

Chairman Lahey called the Regular meeting of the Methuen City Council, scheduled for February 4, 2008, to order at 7:00 p.m. with all members present.

ACCEPTANCE OF THE AGENDA

MOTION BY: Councilor Cronin, seconded by Councilor Leone to move TR-08-9 out of order as item 5A to allow the Superintendent and School Committee to make their presentation. UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Quinn, seconded by Councilor Leone to move TR-08-13 out of order as item 5B. UPON VOTE: UNANIMOUS.

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

Invocation/Pledge of Allegiance

Father Bill Waters gave the Invocation from the Our Lady of Good Counsel. Everyone remained standing for the Pledge of Allegiance.

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Giordano, seconded by Councilor Quinn to waive the reading and adopt the minutes of January 22, 2008 – regular meeting.

PROCLAMATION/CORRESPONDENCE

The Clerk read a Proclamation honoring Coach Anthony Sarkis for his hard work and dedication to the Greater Lawrence Technical High School Football Team.

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

The Clerk read a Proclamation congratulating the “Reggies” football team in winning the Division three Super Bowl Championship against East Boston, proclaiming Saturday, December 1, 2007 as “Reggies’ Football Day”

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

Chairman Lahey announced he would present both Proclamations at the next Greater Lawrence Technical School Committee meeting on February 12, 2008.

TR-08-9 Resolution Establishing a School 21<sup>st</sup> Century Community Learning Centers Revolving Fund Pursuant to the Provisions of General Laws, Chapter 44, Section 53E ½

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

Superintendent Jeanne Whitten explained this is a community learning center grant, written by Jane Sigillo, Supervisor of the Language Acquisition Department. Ms. Sigillo distributed a brief description of the 21<sup>st</sup> Century Learning Centers Grant (copy attached). She state the reason the school department asked for this grant is because they recently learned that the funds would not be available for at risk students to participate in summer and after school programming. In the interim (waiting to see what the state will do), she and Ms. Sigillo decided to solicit funds from local businesses. Recently they heard of a competitive grant and in that grant they would be asked to have a matching grant. If they were able to set aside some funds, they wouldn't have to go to the operating budget for matching funds. It's a very tight year fiscally so we really want to do this appropriately. The writer of the grant is Ms. Sigillo. The establishment of a revolving account would be very prudent and allow separation of these funds from other accounts.

Councilor Pappalardo asked if the funds would come from private donations.

Jane Sigillo said they are hoping that is where the money will come from. As the Superintendent said, letters will be sent to businesses in the community in hopes that some will make a donation.

Councilor Pappalardo said the Mayor was good enough to pass onto her the Superintendent's Directive regarding the legislation that she brought forward regarding the inspection of all buildings. She thanked the Superintendent for her diligent note to the maintenance staff done in the most professional way. She was very impressed with it.

Superintendent Jeanne Whitten said it was a suitable request. The ongoing work should be done all the time to ensure the safety of buildings for all our children and our citizens.

Councilor Quinn asked how a determination is made as to the selection of the 90 students.

Ms. Sigillo said it came about originally to students who would benefit from having a safe environment after school and during summer. The wording in the grant in the past had been "teens who are at risk". "At risk" could be any category, students who need help academically in various subjects; students who would not be going home to a house where there would be parents in the afternoon; or students who for whatever reason need this extra time in school. After a few weeks in September have gone by, teachers are asked to submit names of students that they think would benefit. Registration forms are mailed out to homes and they fill the slots on a first come, first serve basis in terms of the completed forms sent back.

Councilor Quinn asked if this would start immediately or in September.

Ms. Sigillo said the program is ongoing, running now in its final year. As the Superintendent mentioned, they found out (in the next couple of weeks) there is an opportunity for final year grantees to apply for a competitive grant. But they do need to have cash funds in the amount of about \$20,000 in matching funds to even be considered for the new grant, which they don't have right now.

UPON VOTE: 8 yes, 1 abs (Clr. Giordano left the room during the vote)

TR-8-13 Resolution Authorizing Adoption of Merrimack Valley Region's Multi-Hazard Mitigation Plan

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

John Santoro, Emergency Management Director, explained that Mr. Russo (who is also here) worked with twelve other communities on a plan with communities that are part of the Merrimack Valley Planning Commission. Acceptance of this plan puts the community in place so we are able, if need be, to apply for future funding, possibly for grants from the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Programs. Application to these grants (when they are available) is to help resolve problems before they start such as intersections like Jackson and Swan Street and in the Pine Street area where the flooding occurs. There's no guarantee that that money is there; but it allows Methuen to at least apply for those grants for the problem areas as opposed to federal government paying for these repairs over and over again. They make a one-time allowance to repair an area and hopefully that will resolve the problem. There is no money involved right now. It is the adoption of the plan to say that we're interested in the plan and interested in following along with the other communities as well.

Councilor Cronin asked if this commits the community to future funding by adopting this now.

Mr. Russo explained that, as Mr. Santoro said, it allows us and makes us eligible to apply for grants. Generally, the federal government has a 75/25 percent grant availability. Methuen has not received anything yet but this allows us the capability to apply for the grant. The grant would then come back to Council for approval. Once approval is received, we'd have to identify the matching share.

Councilor Cronin asked that the Council be notified when Methuen applies for the grant(s).

UPON VOTE: (first read) UNANIMOUS.

### PUBLIC PARTICIPATION

The Clerk read a letter from Maureen DiSisto, 193 North Lowell Street. (attached)

