

**METHUEN CITY COUNCIL REGULAR MEETING
GREAT HALL, SEARLES BUILDING
February 2, 2009 - 7:00 p.m.**

Chairwoman Quinn called the Regular meeting of the Methuen City Council, scheduled for February 2,2009 to order with eight members present. Councilor Giordano was absent.

ACCEPTANCE OF AGENDA

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

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

Councilor Kannan led the Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Cronin seconded by Councilor Zanni to waive the reading and accept the minutes of previous meeting January 20,2009.

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

Councilor Pappalardo read and presented a Proclamation to Christa LaCharite of Methuen, daughter of Senior Center director Corrine LaCharite. Christa was invited to Washington D.C to attend a week long “University Presidential Inaugural Conference” based on her leadership skills demonstrated at the national Youth Leadership Forum on Defense, Intelligence and Diplomacy in 2003. Christa joined millions of people who witnessed history in Washington, Tuesday January 20th 2009 when the 44th President, Barack Obama took the Oath of Office. The City Council and the Mayor acknowledged and congratulated her as a proud representative of Methuen and on behalf of the citizens of Methuen wished her continued success for the future.

MOTION BY: Councilor Cronin seconded by Councilor Pappalardo to proclaim.

UPON VOTE: UNANIMOUS

PUBLIC PARTICIPATION

Lisa Saad, 177-179 Lowell Street. Ms. Saad was before Council to discuss her roofing problems at her home. She has not heard from the building inspector. She has a copy of a letter from him stating the code violation and is asking why nothing has been done about this issue. Greater Lawrence Community Action came to her house, not pulling building permits or following the building code and as a result caused black mold. She has since found out that the board of health is in partnership with GLCAC as part of the Mayors’ health task. GLCAC is in twenty-five cities in Massachusetts. They use federal funds to insulate (people’s) homes in a weatherization program. They are damaging people’s homes. A normal course of action would be to go to the building inspector or the board of health. Both agencies are in inclusion with GLCAC. She is before Council to let them know what is going on in Methuen. She has a code violation. They came into her house when she was gone, bribed her neighbor to let them in to her side of the condo and put in a new roof. Condo documents strictly state that both signatures are needed to put in a new roof. Ms. Saad is asking what is the town going to do about this.

Commonwealth of Massachusetts says that she (the neighbor) should be fined three hundred dollars a day along with the contractor.

Mayor Manzi stated that this was insulation work and that does not require a building permit.

Ms. Saad stated there is a building code that dictates they have to put in so many vents per so many feet. Her problem is that they were told by her and her attorney to stay off the property. They came back and put in an illegal roof, did not pull a permit. They came in and did some basic cleaning but did not get rid of the mold (they took away the evidence). They are supposed to pull a permit to put on a new roof.

Mayor Manzi stated there is no question that the roof was put on without a permit. His understanding is that the building commissioner was going to fine the person that did that under the building code. In terms of rectification our (city) authority will stop at making sure that the work that is there (in terms of building code) will be okay. After that the condominium association would have to take action that would require some sort of change to that.

Ms. Saad does not want the city to issue her (neighbor) a permit because she did this without her (Ms. Saad) permission. The roof needs to be torn off, the house has to be guttered and treated. She has had several biologists and contractors tell her that is how the house has to be fixed. She has to move back into the house. She has had to put her third dog down; her daughter had a tumor, incontinence, and shingles. This has gotten into the kidneys and lungs. She cannot sell the house because she has to tell a buyer of all these issues. This is her house she is paying the mortgage, she has nowhere else to go with her three children. Ms. Saad wants this house fixed by a contractor she approves. She is not giving her permission for the town to issue a permit. This was done without her authorization.

Mayor Manzi stated there is no question about that. The Mayor deferred to city solicitor Peter McQuillan. He is willing to meet with her, the building commissioner and the solicitor. Whatever the legal remedies are for the city in terms of the work on the roof being done without the permit, we will take. The Mayor cannot act beyond what the cities legal ability is able to do.

Ms. Saad stated that is all she is asking and that this not be swept under the carpet. This could be fixed if GLCAC and her neighbor call attorney James Harris; they have insurance for this.

Mayor Manzi suggested that Ms. Saad call his office. He will arrange a meeting with the building commissioner, the city solicitor and herself to discuss this and give her the best help they can give her.

Ms. Saad thanked the Mayor.

