subjected to any wrongdoing that could cause harm.

Councilor Giordano asked if the ordinance before Council has to be changed from \$300 to \$100.

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Chairwoman Quinn said the Mayor would come back with an amended ordinance.

Mayor Manzi said it this is a first reading. He doesn't have the ability to make motions.

Councilor Giordano said he'd like to make a motion to keep the fine at \$300. He doesn't want to see it change.

Councilor Leone noted that right now the fine is \$300.

Mayor Manzi indicated he'd make the changes for second read and submit them to Council. He asked the Council to get them through first reading tonight. If they still favor \$300, he's going to come back with an amended version that Council could vote against it and could go back to the original, if Council wishes to do so.

Councilor Giordano said he thinks it should be \$300 for both, alcohol and marijuana.

Mayor Manzi said if the Council feels that way, he would not veto it. He is not asking Council to change the fine tonight. Council would be voting on \$300. He will come before Council with the change for a second reading. He also noted that the young men and women that have been petitioning and really in a discussion with him all weekend have conducted themselves as ladies and gentlemen. The debate that he's had with them has been very civil. He's happy to see, even if they disagree with him, young people trying to impact the political process and has to say we had one speaker in favor but there is a group here that's conducted themselves very well. They've been ladies and gentlemen and they deserve some credit for that. We might have had more young people here tonight but the City of Quincy is also entertaining a similar resolution. He just wanted to say thank you to them because they have been very nice about it.

Councilor Willette polled the audience and asked the people who are in favor of the ordinance to raise their hands, those opposed to the ordinance, and those against who are registered voters.

Councilor Kannan for clarification purposes, this \$300 fine before Council is for violation, not to be charged criminally. They will be fined \$300 if caught smoking in parks, playgrounds, schoolyard, and Forest Lake.

Mayor Manzi said the ordinance Council has in front of them is broader in terms of the geography. It would be his intent to come back with the restrictions as mentioned along with his recommendation to lower the fine.

Councilor Kannan said she hears Councilor Giordano's feeling that \$300, whether they are caught with alcohol or marijuana, that \$300 fine is okay, in his opinion. The ordinance increases the fine not criminalizes usage. Mayor Manzi agreed.

Councilor Pappalardo polled the audience as to who would be in favor of the amendment and reduction of the fine to \$100.

Mayor Manzi said lowering it to \$100 and then further restricting the geography of where that \$100 would apply.

UPON VOTE: UNANIMOUS.

Councilor Kannan passed the gavel back to the Chair.

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OTHER OFFICERS AND COMMITTEE REPORTS

Representative Linda Dean Campbell said relative to the ice storm, Methuen would be reimbursed. Rep. Campbell thanked everyone, the Mayor, his staff, Attorney Kraunelis, everyone involved in the ice storm in one way or another. What Methuen did as a community was extraordinarily helpful in terms of getting your fellow communities reimbursed both throughout Essex County and Middlesex County. Methuen will be reimbursed just as Worcester County will be reimbursed. The reason being we had a very organized organization here which allowed us to come up with an approximate value of cost of the storm, allowed the delegation to document the facts and send it forth to the Governor and also to our Legislative delegation. She wanted to commend everyone for that. Of course it's going to be a long time coming but the rate has been authorized at the rate for the other counties as well. She will keep the community apprised. Given the current economic financial crisis, there's been a lot discussion relative to the status of the High School. Methuen needs to do is continue to move in the direction that you're moving in terms of the architectural plans. There's nothing that can really be done beyond the scope of that. The money has been set aside at the state level and a legislative delegation is pursuing legislation in Washington. There is some legislation percolating through Congress, in terms of the state money coming for relief for construction projects that state is following very closely which may assist us. In terms of our portion of the bill, there's really nothing Methuen can do other than what they are doing right now, which is getting those plans done quickly to move forward in that regard. She wanted to reassure everyone that the money is at the State level and to keep moving forward. We're at the top of that list and somehow we're going to get it done.

Chairwoman Quinn thanked Representative Campbell on behalf of the City Council and thanked the Mayor and DPW. We've had so many snowstorms and the ice storm; we haven't had a chance to catch our breath. The streets have been better than expected. People have been calling her complimenting DPW and the work done. Again, thank you very much.