Gerry McCall, 105 Hampshire Road, Methuen said he is an environmental engineer. Recently he became interested in environmental issues and projects as they relate to Methuen, its taxpayers and ratepayers. He spoke about the contract between Methuen and Dracut, which provides for the conveyance of wastewater in the Dracut District service area through Methuen to the Greater Lawrence Sanitary District for treatment and discharge. He also spoke about the following: transparency, process, the project, Title V Sanitation survey, and an INA study. The transparency process: The project before Council tonight is the final phase of a four-phase supplemental comprehensive wastewater management plan for the Town of Dracut. The project was initiated in 1999 and as a result of a Consent Decree. Under the terms of the Consent Decree, Dracut was required to prepare and implement a plan for sewer and to provide ancillary equipment by the year 2024 throughout Dracut. The CWWMP, Comprehensive Waste Water Management Plan, was submitted to the Secretary of Environmental Affairs for review. The SEA, Secretary of Environmental Affairs, determined that the plan met the MEPA (Massachusetts Environmental Policy Act) thresholds. Accordingly an ENF (Environmental Notification Form) was filed and an EIR (Environmental Impact Report) was required to address environmental impacts. The report was disseminated to interested and concerned parties along with a request for comments. As a result of comments, the secretary required additional information, which was to be contained in the supplemental EIR (Environmental Impact Report). It was prepared to address these comments. The final supplemental comprehensive wastewater management plan was submitted to SEA in or around 2006 early 2007. In accordance with the review process, the report was disseminated to interested parties along with a request for comments. Comments were received from the following entities: The Massachusetts Historical Society comments dated 5/22/07; The Massachusetts DEP/Nero on 6/14/07; The Northern Middlesex Council of Governments comments transmitted on 6/4/07. In discussions with MEPA at the secretary's office, he was told that they did not receive comments from the engineering department nor from the planning board of the City of Methuen. A copy of the DEP/Nero comments was mailed to the Methuen DPW on or about 6/14/07 of which he provided a copy to Chairman Lahey and a copy of the final declaration from the Secretary of Environmental Affairs. During the election campaign, candidates talked about improved transparency and accountability. Providing the IMA (Intermunicipal Agreement between Dracut and Methuen) a few days before a vote for approval is not a reasonable – not a very good example of transparency and accountability. He sincerely hopes that this process can be improved so that members of the Council, who also represent the taxpayers, can be provided with substantive information to aid them in their very important decision making process. If improvement is not forthcoming, the present example will be termed "campaign rhetoric". The proposed project calls for construction of a gravity sewer in North Lowell Street, Methuen, which will flow to Dracut where it will be connected to a new force main and ancillary pumping station. Flow will then be directed back to Methuen on North Lowell Street to Elmwood Cemetery and cross-country to the 24" sewer in Methuen.

Wastewater from the district service area, called the priority area, will be conveyed to the Dracut force main from again, the priority areas identified as Peters Pond, East and Broadway, Wheeler and Wheeler Ave and contiguous sub areas. As part of the agreement, it was stipulated in the contract flows from Dracut to Methuen will not exceed .5 million gallons as an arithmetic mean of the daily flow. In other words, every day record the flows, doing running average, to determine what the average daily flow is. The maximum daily flow was to be restricted to one million gallons per day and the peak flow of 1.9 million gallons per day. The report did not state whether that was hourly peak, two hourly peak or three hourly peak. These flows are based on very limited information and data. Sanitary Surveys of Title V: As stated in the DEP letter of 6/12/07, information on the sewer needs were compiled as a result of questionnaires mailed to homeowners utilizing Title V systems, septic tanks and leach fields, we're talking about and inspections. The letter from DEP further states that the information on the onsite systems was somewhat limited due to the number of inspections done and generally accounted for 25% of the lots in the sub areas. The 25% indicates to him that not many of these Title V systems were actually visited, tested, etc., examined during summer months, in critical conditions. In the same letter, the department indicates that the eastern Broadway area is zoned commercial industrial and is one of the areas targeted for economic growth in the Dracut's Master Plan. Sewerage is critical to the support of the plan and for prevention of any ground water contaminations. His issue is what happens if a wet industry comes into Dracut or the power plant becomes resurrected again. Suppose in this particular industrial park they get a plating operation that uses an awful water and discharge an awful lot of water such as, Electronics Company, printed circuit, which is another wet industry that uses a lot of water. On page 3 of the document prepared by DEP, it talks about the .5 million gallons per day, the 1.2 towards INI removal but down in the end of the paragraph it says the INI removal work must be sufficient to offset the affects of new sewer flows. It seems to him that DEP is saying the INI study should be done right now or at least during the springtime. Infiltration and Inflow study: – Referencing page 3, paragraph 2, Methuen has already done that. Someone else will speak about the growth along the alignment. He's traveled these sub areas two or three times and growth in this particular area is inevitable. Last meeting, Mr. Willette asked the representative from Camp Dresser and McKee if this is a good deal for Methuen. The representative's response was "yes it is". At that time CDM was representing the Town of Dracut, giving advice to Methuen. Mr. McCall reported that he researched the last five years of Council meetings and did not find one resolution that states the city went out and asked for Request for Proposals for Consulting work or that type of activity, engineering and consulting work. It is time that those kinds of things should be transmitted and advertised and maybe Methuen could get other views from other consulting firms.

Kevin Bonanno, 1 Chestnut Way, spoke about his displeasure of the trash pickup in town. He has a problem with the amount of trash not going into the trash vehicle and the amount of trash left in his barrel every week. With only two people on a truck, they're going as fast as they can. He doesn't feel that the city is getting the service they are paying to receive.

Jack Burke 49 Canobieola Road, said he's read the Dracut plan, as amended. He asked the Council to table this motion until further information has been assessed and Council understands what this contract means for the City of Methuen. Most of the numbers that deal with flows vary from section to section and there is no consistency. At some points they talk about it being .5 and 1.9 max and then it goes to 2.2. The main thing he noticed is it is all flowing through the Bolduc station and we're going to be paying based on the metered flow. The flow on Bolduc Street will have to be estimated because there is no meter. The report states that the flows on Bolduc Street and Burnham Road will max out in the year 2010 and need upgrades. Based on 2006 income, the Bolduc Street station is going to require 1.2 million dollars in upgrades and the Burnham Road station is going to require 2.9 million. The Burnham Road station is contingent upon work being done on the North Canal pipe that links us to the GLSD through Lawrence which was laid in 1896 and there wasn't any estimate of what that cost would be but that needs to be tied in. All of these plans are laid out clearly in the Dracut report and the cost to Methuen is well over three million dollars excluding upgrading pipe that connects us with the GLSD. He'd like the Council to have enough time to figure out what the true costs of this are going to be. He understands Dracut is going to give us 1.2 million for an INI study. But the INI study and these upgrades are contingent upon the growth. Methuen cannot control the growth in Dracut but there is already a plan for 35 new homes, for another hundred new homes waiting for Methuen to go to phase three and lay that pipe. Part of 113 will close down and those cars are going to have come through Methuen. He urged the Council to table this, study it further before they commit, and make sure we have money in our budgets over the next two years while this Council is still in office to support the cost of this contract to the City of Methuen.

Jim Robertson requested a dog park in Methuen in order to provide dogs with exercise and socialization. He suggested the former Bea's site as a dog park. It is out of the way of residences, businesses, and there is plenty of parking.