Ryan Sadezwicz, 7 School Street and Alex Giarrusso, 32 Hampshire Circle read a statement to Council, as representatives for all residents of Methuen in support of the plans for a Methuen Skate Park. Some of the concerns with respect to the current site are the amount of surveillance that is needed to meet public safety needs. They are asking for the opportunity to have input with respect to plans to the Riverside Park property and the Bea's site (statement attached). On behalf of their supporters they thanked Council for their time.

PUBLIC SERVICE

GRANTS: None

LICENSES: None

CONTRACTS

C-09-15 GLC Development Resources Inc. Planning Study – Methuen Downtown - Affordable Housing Opportunities.

Amt \$ 75,000.

MOTION BY: Councilor Cronin seconded by Councilor Kannan to approve.

Councilor Zanni stated that we are all looking at what is going on in our country. In looking at the whole content (\$75,000), he understands what it will be used for but we must remember that we have a “Master Plan”, we had the Harvard study review done two

years ago that showed what could be done (downtown). Councilor Zanni asked Community Development Director Karen Sawyer if the people doing this study are pre qualified because of their background with HUD (in terms of the bidding). Community Director Karen Sawyer stated this is through the State Department of Housing and Community Development. We applied for the money and they pre qualified forty-five different vendors and we were able to choose from those vendors. We interviewed and worked with three, all of which were going to spend the same amount of money. It was a matter of which scope of service that would be the best fit. Councilor Zanni understands this is a study and he does not want to jeopardize the \$75,000 that has already been pre approved by this Council. He just wants us to be aware that federal money is out there and hopefully would be expended in a different way in the future.

Councilor Pappalardo asked Ms. Sawyer and the Mayor where was this contract advertised for bid?

Ms. Sawyer stated this was not advertised because she had to respond to the list of pre-qualified consultants. She felt it appropriate to interview three and found three qualified and chose that way.

Councilor Pappalardo asked if she had worked with these people before?

Ms. Sawyer said she has not worked with GLC.

Mayor Manzi stated there was a pre-qualified list.

Councilor Pappalardo asked Ms. Sawyer the reason she picked GLC? They only had three boxes checked.

Ms. Sawyer said she was not going for a consultant that met all the boxes. She was more focused on viable deliverable product for three specific locations downtown. What she liked best about GLC is that some of her peers have worked with them, liked them and they come with developers and work with developers. They could bring folks that do not know Methuen to town and bring ideas that work in other communities that are similar to what we have. That is what was attractive.

Councilor Cronin asked if we have the grant money in hand?

Ms. Sawyer stated the way the grant is given is the city pays the consultant in monthly invoices and then we get reimbursed.

Councilor Cronin asked what funds would this come out of?

Ms. Sawyer said that she might be able to get the approval to use the program income that we have. We have money (in the program) that we would front and then replace on a monthly basis.

Mayor Manzi stated CDBG (program) money would be sufficient to front this and then be reimbursed.

Councilor Cronin asked how long would the reimbursement take?

Ms. Sawyer said we have to pay the consultant within thirty days and we will get paid back in that same timeframe. On a monthly basis that would be no problem. No monthly invoice will be anywhere near what we carry for a balance.

UPON VOTE: UNANIMOUS

OTHER OFFICERS AND COMMITTEE REPORTS - None

OLD BUSINESS
RESOLUTIONS

1. TR-09-04 Resolution Providing for Review of Notice to Residents (Req of Clr Pappalardo) (amended) (remove from the table)

MOTION BY: (to remove) Councilor Lahey seconded by Councilor Pappalardo.

UPON VOTE: UNANIMOUS

MOTION BY: (main motion as amended) Councilor Lahey seconded by Councilor Willette to adopt.

Councilor Kannan asked if the resolution was amended since the last meeting?

Councilor Pappalardo responded no. She wants it removed from the table and voted up or down. She does not want to amend it any more than what it is. She does not want to dilute this any more because it would not be worth bringing up. If the Solicitor did not think it was something good to do he would have advised her differentially.

Councilor Kannan asked city solicitor Peter McQuillan if the only amendment to this (in the bottom line) is the word “such” and “as a matter of courtesy”. Councilor Kannan went on to state that this amendment does not say what this resolution is for.

Attorney McQuillan said that in the original measure that was submitted, there were concerns of the proposing councilor that it (probably) begged clarity. He asked her what the intent of the legislation was, she told him what her thoughts were and it was clearly understood by him so he added the proposed amendment that is before council tonight containing the italics.

