

**METHUEN CITY COUNCIL SPECIAL MEETING**  
**Monday, February 25, 2008 – 6:30 P.M.**  
**GREAT HALL, SEARLES BUILDING**

Chairman Lahey called the Special Meeting of the Methuen City Council, scheduled for February 25,2008 to order. Councilor Giordano and Councilor Willette were absent.

Public Service

Contracts

C-08-19 Camp Dresser & McKee Inc- One Cambridge Place, 50 Hampshire Street  
Cambridge MA

Professional Service – Bolduc / Burnham Area Infiltration/Inflow Investigations. Amt:  
\$180,000.00

MOTION BY: Councilor Leone seconded by Councilor Quinn to approve.

Frank Russo, City Engineer gave an overview of the contract stating that the contract is the net result of the Dracut contract that was passed at the February 4,2008 Council meeting. In the Dracut contract it was stated that the city would do an infiltration / inflow study in the west end of town. The objective is to eliminate as much infiltration/inflow as we can in our system thereby reducing our cost at the Greater Lawrence Sanitary District and will give us greater capacity in our sewer system. The work is done in the springtime because of the high ground water. If Council passes the contract tonight the consultant will get on board with his consultant to do the work starting mid March. The ground water in March starts to get closer to the surface and that is why it should be done at that time. If we do not do it at this time we will lose a year of study. In summertime mid July /August we will start doing the dry weather flows to study what happens during the dry time. The contract is in two phases. The first phase authorizes the work to be done now and the second phase will not be authorized until summer around July when the second payment from Dracut takes effect.

Councilor Cronin asked how does this fall in line with the payments to be made by Dracut?

Mr. Russo stated the contract with Dracut (after we sign the contract) states that they have a payment of \$125,000 dollars that comes to the city within sixty days. July 15<sup>th</sup> we get another \$75,000 dollar payment for a total of \$200,000 dollars.

Councilor Cronin asked when does the city have to cut checks?

Mr. Russo stated the city would not cut checks. The first payment would not be until April or May. We will have the money well in hand. The work will have started and he does not have a problem with delaying the bills.

Councilor Cronin said a problem he has is that this project did not go out to bid. He remembers the gentleman making the presentation for Dracut stating this is great for Methuen. Councilor Cronin does not like that this contract did not go out to bid and he thinks it's a great deal for Camp Dresser & McKee. For \$180,000 dollars this should have gone out to bid, we may have gotten a lot more for a lot less.

Chairman Lahey also questions why the city always goes with Camp Dresser & McKee. Mr. Russo stated that engineering practices are not subject to the bid law. We do not have to go out to bid for low bidder. When a community establishes itself with an engineering firm that they have faith in they stay with that firm. Practice has been to stick with the consultant that knows the system and they know our system, they know the problems we have had, the improvements that have been made. They know how to analyze our system. The contract that is taking place (right now) the rehabilitation work being done is a result of a prior infiltration inflow study that was done years ago and was done by them. They did the design and we are now able to do the construction part of it. They know our system

Chairman Lahey asked if there are any legal conflicts?

Mr. Russo stated no legal conflicts. Professional services, engineering, accounting and medical are all exempt items.

Chairman Lahey said that he is of the opinion that CDM is too comfortable with us and will question them in the future.

Councilor Cronin said that he knows there is no requirement to bid but they (CDM) are too comfortable with us. If they know we are getting other quotes maybe the pencil gets a little sharper. Councilor Cronin stated he would vote "no" on this contract.

Councilor Kannan asked a question regarding phase one. Is there a question of going over the \$125,000?

Mr. Russo stated "no" that would be an upset limit.

Councilors Kannan noted that phase two is \$55,000 and that would bring us under the \$200,000.

Mr. Russo said there is a standard rate of pay based upon number of hours. More times than not it is always under.

Councilor Zanni asked about the phase one plan of \$125,000 not going over but there is a second phase. Could the second phase go out to bid?

Mr. Russo stated we are approving the entire contract. At this time we are not authorizing work on phase two until Mr. Russo gets the \$75,000 back from Dracut on July 15<sup>th</sup>. Then the authorization will be given to the consultant to proceed.

Councilor Zanni agrees that the City should go out to bid for these projects.

Councilor Leone asked if the \$125,000 dollar payment would be in before the end of this fiscal year.

Mr. Russo stated it would be sixty days from when the contract is signed and that would be April.

Councilor Leone asked if that money would go into the sewer enterprise fund as a reserve. Next year with the next budget (water/sewer enterprise fund) this amount will show as capitol improvement against this contract.

Mr. Russo answered "correct". It will be earmarked I / I work.

Councilor Leone said that he was under the mistaken impression that the money was coming in and going out without going through the budgetary process. If it were this year spending the money he (Mr. Russo) would have to come within supplementary appropriation. Next year it would be in the next budget.