Barbara Grondine, 4 Moody Avenue, said Council is aware that she is opposed to the contract with Dracut and Methuen and heard all her comments at the last meeting. She congratulated Mr. Willette because the questions he brought forth last week about the contract itself were very valid. She hoped that all his concerns and things that he wanted to see in the contract have been addressed prior to a vote on this matter. She referred to some old newspaper articles, noting this has been a problem for a long time, the problems with the traffic and about the bypass to channel the trucks to 113. Mrs. Grondine read "City Councilor Linda Campbell who represents Methuen says she expects traffic on 113 to grow because Dracut's industrial park has a lot more room to expand but there is hope that when the state improves the rotary something can be done to funnel the trucks south to route 110, a wider flatter road." That was in 2004, nothing has been done. Again in 2004, Mayor Sharon Pollard and Linda Dean Campbell want a bypass created to channel trucks from route 113 to 110, which is best, suited to heavy traffic. The Editorial mentions this is a solid idea and one that Dracut should be willing to help. Nothing has been done and nothing has even been considered. She would hope that maybe in

consideration for the people in the west end of town that an access road be a consideration before this contract is approved, that Methuen gets some kind of commitment from Dracut to make sure that the bypass is put into place before we allow them to tie into any of our sewerage. Mrs. Grondine said she heard some things last week and it was her interpretation that if we do not do this project, that the federal government is going to come in and force it and say that we have to do this.

Mayor Manzi said “not the project but rather the component that gives us the million two for INI”. What he said was that in years to come that that type of work is going to be mandatory. If Methuen doesn’t do the infiltration and inflow work on our own, he believes the federal government will come in.

Barbara Grondine said the inflow from Dracut is going to be a part of that.

Mayor Manzi said the contract would fund one million two hundred thousand of so-called INA work.

Barbara Grondine so you’re saying that the thing that the federal government was going to say you come in and do it or else.

Mayor Manzi responded yes.

Barbara Grondine stated it has nothing to do with the rest of it.

Mayor Manzi said that’s correct.

Mrs. Grondine said her interpretation was that they were saying that Dracut would have to do this and if they didn’t do this on their own, the federal government would force them to and then we would end up with the tab.

Mayor Manzi responded, “No he just referred to the INI work”.

Barbara Grondine said the citizens of Methuen are very concerned. There may not be a hundred people here, but the people throughout the community are very leery about this project and the impact of the quality of lives in Methuen. She urged Council to give this contract more consideration before it is voted.

Lucille Donegan, 19 Somerset Street, echoed what Barbara Grondine said noting she also appreciated Councilor Willette’s comments and questions brought forth at the Workshop last week. Regarding TR-08-14, A Resolution to Determine the Feasibility in Requesting Restitution by Certain Employees she doesn’t believe it belongs before Council. If Council speaks about it, they should go into Executive Session. (It is wrong to talk about people particularly when everyone knows what people you are talking about. It’s just incorrect and wrong.) She hopes if Council does speak to this resolution that they do not pay the Department of Justice anything because they have been very lax in what they’re doing and it took them five years to come back with statements. At some point the Statute of Limitations has to run out. If anyone goes through the Arlington Neighborhood today, it was well worth the \$900,000 or whatever was spent because there was a time in Methuen when one couldn’t even go through the Arlington Neighborhood without running over a street walker. Starting with things Linda Soucy did and a camera, the Arlington Neighborhood is a place that’s clean and a friendly neighborhood. It’s become, what once was a serious crime area, a good part of Methuen. She hopes that is taken into consideration.

George Kenyan, 113 Methuen/Dracut Line, gave some background on Dracut, how to deal with them and what not to say to them. A while ago, when Mr. DiZoglio was the Mayor, residents fought for quite a while on Dracut to keep them from putting trucking outfits up in the Industrial Park. The one Methuen voted down was immediately taken to the Dracut side (300 yards down the road), which was an additional 200 trucks and cars for that one outfit. Mr. Kenyan said he's been to at least ten meetings in Dracut, resulting in nothing from the Industrial Park. Residents went to object but it fell on deaf ears. Dracut didn't listen to people who lived out of town. Now we have 800 trucks a day and 1,000 cars just from the Industrial Park area. It is not right for him to give up his rights to give somebody else rights.

PUBLIC SERVICE:

- A) Grants: None
- B) Licenses: None
- C) Contracts: C-08-15 to Town of Dracut for Sewer Service Between the City of Methuen and the Town of Dracut (remove from the table)

MOTION BY: Councilor Leone, seconded by Councilor Zanni to remove from the table. UPON ROLL CALL VOTE: 5 yes, 4 no (Clr. Cronin, Clr. Giordano, Clr. Pappalardo, Clr. Willette)

MOTION BY: Councilor Leone, seconded by Councilor Zanni to adopt (for discussion)

Chairman Lahey called Mr. Russo to the podium to answer questions and concerns raised by Mr. McCall.

Mr. McCall asked, based on limited data on Title V, based on absence of INI data, based on expected future growth in Dracut, can Mr. Russo really say that the flows guaranteed by Dracut of .5 million gallons per day, average day of 1.1 million gallons, and peak flow of 1.9 million gallons. Based on that very limited data, no INI information, and no numbers on expected future development, how can it be determined that those numbers are going to be valid and acceptable to DEP and move forward with the sewer permit, sewer expansion permit. Those three issues are the foundation of the building process of this entire process.

Mr. Russo said Council has before them an agreement, it is one half (.5) million gallons per day it what the average is throughout the course of the year. There are peak flows. There are periods of time such as; flow during a rainstorm, after a rainstorm, when you would have additional flows. Those are the one million gallons. That's what's built in there. There is also what's called a peak hourly flow. In other words, what a flow would be for a peak hour of time during the course of a rainstorm. It would be 1.9 million gallons if that occurred for 24 straight hours but it doesn't happen

that way. These are just mathematical numbers used during the design of our pump stations and sewer lines to say, “Can it handle that flow?” It’s not saying that two million gallons is going to happen every day. The contract is only allowing a .5 million gallons a day. The Burnham Road pump station has a capacity of five million gallons. Presently, we are doing 700,000 gallons on a dry day. The idea of the INI, as the Mayor alluded to, Methuen will receive 1.2 million dollars from Dracut to satisfy our INI needs. In the Environmental Impact Report, the notice of project change, that Gerry referred to, the Secretary approved this on June 22nd, 2007. It also indicated that Dracut was giving us 1.2 million dollars to reduce that INI flow. Therefore, their half million gallons, along with the 700,000 gallons, is only 1.2 million gallons a day of flow. The capacity is five million gallons. Therefore, enough adequate capacity to handle the needs. The idea of the INA is to take away all that extra flow, all that needless pumping of water that is being treated at the Greater Lawrence Sanitary District. That’s what the INA will do. The approval of the INI will give us that extra capacity and even the Secretary acknowledges that.

Councilor Willette said there was discussion at the last meeting regarding the final payment and the three-year gap. He is not sure if it was sufficiently explained to him. Predominantly, this project benefits Dracut because they want to tie into our system. He asked “Why is there a three-year gap on that final payment of \$400,000, if we have legitimate serious needs that we have to address with the INI? Why is there a three-year gap on that final payment?”