Councilor Kannan said the italic word is “such”. Councilor Kannan does not see (in the resolution) what the initial goal is. The original goal is for the residents if they are getting an assessment on their property. It does not say that in the resolution. This is a notification on what? If it stated that any assessment on the resident goes before the solicitor let the solicitor review it, if the solicitor agrees with the letter and it is sent out then give Council a copy. Council (whatever the district) will have a copy and be aware. This amended version does not say that and does tie the city’s hands. Having everything go through the solicitor. If the intention were to say anyone with an assessment she would agree. Councilor Kannan asked Councilor Pappalardo for clarification on this resolution. It is not clear.

Councilor Pappalardo stated that she thought Attorney McQuillan had told Council what her intent was.

Councilor Kannan said the intent needs to be in the resolution, that is what we (council) are voting on. The word assessment is not in the resolution.

Councilor Pappalardo stated she was using that (word) as an example. If a letter is sent to any resident in Methuen that they will be paying for something, it should be passed on to the solicitor to make sure the wording was correct.

Councilor Kannan said this states as a matter of courtesy notification to the citizens of Methuen. The legislation before us does not state assessment or any specific reason. If any department head sends out a letter it has to go to the solicitor. If a department head needs to send out a letter (then so be it) and if they need legal guidance of the solicitor that is what he is there for. The intent (of Clr. Pappalardo) is that if it were a money situation she would have the solicitor review a letter. Councilor Kannan would not have an issue with that intent but it is not stated in the resolution.

Councilor Leone asked Attorney McQuillan if this issue is limited to communications sent out as a requirement of law (legal notices)?

Attorney McQuillan said he believed the intent was to address the opposite of a legal notice. This is notice that is not mandated. Notices that are mandated (i.e) zoning, taxation or matters dictated by statute, the form of that notice is contained in the statute. This (resolution) addresses notices that are sent to citizens as a matter of courtesy (i.e) the notice to residents regarding the Presidential Lane and the proposed sewer line. It was a notice sent by DPW as a matter of courtesy letting them know the proposed activity, the installation of the line and their option as to tying into the line. The intent is not to address matters dictated by statute only those sent by department heads as a matter of courtesy.

Councilor Leone said this could be construed so that everything that goes through this building has to go through the solicitor's office for approval. We would be micro managing the Mayor's office. If Council wants to insure that the format for legal notices and notices to abutters and legally required documents is correct and meet the letter and spirit of the law he does not have a problem with that. He will not start to determine administrative functions or who will determine what gets sent to which resident.

Councilor Leone will not vote for that.

Councilor Lahey stated he does not see the harm in this and it could do some good. Sometimes Council has a tendency to look for problems that are not there on certain pieces of legislation. He feels this (along with others) take months to iron out. Councilor Lahey will support this.

Councilor Willette stated he would support this legislation. It is somewhat flawed but this is a small universe we are dealing with. We are talking public construction projects that originally merge as a result of approval of the city council. A letter that goes to residents as a result of a contract that was approved by this council needs to have a vetting process through the city solicitor's office as to the content of the letter. Councilor Willette sees no problem with this as long as it is structured as a contract approved by the city council as opposed to street sweeping obligation or excavation or things that fall under the purview of the Mayor's office. This is a simple courtesy to residents and he does not have a problem structuring the language in that regard. There should have been a checklist of items that should have been vetted through the city solicitor's office. We are not talking about every single piece of correspondence that emerges through the Mayor's office. We are only talking public construction projects. It may be flawed language but he is supportive of the language because the first person at the podium (if there is a problem) will be before the city council, which approves the contract. He does not want Council to misinterpret that all correspondence will go to the solicitor.

Councilor Willette understands executive, legislative and judicial purview and he respects that but the process needs to be corrected and he will support a vetting process through the solicitor because he works for the City Council.

Councilor Pappalardo said she brought this forward because of the letter that went out and as a councilor she would have liked to have received a copy but she did not. It might have enlightened her as to the issues. She understands it was quite ambiguous stating that if they did not reply the assumption was that it was "okay". She does not go along with that assumption. The residents were going to be assessed for \$25,000 dollars and our

solicitor who works for the city council should have reviewed it. This is protection for the city of Methuen. We need to look at the Charter, (there is a group she is involved with) and maybe it does need significant changes and maybe that will come up on the ballot. When the Mayor form of government came into existence, the Mayor was given more power than the City Council and Councilor Pappalardo feels that is somewhat backwards. Councilor Pappalardo is asking Council to vote this up or down, it is their privilege.

Councilor Zanni said that all types of memorandums and correspondence would go to the Solicitor. If the Solicitor is on vacation or out sick for three or four days what happens if something has to be done immediately, what happens? We are looking at tying the hands of how things are done in our community. This is flawed. Councilor Zanni thought originally the issue was a betterment or assessment. This has gone beyond that scope. Councilor Zanni cannot support this the way that it exists.