OLD BUSINESS

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

MOTION BY: Councilor Cronin, seconded by Councilor Lahey to remove from the table. UPON VOTE: UNANIMOUS.

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

Councilor Leone said the reason that he asked for this to be tabled when it first came up and the reason why it hasn't come off the table is because we asked for some information from the school department as to the source and disposition of these funds and Council didn't receive it. He asked the auditor how many revolving funds there are.

Mr. Kelly responded, about eight or nine.

Councilor Leone said there are eight or nine revolving funds that the school department uses, Council has to approve every June at budget time. If Councilors are entrusted with responsibility of allowing them to have these accounts, Councilors deserve

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to know what's happening with the money, how it is it collected, who is paying it, who is receiving it, and what it is being spent on. He'd like to get a quarterly report that Colleen said she files for the School Committee, especially if it is detailed and not just a summary.

Colleen McCarthy said they do submit a quarterly report to the School Committee and just submitted one at their January meeting, ending the December 31st quarter. It shows what revenues they've collected with the revolving accounts and the expenditures to date.

Councilor Leone asked how detailed the expenditures are.

Colleen McCarthy indicated it is pretty detailed, not every bill that's paid but you can see what's going quarterly to salaries, supplies, contracted services. .

Councilor Leone said he'd wait and see what the next one looks like and if he has any more questions after that, he'd ask.

Councilor Kannan asked Tom Kelly if there is a cap on these funds limiting how much can be placed in these accounts.

Mr. Kelly said, depending upon what law they've been adopted under, the City Council re-authorizes them every year. If they don't, then you cap it by leaving \$10,000 in the account.

Councilor Kannan said when Donna Gogas spoke she mentioned that it says "Other Student Activities", she mentioned it shouldn't say that so why all these revolving funds and not one fund to keep track of this money.

Mr. Kelly said there is a report he gave out this evening that identifies revolving funds. It's the last report. They have the Currier preschool, the ice rink, school aid childcare, school athletic, and summer school. There are different pockets out there.

Mr. Kelly said there is a cap on it. They have to reauthorize this every year. If they don't, the Council or the Mayor can sweep the account and leave a balance of \$10,000 in each account. Normally we don't do that because they have payroll that has to be met.

Councilor Kannan asked where the money was coming from the PSATs prior to this fund.

Colleen McCarthy explained they have what is called student activities account. It's not a revolving account. They are for instance, yearbook money, senior class will raise money to fund the prom, different activities. In the past, the money was collected for the PSATs and they were paid out of the student activity accounts. That's not the proper way to do it. Salaries cannot come out of the student activity account. That's why there is a need to establish a student revolving account to collect the money from the students. They charge \$21.00, \$13.00 goes to the materials and to the College Board, which administers the Pasts. The remaining \$8.00 goes to the Proctors, which happens to be our own staff.

Councilor Kannan asked what the account would be called if its not going to be called other student activities or the Currier revolving.

Colleen McCarthy said they could call it the PSAT. It's for that purpose only. The money going in and out of that account will be to deal with the PSATs only

Councilor Kannan noted for clarification it would have been helpful if the account came before Council to have a name on this and pass it that way, so Council knows what comes before us in the budget.

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Councilor Cronin said it is his understanding that this is a recommendation from the School Business Administrator to take these funds and separate them so there is no conflict. Colleen McCarthy responded, yes.

Councilor Cronin said he used to work at a school and that school didn't have one school activities account. People running fundraisers for senior prom had their own account. Senior class had one, junior class, freshman, all through the school.

Colleen McCarthy said our high school has its own checking student activity account, but there are subdivisions of that account. The Year Book may have X amount of the balance of the total if there is \$50,000 amongst 17 or 18 different clubs at the high school. The problem is you cannot pay any salaries. That's why this can't go through those accounts.

Councilor Cronin said he understands that but if the kids are raising money for the Year Book, they shouldn't be taking funds from another fundraising group.

Colleen McCarthy said they are sub-ledgered. Each school has their own student activities account but they are sub-ledgered by the different groups that each school has.