Mr. Russo said, in the first year, within 60 days of execution of this agreement Dracut would pay Methuen \$125,000 and pay an additional \$75,000 by July 15th of this year. That \$200,000 is the design fee to evaluate and investigate our sewer system to find out where this INI is coming from. By September or October of this year, Methuen will know where the INI is and begin construction plans for the following year. On January 15<sup>th</sup> of 2009. Methuen would have \$600,000 in hand to actually implement a construction contract, work commencing possibly in March or April of 2009. We’re looking at finding out exactly where the remaining INI is; investigate it and design to eliminate it.

Councilor Willette said his personal opinion on this is that the three-year gap for the final payment is to benefit Dracut.

Mr. Russo disagreed.

Councilor Willette said the construction of the pipeline is going to take approximately one year. (Mr. Russo responded at least a year). Councilor Willette said then Methuen is going to have the process of doing the INI study.

Mr. Russo said the INI is going to be before the construction of the new sewer line.

Councilor Willette said the construction and the INI investigation is almost in the same time frame. He still perceives a huge gap in time for receipt of final payment. In all likelihood that’s not going to be the total amount of money needed

Mr. Russo said he didn’t know.

Councilor Willette said if Methuen has a lingering problem and the federal government comes in, we would be responsible for the bill.

Mr. Russo explained that by having a contract for \$600,000 shows the federal government that Methuen is doing its part in eliminating INI from the system. He doesn't think there would be another community around that could make that same statement. Reviewing the original handout sent to Council, by the year 2010 there will not be flows greater than 100,000 gallons coming from Dracut. Only 100,000 gallons coming from Dracut in the year 2010. In the year 2015, is the year they figure there would be approximately 300,000 from the sewer system. If you want to know how we arrived at 1.2 million dollars. This contract has been negotiated now in earnest for about two years, since 2006. At that point in time, we had utilized the figure of 300,000 gallons of flow to come into Methuen at \$4.00 and at the time we had not adopted the fees for INI (infiltration and inflow) but we had estimated they were around \$4.00. The \$4.00 times the 300,000 amounts to 1.2 million dollars. That's where that number comes from. The total discharge for the contract to the year 2025 is a half million gallons. The chart shows that and how that progresses.

Councilor Willette said the problem he has is there are provisions within this contract that calls for expansion of capacity at times, if need be. If we don't have this growth of capacity, why are these provisions in this contract?

Mr. Russo said they are limited, under this contract, to .5 million gallons per day unless it is mutually agreed upon to be amended.

Councilor Willette said there is a capacity for growth here and it noted page after page in the contract. He said he appreciates the Mayor providing a contract amendment to include the City Council as part of this process. He is concerned because there is a growth corridor in that area for expansion whether it be housing or industrial development, etc. There is no need for the contract calling for expansion of capacity.

Mr. Russo said Council has the authority for expansion. Right now there are limits set for the area. The maps provided show the area sewer servicing and there is no expansion unless this Council approves it. There is no expansion unless the Greater Lawrence Sanitary District approves it. Dracut will be allowed a half million gallons a day of sewer flow. It is not for expansion. It is for existing homes. There is only three locations, three items.

Councilor Giordano expressed an interest in a letter written by Maureen DiSisto to Council and the cost mentioned when someone is abandoning a septic tank. He asked what the procedure is on that and does it cost that kind of money if residents tie into the sewerage.

Mr. Russo explained that anyone with a home with an existing septic system, trying to tie into a sewer; the procedure is that they are to disconnect the septic. They are to remove the top, fill it in, and crush the rest of it. That is standard procedure.

Councilor Giordano asked if it would cost \$5,000.

Mr. Russo said he thought it would much less than that. This is part of the standard procedure, a Board of Health regulation that any homeowner has to pay for.

Councilor Giordano asked what happens ten to twenty years down the road when Methuen has to upgrade the pumping stations and the cost.

Mr. Russo explained that Dracut is included in the contract to participate in those costs. He doesn't know what the repairs will be but Dracut will give Methuen a proportional amount of money. For instance at this point in time, the Bolduc Street station is running at approximately 300,000 gallons. That particular station can handle close to two million dollars and if Dracut comes in at half a million gallons, they'd be paying more than Methuen based on the gallons at this point in time. It is in the contract that Dracut would be paying more proportionally.

Mayor Manzi said if there were no contract and no Dracut flows, Methuen has to upgrade those stations at some point. We have to fix them even if there were no flows from Dracut.

Councilor Giordano said what was interesting is Mr. Russo said Methuen's been working on this since 2006.

Mr. Russo said negotiations have taken place since 2006. Letters of Interest were sent in 2001 to Dracut saying that Methuen would entertain negotiations.

Councilor Giordano said this is the first time Council has seen it.

Mr. Russo said it has finally come to a contract status.

Councilor Kannan asked if there is a meter at the Bolduc Street station.

Mr. Russo said there are meters at every pumping station in Methuen. If it is not a flow meter, it is what is called an hourly meter, which records the flow. They review the charts and know how many hours a day those pumps are operated, the gallonage capacity of all those pumps. It is easy to determine what the flows are.

Councilor Kannan said to her this is a separate sewer issue. But, she would hope that Dracut would be told that Methuen Councilors feel that an access road in place before the 93 rotary would really be advantageous.

Mayor Manzi said it seems that people think Dracut is an impediment to that corridor being built. Dracut is no impediment whatsoever and would be more than likely supportive of that. It is a state issue. Representative Campbell is working with Representative Gary from Dracut on this as well as the Chairman of Transportation. The state has their financial issues but is supportive of that concept.

Councilor Leone said Mr. Burke related some numbers that were in the Dracut application to DEP.

Mr. Russo said he doesn't have that application.

Councilor Leone asked if whether or not Dracut ties in would affect the cost or the timing or the rebuilding of the two pumping stations in question. "Will they need to be done at the same time whether or not Dracut's flow is included?"

Mr. Russo said the repairs are dependent upon the age, wear and tear, and things of that nature. Methuen had to undertake repairs at both stations on our own. This is a mechanism to have Dracut pay for part of this.

Councilor Leone said the problem is Dracut has numbers in their application and Methuen didn't have any part in preparing those numbers, prepared no estimates as to the cost of the station.

Mr. Russo said that is correct.

Councilor Leone said the numbers that are in the Dracut application are pure conjecture on their part because they got no information from anybody in Methuen when they came up with those numbers.

Mr. Russo said Methuen gave Dracut numbers on our pumping records, things of that nature, and they know the age of our stations because those were the concerns that he had with the INI, knowing that the Mother's Day Flood of 2006 that station was running at capacity. He knew full well that we could not entertain their flows without some INI work being done.

Councilor Leone said INI is not a question. He asked when the Dracut flow would be at full capacity. Mr. Russo responded, in the year 2025.

Councilor Leone said there was a provision at one point 9 million gallons a day.