Councilor Leone agrees with Councilor Willette. There is probably some reason to have correspondence reviewed beyond the scope that is required by law. He agrees that the proposal is flawed. Two weeks ago when it was tabled he thought it was going to be fixed. Councilor Leone will not support this as is. If we want to fix it, lets fix it.

Councilor Kannan also stated that this resolution (as is) is flawed. If the intent was in (resolution) she would support it. It is too broad and as it stands she cannot support this.

Councilor Willette stated that he thinks Council is misinterpreting. This (resolution) is talking about public construction projects. Not street sweeping, beautification, it's not talking about a whole host of things that is coordinated through the Mayor's office. We are talking about a contract approved by City Council. We are talking about people's properties, assessments on people's properties and if they want to voluntary commit themselves to a project. Councilor Willette is asking why official correspondence (notification) cannot be vetted through the City Solicitor's office. The intent of this legislation is good. This would be a contract approved by City Council with official correspondence sent out to the community or particular neighborhood vetted through the solicitor's office. Councilor Willette offered that intent as an amendment. Councilor Willette likes the concept of this and does not want it to be put down. This only deals with public construction projects and we need to fix the flaws before the next contract that applies to residents before they come to the podium.

Mayor Manzi stated that if the intent is to state that the correspondence would flow out of a contract he does not have a problem with that. He would point out respectfully that the (current) language does not say that. We are governed by language. The Mayor hears the intent but the language does not state what the intent is. The Mayor stated that he would not have a problem with and would be supportive of Councilor Willette's amendment. The existing language does not state that it is an out growth of a contract that Council approves. The way it is written (now) he cannot support it.

Councilor Pappalardo stated she would go along with the amendment and would ask the solicitor to fix this for the next meeting.

Attorney McQuillan said he would clarify this legislation and incorporate the comments made into the body of the measure. He wants to make sure he meets the legislative intent that Councilor Pappalardo seeks.

Councilor Pappalardo feels with the amendment the Mayor will give his approval.

MOTION BY: Councilor Willette, seconded by Councilor Cronin to amend and table the resolution to state:

Contracts approved by City Council dealing with public construction projects and the correspondence associated with the contract dealing with any betterment/sewer assessment to properties, be reviewed by the City Solicitor's Office.

UPON VOTE: (amendment) UNANIMOUS

MOTION BY: Councilor Willette to table the item seconded by Councilor Leone

UPON VOTE: (table) UNANIMOUS

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

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

UPON VOTE: UNANIMOUS

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

MOTION BY: Councilor Leone seconded by Councilor Kannan to adopt.

Councilor Zanni stated that there was an issue with the hockey team. Councilor Zanni met with the Youth Commission and the league coaches and parents and this is the result of that meeting. Councilor Zanni asked the city solicitor with concern to the amendment are there any legal issues to be aware of? His understanding is there should not be a problem.

Attorney McQuillan said he does not see any problem.

Councilor Zanni read the Resolution into the record. (Attached)

Councilor Leone asked if the dancing schools (in the city) that rent the auditorium for recitals and have participants that live outside of Methuen are they precluded from participating in a recital.

Attorney McQuillan said no.

UPON VOTE: UNANIMOUS

ORDINANCES:

1. TO-09-01 An ordinance regarding Public Use of Marijuana (amended)

Councilor Cronin asked for the amendment to be read into the record. (attached)

MOTION BY: (amended) Councilor Cronin seconded by Councilor Zanni to adopt as amended.

Councilor Cronin asked if the only change is the dollar figure?

Chairwoman Quinn stated the dollar figure and the locations.

Councilor Leone asked if the amendment reduces the dollar figure from \$300 dollars to \$100 dollars.

Mayor Manzi stated that in conjunction with that he is bringing forward an increase concerning "open beverage" container. He will present that addition at the next meeting. The open container is a separate ordinance to \$100 dollars. The original was \$300 dollars and he lowered it to \$100 dollars.

Councilor Leone does not have a problem with the reducing the penalty to \$100 dollars. He does have a problem with the locations. He does not want someone driving a motor vehicle around town who is wasted.

Mayor Manzi said he would caution that would be a motor vehicle issue and not a City of Methuen issue. His emphasis is parks, play grounds, schools and Forest Lake be drug and alcohol free. The issue of usage while driving an automobile is a registry issue. The Mayor said the statewide referendum did contain some poorly drafted language. The voters passed it. It appears that under the statewide referendum a police officer cannot ask for identification. There are flaws but we are not dealing with that. We are saying our parks; play grounds and school grounds. An additional municipal fine would be imposed for an open container of beverage alcohol.