Mr. Kelly clarified that the last page of his report summarizes the student activities accounts by school, Methuen High School, Tenney, Timony, Marsh and CGS and his office monitors it as well.

Councilor Willette said the problem he had with this whole item was that Council received no notification whatsoever, no background material, no communication whatsoever, and he felt there should have been greater communication from the School department to the City Council on this item. He served on the School Committee for four years and when they had things on their agenda, they had background material. The same thing should have been accomplished for the City Council on this.

Colleen McCarthy apologized noting they do have an interim business administrator working at this time, who is not fully apprised of the procedures. She was out on vacation when this first came to Council so she wasn't able to advise him as to what really should have gone for documentation.

Councilor Willette said it was a lingering item on the agenda for X amount of months and a simple memo to explain the purpose and intention in writing rather than verbal would be helpful.

UPON VOTE: UNANIMOUS.

TR-09-01 Resolution Authorizing Acceptance of 2009 Shannon Anti-Gang, Executive Office of Public Safety

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

UPON VOTE: UNANIMOUS.

TR-09-02 Resolution Accepting a 2009 Firefighting Equipment Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety

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

UPON VOTE: UNANIMOUS.

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TR-09-03 Resolution Authorizing Acceptance of Student Awareness of Fire Education (SAFE) Grant, Commonwealth of MA, Executive Office of Public Safety, Fiscal Year 2009

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

TR-09-04 Resolution Providing for Review of Notice to Residents (Req. of Clr. Pappalardo) (amended)

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

Councilor Pappalardo said Attorney McQuillan amended this because the Mayor had sent everybody a memo on this. The Mayor also sent her another amendment, emailed today, which deluded the whole thing and is already a Statute. She is not trying to take any of the Mayor's power away or authority. That is not her intent and it never was her intent. The only thing she wants to do is, if in fact, we have to send out a letter to the residents of Methuen, mostly if we are assessing the residents money, she would just like that letter to go to our Solicitor for review. He is hired for the protection of our city. If it needs to be changed or if it is okay, the Solicitor would let us know that. That is all she is asking.

Councilor Kannan this amendment that you said was sent to you earlier.

Councilor Pappalardo said the Solicitor amended this after the last meeting. It is in the packet.

Councilor Cronin questioned the procedure. If a Councilor puts an item on the floor to be voted on, the only person that can change that and amend is the person that made the motion or by an affirmative vote of the Council. It just can't be amended by anybody slipping in a document and saying it's amended. It has to be done through the Council. He takes issue with the procedure.

Councilor Leone said he doesn't understand what the nature of the amendment is.

Councilor Cronin said the amendment never came before Council, Council knows nothing about it and all of sudden that's amended. Its not amended until the Council votes it and puts it on the floor for a vote.

Councilor Kannan asked if it was said at the last meeting to amend this.

Councilor Pappalardo asked if Council received a copy of the memo issued from the Mayor stapled to the back of the resolution, received after the last meeting. When she received the memo, she spoke with the Solicitor and he changed a paragraph. Council has the amended resolution before them tonight. It is before Council now to amend.

Mayor Manzi said everything Councilor Pappalardo said was accurate. He sent a memo up. He sent it late and doesn't think it got to Council before the last meeting. Councilor Pappalardo made some changes and he reviewed the new resolution. He discussed this with Councilor Pappalardo and understands why she did it and what she is trying to achieve. The language of the resolution could be construed as having him vet all Mayoral correspondence through the Solicitor, correspondence that has no legal impact. He would veto the resolution if passed. The language isn't tight enough.

Councilor Pappalardo said this resolution came about as a result of a letter sent by Frank Russo regarding Presidential Lane. Councilor Leone brought up the initial inquiry regarding the letter and who may have seen it or reviewed it. She is trying to protect the city from any potential problems.

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Councilor Leone clarified that his inquiry regarding Presidential Lane was because his was under the impression at that the city would need the assent of a majority of the homeowners involved in order to move forward with the project. Attorney McQuillan explained to him the following day, that's not the case. The city, if it's doing a public works project and the law allows Methuen to levy betterments, could move ahead with the consent of none of the residents. Councilor Leone said concern at the time was that Mr. Russo was speaking to us as if that sign off sheet that he had was a binding contract between the city and those residents and he was concerned that the form of the document wasn't sufficient to protect the city should one or two of those residents attempt to withdraw from the agreement at a later date. He was not concerned that the residents were not notified correctly. He was concerned the city wasn't being protected. That was a unique case.