Mr. Russo responded, no, 1.9. That's a peak hourly flow.

Councilor Leone asked if the half million is a peak hourly flow.

Mr. Russo said that is averaged, an average day.

Councilor Leone said and you attributed the difference to INI again.

Mr. Russo correct.

Councilor Leone said it is going to be a new system there shouldn't be any INI in the system at all.

Mr. Russo said we are not talking about Dracut's INI. We're talking about Methuen's INI. It is strictly Methuen and that's a brand new system out in the west end.

Councilor Leone asked if the difference between the average daily flow and the peak flow is attributed to Methuen.

Mr. Russo responded, yes, all of it. 100% before we have our problem resolved.

Councilor Leone said a portion of the work involves installing a gravity line from the frontage in front of a Methuen residence on North Lowell Street, flowing into Dracut.

Mr. Russo responded, yes, a portion of it, about 800 ft.

Councilor Leone asked what the cost is for the gravity section of the line that services Methuen's forty residents.

Mr. Russo recalled the preliminary numbers were around \$800,000 for construction.

Councilor Leone said if Methuen were to install that gravity line ourselves it would cost us \$800,000 to service our residents.

Mr. Russo responded, correct and that is going to a pumping station in Dracut.

Councilor Leone said if Methuen wants to sewer that section of North Lowell Street for those forty people, we'd have to go into Dracut with the flow and pump it back out.

Mr. Russo said that is correct, but not all the homes are on North Lowell Street. Some are on Wheeler Street also.

Councilor Leone asked if there's ever been a study done on a location for a connecting road between route 110 and 113.

Mr. Russo explained that there have numerous requests for this connector road between 113 and 110 as far back as Representative Broadhurst in trying to get into transportation bond bills. But no exact location has ever been earmarked.

Councilor Leone said a state study has not been done to indicate that.

Mr. Russo said, no, not to his knowledge.

Councilor Leone said he would really like to get to the bottom of where the numbers are coming from for the repair of the two stations because 2 ½ million dollars, even if Dracut is paying half, is a lot of money. If Dracut is making presentations on Methuen's behalf Mr. Russo should know about it. He suggested that Mr. Russo obtain a copy of the application.

Mr. Russo agreed to do so.

Councilor Pappalardo referred to two parcels of land included in Mr. Russo's distribution of information to Council related to proposed contract.

Mr. Russo said in reference to Councilor Pappalardo's concerns about the approved subdivisions in Dracut, we have Farm gate, Berube's, and Wheeler Village. Mr. Russo depicted on the map the location of these subdivisions as well as the area (the blue area) is what Methuen will be sewerage and going to the Lawrence Sanitary District. Outside of that area it is all going to Lowell and has no effect. Council has before them all the developments that are on Dracut's books, as of January 18<sup>th</sup>, 2008. We have Bartlett Court, a four or six lot subdivision that is already built.

Councilor Pappalardo said she was interested in Berube Farms, and Wheeler Village on Wheeler Road. She asked if Lowell is at capacity and can't take on any more flow.

Mr. Russo responded, no. Dracut has a contract with the Lowell District and once they sewer their entire area, they will be at capacity. Presently, they have a contract for 3.6 million gallons a day. At this point, they are at 1.6 and still have an extra two million gallons.

Councilor Pappalardo said she was in the Dracut area, the Wheeler Village area, and spoke with some of the neighbors where this sewerage is going to be. A couple of them were outside in their yard and indicated they are waiting anxiously to receive it. She said she is pleased that forty people in Methuen are going to get sewerage. She has a problem with 200/250/300 houses that will be able to tie in because of Methuen and this contract going through with Dracut. She hears that Dracut needs this just as badly as Methuen does. She asked why Methuen couldn't have negotiated a little bit further down the road to end possibly at Sawyer or Appaloosa where those residents could have benefited a little bit more than forty people in Methuen. As far as she is concerned Dracut is the benefactor. She asked Mr. Russo how much it would have cost to go further, to either Sawyer or Appaloosa, an approximate cost that could have come from Dracut.

Mr. Russo said the topography of the land in that area is not conducive to a gravity sewer line because once you get through the cemetery, continue going easterly towards Methuen, it is uphill for a distance of four to five hundred feet, just a little bit passed Presidential Lane. Then it starts going the opposite way towards Sawyer Street and down towards Lowell Street, Lowell Blvd. The system would have to continue by the Elmwood, beyond Sawyer Street, all the way down to where the Brook is, that line itself is an 18" line. This proposed line is a 24" line. That means that line would have to be increased from its present location all the way to the Brook beyond Sawyer Street then continue all the way down to North Lowell Street, adding well over a million dollars worth of costs.

Councilor Pappalardo believes Methuen could have gotten another million dollars from Dracut.

Mr. Russo reported Methuen is already getting a million two.

Councilor Pappalardo said out of the million two, the gentleman from Camp Dresser and McKee said it was costing us \$200,000 for the study. Council should have seen the study before the project. It would have been a little bit more enlightening for everybody.

Mr. Russo asked where Methuen would get the funds to do the study. Right now Dracut is paying 100% of that cost.

Councilor Pappalardo suggested that Methuen could have done that and been reimbursed by Dracut.

Mayor Manzi said only if the Council approved the contract.

Councilor Pappalardo asked if anyone here knew about this contract. Mr. Russo said its been in the process for two years.

Mayor Manzi said the executive branch negotiates a whole series of items and it is their job to do that. One year ago, it wasn't clear to anybody that the negotiations would be successful. Dracut's Town Manager came to his office and they spoke. They both wanted to be successful but weren't sure they would be. The administration doesn't come to the City Council every time they open a negotiation to say maybe in eighteen months there might be a contract. Once the contract is complete, the administration comes to Council to vote as they see fit.

Councilor Pappalardo said the other questions she has is related to Peter's Pond. Her understanding is that they will not or will never pass Title V because it's just completely failed. She read in literature that she has that they came to Methuen because Peter's Pond abuts Methuen and asked if they could tie into our sewer system and we refused them. She asked if that was true.

Mayor Manzi said he doesn't know the answer but Mr. Russo might

Councilor Pappalardo said now Peter's Pond has failed Title V and because Dracut and Methuen are entering into this proposal, they will get sewerage and will build five new homes on Peter's Pond Estates. She reiterated that she feels as though Dracut is benefiting more than the forty homes Methuen.

Mr. Russo said Peter's Pond is already an approved project and under construction at this point in time. They are building these five homes with septic systems right now.

Councilor Pappalardo said she has information that they failed the perk tests and can't have Title V anymore.

Mr. Russo said the information he has states that the project has been approved for septic and is under construction.

Councilor Pappalardo disagreed

Councilor Leone asked Mr. Russo where the proposed project list for Dracut was obtained.