Councilor Leone understands that chapter 90 supercedes anything we do for motor vehicle but he has a reluctance to reduce the locations. The locations in the original ordinance are the same locations where he would not allow open containers and we should make the two consistent.

Mayor Manzi said he understands Councilor Leone's comments. This is the city council's full and exclusive purview, all he can do is recommend and in this case he would recommend this on the basis of the tug between those who felt the referendum passed by the majority of the voters should be given a chance to work and his desire to clearly state the areas we are attending to here should be drug and alcohol free. As most political processes go we came to a sort of compromise. The Mayor is asking for the benefit of the doubt, if he sees a problem extended beyond this he will come back to Council.

Councilor Leone stated that question two decriminalized it did not legalize it. That is a big difference and a lot of people think that a bus or commuter train or the side of the street or sidewalk is the perfect place to light up. It is still against the law. It does not penalize someone for the rest of their lives, as did the old felony affecting the ability to get life insurance or a job. This is still illegal activity.

Mayor Manzi agreed with Councilor Leone. The proponents of this passage would like to get the idea out that it is legal. He recognizes that it is not legal. Under the referendum for the areas that have been taken out in his recommendation they are still libel to the civil fines. We are adding to the state referendum the areas where we have a heighten concern. The other areas are still subject to civil fines for possession that the voters passed. The Mayor asked that Council take that into consideration.

Councilor Leone stated he would not vote for the amendment. He will amend the main motion to \$200 dollars. He would want the list of locations to stay.

UPON VOTE: (Mayor's amendment) 7- yes 1-no (Clr Leone)

MOTION BY: (main motion) Councilor Cronin seconded by Councilor Zanni to adopt as amended by the Mayor

Councilor Willette stated there is confusion. He thought there would be language presented to include open containers. Councilor Giordano (absent tonight) had wanted to increase the fine to \$300 dollars. Councilor Willette would like to increase the fine to \$200 dollars on items open container and possession and re-visit the open container issue at the next meeting.

MOTION BY: Councilor Leone to **amend** the ordinance to increase the fine to \$200 dollars, seconded by Councilor Willette.

Councilor Zanni asked what is going to change going from \$100 dollars to \$200 dollars? Will it deter any problems? We have a \$100 dollars fine as it stands, voted on by statute, we should leave this alone.

Mayor Manzi stated relative to the amendment, this is the City Council's purview. The potential is there in the areas we are discussing. There is a \$100 dollar fine through the state civil citation and \$100 dollar municipal fine. The Mayor does not believe a police officer would assess both but the potential would be there if they so desired. It would be the opinion of the Mayor if someone is openly using, the police would issue a municipal citation. Anywhere else they would issue the state citation. The potential is there for the \$200 dollars. The Mayor agrees with Council Zanni and would still propose his amended recommendation.

Councilor Willette stated the maximum fine is \$300 dollars. This is a small amount difference and Council should not misconstrue what he is asking. What is done in the privacy of one's home is what the voice of the people reflected on this item. We are talking open public space where children congregate and have public events. We should have zero tolerance for open containers as well as marijuana usage. This fine is a fair balance and he supports the increase to \$200 dollars.

Councilor Zanni said that Council is voting the marijuana issue only. At the next meeting Council can raise the open container issue. The Mayor has said that there is a \$100 dollar fine from the state and the officer can fine up to \$100 dollars giving the city money in the coffers. Councilor Zanni will not support the amendment to increase it to \$200 dollars.

Councilor Kannan stated she agrees with the \$100 dollar fine at this time. If we find many more offenses Council can then re-visit this and consider raising the fine.

UPON ROLL CALL: (amendment) 6-no 2- yes (Clr Leone and Clr Willette).
Amendment failed

Councilor Lahey stated there is no one more anti drugs than he is. He was upset when the ballot question passed. With due respect to the Mayor, Councilor Lahey is not a fan of token legislation when it comes to drugs of any type. Councilor Lahey will not support this because he believes this is a crime. He will not vote this because 62% feel it is not. He finds it incredible that we allow someone to possess a substance (regardless of the amount) considered by law an illegal drug. One can buy an illegal drug; help support a dealer and it is "okay" as long as it is less than an ounce. Councilor Lahey will vote against this because that is what the majority of Massachusetts has said. Maybe someday they will legalize this and put the drug dealers out of business or make it a real criminal offense and punish people for using it. When it comes to drugs and drug abuse make the legislation against the people who are making the money on this.