Councilor Pappalardo agreed.

Mayor Manzi and Councilor Pappalardo discussed his email proposal relative to sending out letters mandated by statute. Councilor Pappalardo disagreed with the email she received and they agreed to try to work out suitable language.

MOTION BY: Councilor Leone, seconded by Councilor Giordano to table. UPON VOTE: UNANIMOUS.

Ordinances: None

NEW BUSINESS

Resolutions:

TR-09-05 Resolution Declaring an Emergency Pursuant to Chapter 44, s. 31 of MA General Laws: December 11, 2008 Ice Storm (EPA REQUESTED)

MOTION BY: Councilor Cronin, seconded by Councilor Kannan to adopt an EPA for the good and welfare of the City of Methuen.

UPON VOTE: UNANIMOUS.

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

Councilor Pappalardo said she heard Linda Dean Campbell mention that we are going to receive the money after all.

Mayor Manzi reported initially Essex and Middlesex County did not meet the threshold and both counties were not included in the declaration of disaster and therefore not eligible for the funds. Through the efforts of Nikki Tsongas, the Governor, the Representative and others, the President has included both Essex and Middlesex County. Now we proceed as if we had been granted initially. Methuen filed a report with FEMA that was about \$305,000 but we will now continue to follow that process. That was a preliminary report. That number may go up or it may not. An additional report will be filed within a certain period of time. We are not guaranteed of getting everything and have to adjudicate that number with FEMA. It doesn't automatically grant us that 75%. He will keep the Council informed. It's analogous to the flood that we had. They were very good about it and you will see the 75%. He said he teased the Representative in hopes of having the state make up the 25% that the federal government is not going to give us but we'll discuss that with her later.

UPON VOTE: UNANIMOUS.

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TR-09-06 Resolution Accepting Continuation of MDU Deployment Grant,
Commonwealth of Massachusetts, Executive Office of Health & Human Services

MOTION BY: Councilor Giordano, seconded by Councilor Kannan to adopt for first
read. UPON VOTE: UNANIMOUS.

TR-09-07 (taken out of order)

TR-09-08 Resolution Regarding Use of City Owned Facilities (Req. of Clr. Zanni)

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

Councilor Willette said he likes the concept and the intent of this. This is the
result of an administrative error that happened with the hockey time. A concern he has is
when you have a binding contract, its nice to emphasis that we will take preference over
out of town users. Is there some methodology, some way of incorporating this language
into a contract that signed by outside vendors or outside users?

Attorney McQuillan responded, yes, there would be a mechanism. Council could
change the language in the resolution itself by an amendment incorporating existing
contracts and honoring those terms prior to the preference as directed in this more or less
being triggered.

MOTION BY: Councilor Willette, seconded by Councilor Cronin to amend to
include that it is codified for future contracts, using facilities, whether it be the school
side or municipal side, clearly stated within the contracts that vendors are signing
(outside of Methuen vendors) to utilize facilities. Once they sign that contract, that there
is provision that if there is some type of conflict that arises, if there is an administrative
error, that Methuen would take preference over the outside vendors and they would have
the knowledge of that. Councilor Willette commented that he supports the language but
it should be codified within the contract somehow.

UPON VOTE: UNIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Giordano to adopt, as
amended. UPON VOTE: UNANIMOUS.

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Pappalardo commended the Mayor's efforts regarding the security
improvements implemented in the Searles Building. She went on a tour with Ann
Guasteferro who did an excellent job implementing the changes and commended her for
her efforts. She applauded the police department for their recommendations as well. She
asked the Mayor t add the memo to the Safety Report that comes out every May.

ADJOURN

MOTION BY: Councilor Leone, seconded by Councilor Giordano to adjourn.
UPON VOTE: UNANIMOUS. The meeting adjourned at 8:35 p.m.

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 2, 2009.

COUNCIL CLERK

METHUEN CITY COUNCIL REGULAR MEETING
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