Mr. Russo said he went on line and downloaded the projects that were approved on Dracut's website and then added what they call the service area to show what went to Lowell and what's going to Lawrence.

Councilor Leone said all the projects in white will be tied into the Lowell water treatment plant and the three, totalling fifteen house lots will be in Methuen.

Mr. Russo agreed.

Councilor Leone said out of the three projects, every one of them says that it is approved for septic and will not be tied into sewer.

Councilor Pappalardo said where the sewer line is coming in; there are least two hundred homes on septic systems already in Dracut that will be able to change to sewerage. What she is trying to say is Methuen is only getting forty. She further stated that she thinks Methuen could have gotten something more from Dracut to give our citizens that live on North Lowell Street to Appaloosa. She has had numerous calls over the weekend.

Chairman Lahey asked if the pitch is lost trying to bring the sewer to Appaloosa.

Mr. Russo responded yes. He couldn't get beyond the end of the street.

Chairman Lahey asked how much further he could go before losing the pitch.

Mr. Russo said he would not design it that way. He would not go from the Dracut system and extend it that way because Elmwood cemetery is on one side and there is another cemetery on the other side. There is approximately 800 to 1,000 feet of no homes at all that you'd install a sewer line for no use at all. He wouldn't waste his money that way.

Chairman Lahey asked Mr. Russo if he would go in the other direction if he wanted to tie in Appaloosa.

Mr. Russo indicated he would go from Sawyer Street, in that direction. If Council wants, we could come up with our own contract to do that work.

Councilor Pappalardo said Mr. Russo is missing her point.

Councilor Quinn asked if there is a way to get, from Sawyer Street, for Appaloosa because she has the names of people on North Lowell (Marie Woodhead, Shirley Eaton).

Mr. Russo said there is a way for Methuen to extend the sewer line we have presently to service that area. This would be a separate project, similar to Baremeadow Street, Pond Street, and Forest Street.

Councilor Quinn asked how far it is from the cemetery line where it stops.

Mr. Russo said there is 800 to 1,000 feet in front of the cemetery. There is 1,000 feet that you would have to extend. Going to Presidential Lane is an additional 400', that's 1400 feet. And to get to Appaloosa, it is another 400 feet. It is close to 2,000 feet of sewer line Methuen would be asking Dracut to build.

Councilor Pappalardo asked for an estimated cost to install another 3,000 feet.

Mr. Russo said using \$100 per foot; it is three to four hundred thousand dollars.

Councilor Pappalardo said it is her personal opinion that some of these residents could have gotten sewer and doesn't feel it was too much to ask of Dracut.

Councilor Zanni said he understood Mr. Russo to say it couldn't be done due to the grade of the land (the hill) and the gravitational pull.

Mr. Russo said it could be done if he went from Sawyer Street, in that direction rather than from Dracut from the new proposed sewer line.

Councilor Zanni referred to the project list presented to the Council tonight. Out of the twenty-four projects, except for five, all of them have already been approved. These projects are going to be coming down North Lowell Street eventually, whether the homes are on septic or not. They've been approved.

Mr. Russo responded that they've been approved, but this is Dracut town wide. This is not just the North Lowell Street area. Some of this could be in west Dracut. He doesn't exactly know the location of all of them.

Councilor Zanni said some of these could affect traffic flow coming our way.

Mr. Russo said it could, but it could very well come our way, regardless.

Councilor Zanni said he's looking at how this benefits our community. There are people in the west end right now that live in these homes and their systems are about to fail. These residents will be able to tie in for a nominal fee to the connector stub and no betterment fee. This agreement may be terminated earlier than its expiration date, with mutual agreement between the Mayor and the City Council. He asked Mr. Russo about repairs to the pumping station.

Mr. Russo responded repairs were made last year, the replacement of disintegrators for approximately \$16,000 paid to change the pumps. The Burnham Road pump station was installed 84/85 and Bolduc Street was 89/90. These stations are getting close to their years of expectancy.

Councilor Zanni asked Mr. Russo how the work will be done and an estimated time line for completion.

Mr. Russo explained the estimated time of the contract for the completed construction work is approximately one year, from Lowell and Winchester Street, going up Winchester Street, across through the cemetery to North Lowell Street. The actual work on North Lowell Street will take approximately three to five months. The construction work would be from manhole to manhole, which is approximately 300'. Two way traffic will be throughout that area except for the manhole to manhole construction area, where it would be one lane, alternating in each direction. The State Permit indicates that the hours of work cannot be before 8:30 a.m. or after 3:30 p.m. This allows the commuting traffic to go and to come back home.

Councilor Zanni asked how the conveyance fee would be determined.

Mr. Russo said it is basically determined through the cost that is estimated based upon pumping records, based upon flows, based upon what we have today presently for cost. For instance the pumping station on Burnham Road, we spent approximately \$27,000 for electricity costs and our flow was 700,000 gallons on a dry day. Dracut is going to distribute to us 500,000 gallons daily. They'd be paying a sizable part of that cost. The first phase of the tie is 2008 to 2010 which includes the area off of North Lowell Street. The area below Wheeler Road is not planned until 2015. Dracut is not just doing this section of sewer in Dracut. They're going to do this section first and then move to other areas of Dracut in the west end and center part of town, then come back in the year 2015 and 2017 for this subdivision being discussed. There is an annual review of the fees once the project is completed.

Councilor Quinn said she and Barbara Grondine discussed the concern of the access road. Methuen is not getting an access road unless the state comes forward with some money.

Mr. Russo agreed.

Councilor Quinn said when this project goes forward there should be signage regarding traffic delays and alternate routes.

Mr. Russo reported there would be message boards well before the construction area, both in Dracut and Methuen, to try to direct traffic away from that area.

Councilor Quinn asked if there is any way to help the residents that are calling her from Appaloosa and Sawyer Street.

Mr. Russo explained the programs that were done in the past on Baremeadow Street, Pond Street, Forest Street and Campus Road. A cost estimate is done and it is required that at least 51% of the people agree that they would pay for the sewerage. Once the 51% is obtained, the City would undertake the project. The City would then go out to bid the project, do the construction and assess the residents accordingly. In the past residents have been given interest free assessments paid to the city over a number of years.

Mayor Manzi said depending on the situation and the area where the line is to go, it can be a very advantageous for those who have failing systems. The other choice would be to replace the failing system. In the areas that Frank Russo just sited, the residents requested it with betterment assessment.

Mr. Russo said the Appaloosa area was one of the last areas that we were asked to look at and came up with a cost estimate approximately ten or fifteen years ago but the residents didn't agree to the project.

Mayor Manzi said that might not be the case today.