Councilor Pappalardo said she would vote for this because the Mayor did amend it. We need to protect our schools and the students in every way possible. Children are very susceptible to this activity and she does not want to see any of this in our schoolyards, parks and Forest Lake. The law is in place that if caught they will be fined. Massachusetts did vote 61% for this but where it has been amended she will vote in favor of the \$100 dollars

UPON VOTE: 6-yes 2- no (Clr Leone Clr Lahey)

Consideration of Appointments: None

10. NEW BUSINESS

Resolutions:

1. TR-09-09 Resolution Amending Orders #4573 and # 4647; Order Authorizing Borrowing for Water Treatment Plant Improvements.

MOTION BY: Councilor Cronin seconded by Councilor Leone to adopt for first read. Mayor Manzi noted this is a reduction in the authorization based on the close of the construction and the account for overage that we are not going to need. We will reduce the bonding authorization by \$600,000 dollars.

Councilor Cronin said that the original bond appropriation is for \$19.8 million and we are reducing it to \$19.2 million. Then it goes on to say exclusive of the city's share of the project of \$1,250,000.00

Mayor Manzi stated that is language that deals with the city's share of the project outside of the scope of the loan from the water pollution abatement trust.

Councilor Pappalardo (to explain to the audience) noted the reduction from 19.8 million to 19.2 million, we have not received the money yet and we are at the completion of the site. In speaking with city auditor Thomas Kelly he informed her that this was an estimate of what was given to the water pollution abatement trust and this is a way of balancing the books. Mr. Kelly agreed.

Councilor Leone asked if this is housekeeping, shuffling between construction and design. Mr. Kelly agreed.

Mr. Kelly stated we did the loan to authorize the appropriation. When we do not use what is authorized at a council meeting we bring it down and take it off the books.

UPON VOTE: UNANIMOUS

2. TR-09-10 Resolution Submitting a Home Rule Petition for the Purpose of Waiving Certain Provisions of Mass. General Laws Chapter 53
(EPA REQUESTED)

MOTION BY: (EPA) Councilor Willette seconded by Councilor Kannan to attach an Emergency Preamble.

UPON VOTE: 7-yes 1- no (Clr Cronin)

MOTION BY: (main motion) Councilor Willette seconded by Councilor Leone to adopt the main motion with the EPA attached.

Councilor Cronin stated he is not in favor of waiving the primary election. We do not know who will take out nomination papers. There may not be a need for this we may not need to have a primary. We have important issues coming forth regarding the new school and bonding issues and also proposition 2 ½ override. Councilor Cronin feels we cannot build the new school without it. Councilor Cronin will be asking the city auditor for reports on that issue along with the school Superintendent to give council an impact on future budgets for the school department. Once we build this school we will have new teachers, new maintenance people, a lot of things that will affect the community for a long time to come. We do not know what the timetable would be but he thinks we may

need this because we may be bringing up a bond issue come February or March. We have not identified the sources of funding and we may have to put something on the ballot to override proposition 2 ½. Councilor Cronin is opposed to doing away with the primary election.

Mayor Manzi stated that in terms of the finances, the City of Methuen is only approved for schematic design. We will have a bonding request for Council by the next meeting that would get us through the design phase only.

Councilor Cronin asked is it for three million dollars?

Mayor Manzi said no. It would be authorization for two million. Methuen would be eligible for 61.26 % reimbursement and the two million is the upper limit of the overall spending. The Mayor is inclined to believe it would be substantially below. Additionally there probably will be direct federal money in the Stimulus Bill that was passed through the House for school construction that may cover the entire schematic design amount.

Councilor Cronin said those are questions that he would ask at the end of the meeting. He was told that there is stimulus money available but is not sure how it will be applied if it is coming directly to the Town or the school department. His concern is if we are going to be bonding thirty-three or thirty million dollars why should we worry about thirty two thousand dollars for an election that we may or may not have. We should have the people vote on who they want. There will be an election. Councilor Cronin is in favor of primary elections.

Councilor Leone said if we are to have 2-½ override or debt exclusion it would be on a November ballot not the primary. If we are to make a decision on this we should do it before we find out who is running for office. It would not be impartial if we waited after we know who the candidates are. To save thirty two thousand dollars at this time, given the remote possibility that we may not need a primary.