Mayor Manzi stated the appropriation is voted through the contract by the acceptance of the Dracut contract. By voting the contract you are voting an appropriation. The auditor (item 10 in the contract) states that there are sufficient funds to encumber the expenditure. By voting the contract the funding source is identified. With that vote the city council would have voted in an appropriation.

Councilor Quinn agrees that we should look closer into bids but she is thinking about route 113 and who would do the best job for that area. If CDM knows the system and they know what they are doing, there has not been any problem in Dracut; she wants the best job done for route 113. Councilor Quinn does not want someone in that does not know the process at this time.

Chairman Lahey asked about the lines where the testing is to be done. Are the lines new lines PVC?

Mr. Russo said yes. The two areas of study are the Burnham Road and Bolduc Street area. The Bolduc area is all new PVC. The Burnham Road area is a combination of both primarily old pipes. That is where we are looking for infiltration. In the summertime we will do the dry testing putting smoke into the pipes to see if a catch basin is tied into it. Also houses to see if the sump pipes are tied into the drainage. Inflow is where we expect to find this.

Councilor Pappalardo asked how many years the city has used Camp Dresser & McKee. Mr. Russo said that we used them for the original Master Plan in 1964. Not continuously for forty years. In 1976 we went out and hired firms for bids to develop a facility plan (Master Plan updated). The city was not happy with the firm Coughlin/ Richardson. Starting 1978-79 we started using Camp Dresser & McKee.

Councilor Pappalardo said that she would like to see someone new enter the picture. CDM is too comfortable with us (city) and she would like to see these projects go out to bid and try somebody else.

Mr. Russo said that many surrounding communities use Camp Dresser & McKee because they do good quality work.

Councilor Pappalardo asked if the contract in front of council tonight is the study. Is this being funded through the sewer enterprise fund? Are we to start the project before we get the first check?

Mr. Russo said we are not spending one dollar of Methuen money. The money will be fully funded from Dracut and will come in sixty days. The work will start mid March but the city will not spend any money no payment will be made.

Chairman Lahey waived the rule to allowed for Public Participation

Jack Burke 49 Canobieola Road stated his concerns are that CDM is too close to the process between Dracut and Methuen. There is the perception that CDM is playing both sides of the fence. They are making money off of this. His main concern is the exact payments. C-08-15 has a sixty-day clause where Dracut is going to pay Methuen (April 7). This new contract does not state that CDM will wait till April 7 to get their money. If this contract is passed tonight and the Mayor signs it they could ask for their (\$180,000) money by the end of the week. Another problem is phase 1 services are being paid and phase 2 services are not authorized at this time. He understands that the I/I has to be done this time of year. He would recommend that council approve the contract for \$125,000. When the report is done and they come back for phase 2 they will have to approach council for the \$55,000. Phase 2 will begin in July and Dracut will pay us \$55,000, the monies will fall into place. . Mr. Burke thanked the council for their time.

Frank Russo strongly disagreed with Mr. Burke. The contract was written stating that no authorization for the phase 2 work was to be authorized until Mr. Russo had the money in hand from Dracut. He will have a track record from Dracut (sixty days) and has good faith from Dracut that money will be in hand. This is not unusual, engineering contracts are done this way. Mr. Russo said that Camp Dresser& McKee will not be sending a bill for \$125/180,000 within a month. Mr. Russo stated that he has held up payments (on them) in the hundreds of thousands of dollars because we did not have the money in hand. For instance we are building a treatment plant, when we ask for reimbursement sometimes the money does not come in right away and we do not pay them. When the money comes in from the state is when they get paid.

Jerry McCall said if phase one was completed by Camp Dresser & McKee there is a clause in the contract that states they have an interest in the report and that phase two has to be done. We could not hire anyone to come in and do the engineering oversight in phase two. His concern is the I/I study will cost us \$125,000 dollars but in addition to that we have to pay \$55,000 dollars down payment and the rest of the money paid on a monthly basis. The project should go forward and it should start in March. Mr. McCall would recommend a study or measurements for dry weather flow.

Councilor Leone asked if Camp Dresser & McKee came up with the \$180,000 dollar figure because they knew that was the price we negotiated with Dracut or did Mr. Russo check with CDM to find out what the price was and that was the basis for asking Dracut for X amount of dollars?

Mr. Russo answered, “yes” to question number two. That is how he (Russo) came up with the scope. Mr. Russo stated how would he know how to get the study done without getting a scope of services.

UPON ROLL CALL: 5 –yes 2- no (Clr. Cronin – Clr. Pappalardo)

ADJOURN

MOTION BY: Councilor Leone seconded by Councilor Zanni to adjourn

UPON VOTE: UNANIMOUS

Meeting was adjourned at 7:00 pm

Diane Lasonde  
Council Secretary

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 March 17, 2008