Councilor Pappalardo said during the time Mr. DiZoglio was Mayo, the residents fought to get sewerage but to no avail. The Forest Street residents would not have sewer if not for Mr. Derderian who had put in his own lines and asked the city to be reimbursed a certain amount of money. There were not many homes in the area at the time but they did get sewerage and an interest free betterment assessment. She was very pleased and would like to see residents on Appaloosa get sewer lines in that area. She asked the Mayor if there is any money available for Capital Improvements.

Mayor Manzi responded, no. He noted that any project that the City Council desires to be done can be done but they need to determine a funding source.

Councilor Kannan asked Mr. Russo if at some point he could provide another cost estimate for residents on Appaloosa to see if 51% could agree on the project.

Mr. Russo agreed to do so.

Councilor Leone said the \$800,000 estimated cost for the gravity portion of the project would service Methuen homes. It would cover survey work, manholes, lateral to the property lines, etc.

Mr. Russo responded yes.

Councilor Leone expressed concern that he hasn't seen one of the forty residents come to the podium to say they want this project, not a letter nor a phone call. He suggested using the \$800,000 toward the project that Councilor Quinn and Councilor Pappalardo mentioned. Use it for the people who want it and then the work on Lowell Street will be only force main, much less disruptive to the traffic flow, much faster installation and the money is the same.

Mr. Russo explained it is a gravity main from the cemetery to just beyond Hickory Hill.

Mayor Manzi said he has heard from some of the residents in that area who want the sewer line in that area. They have not voiced their opinion at the podium but have expressed an interest to him and would benefit from this project.

Councilor Zanni said some of the people are in the audience.

Councilor Leone pointed out that only 15 houses from Dracut would be included. The others are being serviced by Lowell and possibly some houses on septic may decide to tie in. He doesn't see where residents are going to purchase additional vehicles because they have the opportunity to tie into the sewer line.

Councilor Willette noted that there is no early termination if Dracut abides by the contract. Unless this contract includes future amendments and expansion provisions, Dracut is not going to abide by any future amendments.

Attorney McQuillan said the contract remains in place providing Dracut satisfies the obligations of the contract. It can be opened up by mutual agreements of the parties.

Councilor Willette reiterated that Dracut is getting the better deal. He asked if "apparent low bidder" is similar language to "lowest qualified bidder".

Attorney McQuillan said whatever the language is; it would have to satisfy the statutory definition. "Apparent low bidder" is a term he's going to construe that as somebody who's lowest and most responsible because that's the statutory requirement.

Councilor Willette asked who is responsible if there is a break in the line after the project is completed.

Attorney McQuillan said, after the expiration of the warranty, it would be the responsibility of the contractor who installed the line. There is a bond in place as standard operating procedure for a project like this for approximately ten years.

Mr. Russo explained that he and the Solicitor discussed the term "the apparent low bidder". When a bid is opened, they say "apparent low bidder" due to the fact that there could be miscalculations of numbers in the bid related to unit prices and quantities. There was a discussion with Council regarding areas on the map depicting new developments, wetlands, and small areas of future growth.

Councilor Willette noted that as a representative of the entire community, he's looking at the total picture, cost, traffic, potential Chapter 40B projects, future growth and other areas in Methuen such as Howe Street that are in need of sewerage but there is no plan for that area. He doesn't perceive anything in this contract that necessarily benefits Methuen as much as it really benefits Dracut.

Councilor Giordano recalled discussion that took place fifteen years ago when he was State Representative regarding the access road. He noted it took ten years just to get lights at the intersection (five corners) in front of the fire station. Councilor Giordano also reported to the Council that he went up to North Lowell Street recently. Two trucks were in the area and four police officers doing a detail to allow cutting of trees. The traffic was chaos and it took him 45 minutes to go up the street and back down. It is going to be chaotic and cost a lot of money.

Councilor Zanni – Point of Information – noted that a resident was in the audience and he asked him to come to the podium to speak on the project.

Walter St. Armand, 197 North Lowell Street, said he's lived on North Lowell Street for 37 years, with septic system. He and his wife found they are one of the families that could benefit from this project. He is here tonight to support the proposed project for sewerage in this area.

UPON ROLL CALL VOTE: (contract including amendments submitted by Mayor Manzi) 5 yes, 4 no (Clr. Cronin, Clr. Giordano, Clr. Pappalardo and Clr. Willette)

C-08-16 EKA Inc. (JCB), 2166-A West Park Court, Stone Mountain, GA 30087  
for JCB Front End Loader 436ZX in the amount of \$130,843.00

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

Councilor Leone asked for the source of funding.

Mr. DiFiore said the funding is Chapter 90 funds, normally used for roadwork. But under Chapter 90 rules and regulations there is a provision that allows them to purchase and repair any type of equipment that's utilized for the construction of roads. He is looking at some other used equipment for hauling ten wheelers, etc. Methuen put a bid in the paper but didn't any response from it because of the criteria that they had to follow.

Councilor Leone asked if there is a specific channel to go through to buy it.

Mr. DiFiore said the bid process must be followed. This particular vehicle is off the state bid list and we are using that for the procurement of this piece of equipment.

Councilor Cronin asked how much money was received in Chapter 90 funds this year.

Mr. DiFiore said it was \$900,000 or \$925,000. There is a list of streets they are putting together right now. This week they are meeting with the gas company to make sure there is no conflicting work going on and then they'll make that presentation to the Mayor.

Councilor Lahey said he would never vote against a piece of equipment that DPW is buying. He noted that JCB is not his choice of equipment. He would really appreciate it if someone were assigned to looking into equipment. He found a 2004 loader on line for \$90,000. It is older but a better piece of equipment. He found a 2004 caterpillar backhoe for approximately \$45,000. He wasn't sure of the condition but DPW has someone who could look at the equipment. He noted that a great deal of equipment came to the DPW department during his 30 years in that department. He believes there should be a little more effort put into looking for this equipment. Buying something three or five years old for half the price, DPW could buy more equipment and be serviceable.

Mayor Manzi said like everything else there are always deferred purchases. In this case he is not overly familiar with the equipment. He believes it is the right contract and Council should approve it. We are looking at used, keeping in mind too that we have State procurement laws that lead us to not be able to just go out in some cases and buy something. We have to bid those things. It's not as easy as someone else might be able to do on his or her own. There are some rules that constrict us with that. We also intend to submit the City Council and Capital Improvement Book with this year's budget. Council will probably see some equipment. As he said to Councilor Pappalardo earlier anything is possible if you identify the funding source.

Councilor Lahey said if brand new equipment is purchased, DPW may not see another piece of equipment purchased for a long time. He would just like to see someone look into used equipment.

UPON VOTE: UNANIMOUS.