Councilor Lahey said the last thing he wants is a primary but he would feel bad for any newcomer if there were an influx of candidates running and it would not give everyone an even playing field. That is why we have primaries. Two years ago we had a primary in the west and central districts and it did give the new candidates a chance to be in the primary and give everyone an even playing field. Councilor Lahey does not think that the primary should be eliminated.

Councilor Kannan asked for a breakdown of what the primary will cost Methuen.

Mayor Manzi did send Council a memo with the breakdown totaling \$32,400 dollars.

Councilor Kannan said that in these fiscal times \$32,000 dollars is a lot of money to save the city. Come November everyone's name will be on the ballot and everyone will work hard to win their spot. Councilor Kannan asked what the turnout is for a primary election?

Mayor Manzi said that primary turnouts have been as low as 10% and sometimes below that. All things being equal we do have primaries because there is some value to them. This is for only one year and the mayor has put this out for the Council's consideration because these are difficult financial times. As Council makes the determination fiscally this is a savings of \$32,000 dollars. We need to resolve this so the City Clerk can know whether we will go forward with the primary.

Councilor Cronin asked if the dollar figure presented to Council is if all precincts had a primary. Because we do not know who will take out papers. Last time there was only

one precinct for the one primary so the cost may be significantly lower. The numbers are for a town wide election and it would be lower if it were for only one district.

Mayor Manzi noted that if the primary were for the Mayor or Council at large then it would be citywide. The numbers are correct.

Councilor Pappalardo questioned the first meeting in January, Council voted to push back the primary election by two weeks and now we are being asked to eliminate it.

Mayor Manzi is asking for this to save the city money. Traditionally the City Clerk sends up an election calendar and were we to have a primary and the City Council sees fit not to do this that would be the election calendar best suited for the City.

Councilor Pappalardo is all for saving money for the City but does not want to take away the rights of the voters. To save the city \$32,000 dollars she will support this.

UPON VOTE: (EPA attached) 6-yes 2-no (Clr Lahey, Clr Cronin)

Ordinances None

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Cronin has received information about money in the federal stimulus package and Methuen is in line for approximately 1.3 million (school building assistance).

Councilor Cronin asked if this is true?

Mayor Manzi said the House version has passed. It is now in the Senate. There is some heavy debate (there). The mayor said that some form of it will pass but there is a question of it getting pared back. The Mayor's understanding is in the House version Methuen has a direct payment for school building construction in the 1.3 million dollar area.

Councilor Cronin asked if that money comes directly to the town or does it go directly to the school department.

Mayor Manzi said it (most likely) would come to the City but he has not read the actual legislation. He has spoken to the Congresswoman's office. Some of the points and the parameters under which we can use it are not clear to us (as yet). It should become clear in the weeks ahead.

Councilor Cronin said the last numbers he has seen was \$3 million dollars to develop these plans.

Mayor Manzi said he does not agree. He has been advised that MSBA was to estimate the construction costs in schematic design at 10% of our advertised construction costs, which was \$90 million. The owners project manager contract would be funded at a specific dollar amount. Although high that is what we are using as our estimate. That is what he will come back to Council with. He does not think (with the State reimbursement) that he will go anywhere the \$2 million for schematic design.

Councilor Cronin said there was other money in there.

Mayor Manzi stated there was other money. Those estimates were just estimates. There is nothing concrete including the potential for architectural services. He thinks it is vastly overblown. That was what he was advised to do by MSBA and that is what he is doing. As he goes out to bid on architectural he will then get a full flavor of where the city will be on the design phase.

Councilor Cronin asked City Auditor Thomas Kelly what the impact would be on the cities tax rate if this school goes through based on the numbers that we are working with now? If we have a \$90 million dollar construction and the 60 or 62% the State will kick in and the city has to kick in the rest will we have to go to a proposition 2 ½ override?

Mr. Kelly explained that the city would go to a debt exclusion override.

Councilor Cronin asked if it would be voted on by the voters and is it a simple majority pass or more?

Mayor Manzi stated it would be a majority vote.

Councilor Cronin questioned if the city goes out and spends the money on the Bond for the plans and the override does not pass we lose the money we will spend on the plans and (most likely) will not get any reimbursement.