OTHER OFFICERS AND COMMITTEE REPORTS – None

OLD BUSINESS:

TR-08-5 Resolution Amending the Rules and Procedures of the City Council of the City of Methuen – Rule X – Rules of Debate (Req. of Clr. Lahey)

Chairman Lahey passed the gavel.

No Action Taken

TR-08-6 Resolution Amending the Rules and Procedures of the City Council of the City of Methuen – Rule XIV – Miscellaneous Rules (Req. of Clr. Willette)

MOTION BY: Councilor Willette, seconded by Councilor Giordano to adopt, as amended. Councilor Willette stated there is really no necessity to have reimbursement for travel.

UPON VOTE: UNANIMOUS.

TR-08-9 Resolution Establishing a School 21<sup>st</sup> Century Community Learning Centers Revolving Fund Pursuant to the Provisions of General Laws Chapter 44, Section 53E ½ (taken out of order and adopted)

TR-08-10 Resolution Establishing an Advisory Sewer and Water Committee (req. of Clr. Kannan/Clr. Lahey)

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

Chairman Lahey passed the gavel to Vice-Chairman Quinn.

Councilor Lahey said he pretty much went through the reasons he was recommending it along with Councilor Kannan. They feel that it was a good first step even though it didn't quite work out the way everybody wanted it. He believes most of the Council would like to continue and maybe improve on it. They've put in a couple of safeguards to that and he hopes the Council will support it.

Councilor Willette said he support a permanent structure of a Water and Sewer Commission.

MOTION BY: Councilor Willette, seconded by Councilor Leone to amend to change the date from December 31, 2009 to December 31, 2008 and to have in place a permanent Water and Sewer Committee prior to the expiration date of the above committee.

Councilor Willette said he would like to have the City Council meet to set some concise goals within 30 days and he would like to have by end of this year a process in place, and they could explore other communities, and have a permanent Water and Sewer Commission rather than have an ad-hoc advisory board.

Councilor Lahey disagreed. He wanted the emphasis to be on the Task Force and wanted the City Council to receive their information through the sub-committee of the Council. They'd be working attached to this Task Force and would give them the authority to get all the information and set their goals.

Councilor Willette said he supports a permanent creation of the Sewer and Water Commission. He wants a separate set of eyes that will report to the City Council, review the budget, and ensure transparency as part of the process.

UPON ROLL CALL VOTE: (first amendment) 6 yes, 3 no (Clr. Kannan, Clr. Lahey, and Clr. Quinn)

MOTION BY: Councilor Willette, seconded by Councilor Cronin to amend and include language to where it says City Council shall set clear and concise goals over and above the foregoing to the Task Force as it deems necessary “no later than 30 days from the enactment of this resolution”

Councilor Willette said that was the issue with the previous Task Force that the City Council did not set a clear concise mission and Council should do that.

Councilor Lahey asked if the Task Force would have someone to go through to seek information from Department Heads, etc.

Councilor Pappalardo asked if Councilor Willette would still want a subcommittee of the Council.

Councilor Willette said he has no problem with a three-member sub committee Councilor Pappalardo said the Council would set some goals so the subcommittee of whomever the Councilors maybe could take to the Task Force.

Councilor Kannan said the intent was to have goals established for the Task Force.

UPON VOTE: (second amendment) UNANIMOUS.

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

Chairman Lahey said, if possible, he would like to announce the members of the new Task Force and who appointed them. He would like to appoint Councilor Kannan, Councilor Pappalardo, and himself as the Council sub-committee.

TR-08-11 Resolution Accepting a Gift of Land – Meadows Development, LLC (Kristen Lane Subdivision)

MOTION BY: Councilor Giordano, seconded by Councilor Quinn to adopt.  
UPON VOTE: 8-0-1 (Clr. Leone out of the room)

Ordinances: None

Consideration of Appointments:

MOTION BY: Councilor Quinn, seconded by Councilor Giordano to approve the following appointment: Cable Advisory Board – Gertrude Lavigne (re-appointment)

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Giordano, seconded by Councilor Quinn to approve the following appointment: Community Development Board – Adam Hamel (re-appointment)

UPON VOTE: UNANIMOUS.

NEW BUSINESS

Resolutions

TR-08-12 Resolution Authorizing Acceptance of Council on Aging Formula Grant, Executive Office of Elder Affairs Fiscal Year 2008

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

TR-08-13 Resolution Authorizing Adoption of Merrimack Valley Region's Multi-Hazards Mitigation Plan (taken out of order and adopted for first read)

TR-08-14 A Resolution to Determine the Feasibility of Requesting Restitution by Certain Employees (EPA REQUESTED)

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

Councilor Giordano asked the Solicitor if Council has the authority to do this.

Attorney McQuillan said Council has the authority to request the Solicitor to determine the feasibility of certain action. This is request to him as the City Solicitor to make a determination. That's appropriate for the Council to do so.

Councilor Zanni said this is a fact-finding mission. Council could look into the actual grant, the funding mechanism in place, who received funds, how many hours involved, and Council would have a better understanding of how money was dispersed

Councilor Leone said Council is asking the Solicitor to look into the situation to tell Council whether or not, at some point in the future, we'll be able to determine if Council has the legal means to try to recover some of this money if in fact its shown that it was improperly paid. Council is not taking any action other than a request to the Solicitor to at least know in the future what our rights are and what potential action Council could take.

Councilor Willette said he supports the resolution. Regardless of the resolution, Council still have the venue of the budget coming forward and Council has the power of the purse strings.

Councilor Quinn said she will support the resolution but is leery because no one is talking about due process. She is concerned with that and as she said before they have a right to an appeal and Council has a right to move forward.

Attorney McQuillan explained we are not even talking about it.

Councilor Zanni said this resolution has nothing to do with due process. Council has an obligation to the taxpayers to find out facts as to the way this grant was handled.

MOITON BY: Councilor Giordano, seconded by Councilor Zanni to adopt an EPA for the good and welfare of the community. UPON VOTE: 8 yes, 1 abs (Clr. Cronin)

MOTION BY: Councilor Leone, seconded by Councilor Giordano to adopt. UPON VOTE: 8 yes, 1 abs (Clr. Cronin)

Ordinances: None

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

REQUEST OF COUNCILORS

Councilor Zanni asked Mr. Kelly about the city's financial picture relative to any deficits.

Mr. Kelly said the budget overall is in pretty good shape. His only concern is Snow and Ice. There is \$200,000 in the reserve fund of which we need \$163,000 for Snow and Ice. Everything else is fine.

Councilor Quinn announced a meeting is scheduled for March 1, 2008 at the Quinn Building with the Riverside Drive Neighborhood Association to discuss various neighborhood issues.

ADJOURN

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

UPON VOTE: UNANIMOUS.

The meeting adjourned at 9:50 p.m.

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

COUNCIL CLERK