Mayor Manzi said that he does not agree that debt exclusion is absolutely necessary. He does not know what the numbers are. He cannot find out what the numbers are until we get through schematic design. The Federal Stimulus Bill has additional money in it for school construction that will be pushed through the State MSBA. What the impact will be is unclear. We are in the que and the potential for some of the Stimulus money being used to offset local contribution is now being “kicked around”. The Stimulus is there not just to build schools but also to put people to work. The Presidents agenda has both. He wants school buildings and he wants to put construction people to work. The Mayor thinks there is potential for an offset of local contribution under the MSBA and he thinks it is worth exploring. Nothing is set in stone but if we are not in the que we cannot (ever) take advantage of this. Until we get to reach a project agreement with the MSBA we do not know what the major renovation that has been approved will cost. It is premature to say that we will absolutely need debt exclusion, the Mayor does not agree with that. At ninety to one hundred million we probably would but he is not convinces that the project will come in at that cost.

Councilor Pappalardo asked Council to support the “Happy Hearts Choral Group” by purchasing their CD and in doing will be supporting our seniors.

Councilor Zanni announced that there is a Post Office branch located at Galloway’s Convenience store. The store is in the West end of the city at 176 Pelham Street and will be open from 7am to 7 pm. The Post Office will have a grand opening in a couple of weeks.

Councilor Quinn thanked the Firefighters and Police of Methuen for their hard work at the devastating fire on Ashland Avenue. On behalf of the entire Council and the Mayor she applauds them for an outstanding job well done.

Councilor Willette asked the Mayor for an explanation of the process for the school construction. His estimation is 2.5 billion dollars over the next five years that is available for school construction projects.

Mayor Manzi said that he believes that is (about) right.

Councilor Willette asked what is the delay from the city's standpoint? We are willing to do everything possible. This has been almost ten years.

Mayor Manzi stated that in terms of the MSBA this is not a ten-year process. Under the old system it was the Department of Education who put the funds out. In the old system it required local communities to commission architecture's then submit in hopes that a project would be granted by DOE. In many cases they were. Through the process legislators changed this and the new MSBA was formed with one penny of the sales tax dedicated to the MSBA and they are able to leverage about five hundred billion a year that ends up at the 2.5 billion (mentioned). They put a moratorium on to clean up some of the DOE projects. Methuen was selected in year one when the moratorium was lifted. Methuen High School was (in that year) one of three high schools in the Commonwealth selected. We are now going through the process and are completely governed by the rules and regulations of the MSBA following their procedures. The contract awarded (will be at the next meeting with the bonding authorization) is one hundred per cent a product of the MSBA. We are scheduled to be before their design board on March 10th. As soon as the City Council approves the contract we will begin the process of seeking architectural services and then have a project scope meeting with MSBA. After that we will agree or not agree on what the project for Methuen High School should look like and how much it will cost. Until the project scope meeting we do not know what they will approve and what the costs are. With the diminished returns from the one-penny on the sales tax, the Mayor feels it is safe to say that the MSBA is looking to make these projects less expensive. He will go to the project scope meeting and get the best deal for the city but that will not happen until we get through the design phase. That has not happened yet but we are moving relatively quickly.

Councilor Willette said that previously we had 90% reimbursement locked up under the previous administration. Councilor Willette supports the forms to the system. We had to do an audit of all schools projects; money trickled back to the State. There was excessive spending on projects across the State but they have a better oversight and monitoring of funds and a better system. The problem is that under any measure Methuen High School is going to lose its accreditation unless we do renovations to the high school. Under any measure we should be placed at the top of the list but the structure is taking many years to develop. He could understand if the money is frozen because of the credit market but there is 2.5 billion dollars available over the next five years for projects across Massachusetts. The City Council is ready to take a vote at any stage of the process and go to the voters for authorization of funding. We are waiting for the State to give us a timeline.

Mayor Manzi stated the money is available and Methuen has been approved through schematic design. MSBA was promulgating regulations up to the point where we managed through our Building Committee to approve an owners project manager. We have an owners project manager for this and will have a bonding resolution, he got today

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from Bond Council. Council will have a Bonding Resolution for schematic design at the next Council meeting and a contract for an owners project manager for the High School at the next meeting and before their design board on March 10th and then the process will start moving quickly. We have gotten through all of the hurdles, the money is there and we are approved unless the City cannot agree with them on the scope of the project then we will not be approved. If they offer us a renovation that we are not satisfied with we have the right to negotiate with them but if it goes too long they drop us from this years list and move us to a later year list. There are give and takes and the Mayor will keep Council informed. The Mayor is looking at April or May.

REQUEST OF COUNCIL

ADJOURN

MOTION BY: Councilor Zanni seconded by Councilor Kannan to adjourn

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:45 pm

Diane Lasonde/Council Secretary

I do hereby certify at a meeting of which a quorum was present, the Methuen City Council adopted the foregoing minutes by a unanimous vote on February 17,2009.