

**METHUEN CITY COUNCIL REGULAR MEETING  
GREAT HALL, SEARLES BUILDING  
APRIL 2, 2007 - 7:00 p.m.**

Chairman Zanni called the regular meeting of the Methuen City Council, scheduled for Monday, April 2, 2007 to order at with all members present.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor, Andrew seconded by Councilor Cronin to accept the amended agenda as posted.

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Corey Rahme seconded by Councilor Willette to amend the agenda to take out of order (old business) TO-07-03 – TO-06-21 and (new business) TR-07-32 and make them the next order of business after Contracts

UPON VOTE: UANNIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

Reverend Joseph Wilkes of Saint Andrew Church gave the Invocation. Everyone remained standing for the Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Giordano seconded by Councilor Willette to waive the reading and accept the minutes of March 19,2007-regular meeting.

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

Chairman Zanni read correspondence into the record from Methuen Fire Fighters Local 1691, President John Timothy Sheehy concerning safety of residents and the firefighters relative to understaffing because of long term job related injuries, sick leave and retirement situations. (Correspondence attached)

Statement by Renee Griffin of Gaywood Circle was read into the record by Chairman Zanni regarding TO-06-03 and TO-06-21. (Attached)

PUBLIC PARTICIPATION

Alex Hoyt- 224 Hampshire Street spoke of the rezoning issue and his opposition. He has spoken to neighbors' councilors and the Mayor. He understands the development will go forward. The developers have had discussion with the neighbors and he appreciates the efforts. March 24<sup>th</sup> there was a neighborhood meeting. The group was evenly divided

between support and against the rezoning. A delegation was formed and we met with the Mayor and Councilors. (this morning). There were commitments resolved such as the rezoning of 477-479 Broadway voted down, heavy trucks will not use Hampshire Street or be subject to a fine. Portions of the money promised to the city will be spent on sidewalks and neighborhood improvements including stop signs and one ways. Also the traffic analysis will be expanded to include Rosewood and Broadway and route 213. This is important as the Master Plan is developed and there are future development and traffic problems. He is concerned and wary about this project because we have nothing in writing and it is up to others to make good on these commitments. Mr. Hoyt is asking City Council and the Mayor to look at what is being done and to plan carefully and to take the responsibility of the neighborhood seriously to work with the neighbors to implement their commitments.

Fran O'Toole – 19 Gaywood Circle spoke of the rezoning issue and stated he disagrees. He is concerned with improving the neighborhood or keeping it the way it is. Mr. O'Toole feels rezoning commercial lots should stop all together and that would eliminate the traffic issue. He does not understand why the city is for this. What does it do for the town and what does it do for the neighborhood? Loews is in the next town, the next State and what benefit is this to our city and our neighborhood. We should stop the spread of commercial lots.

Karen Hayden Executive Director of Community Television spoke of TR-07-27 and asked City Council for their support increasing the membership of the Community Advisory Board for Cable television. Ms. Hayden also spoke regarding TR-07-31 and again asked for Council support relative to the current local franchising system and the cable television license. (Copy of Statement attached).

Jack Burke – 29 Canobieola Road spoke against TR-07-14 Resolution rescinding the all night traffic ban. Mr. Burke requested information regarding the number of vehicles registered in the city and the number of tickets issued under the city's traffic rules which is the parking ban and who controls the tickets. From 2002 to 2006 the number of tickets issued for the winter parking ban represent only two per cent of all registered vehicles and only one for a snow emergency. Five to seven hundred tickets a year and only one over a four-year period for an emergency problem. Mr. Burke is suggesting to Council that they look into which streets are affected by this ticket issuing and help the residents find a place to park their vehicles so they do not interfere with the snow plowing. Mr. Burke spoke regarding TR-07-27 increasing the membership of the Community Advisory Board –CATV. He would like to know what the advisory board does that is not done by the Board members who seem to be interlocking. He cannot find any information or minutes or resolution relating to this in the Municipal Code. There are seven members and they are having trouble with membership on other boards why increase this to nine. He does not oppose increasing it but he has more questions as to the reason to increase when the slots may not be filled.

Alison Carlo – 188 Hampshire Street spoke of the rezoning. People use Hampshire Street as the cut through to avoid route 28. She is asking Council to keep her neighborhood a residential neighborhood and not rezone the end of her street to be a

parking lot. Loews can find parking in New Hampshire on the other end. She is asking for Council to vote for the neighbors and to not vote for the rezoning.

Alfred DelPozzo – 1 Rosewood Road spoke against the rezoning issue. He attended a neighborhood meeting with developers at City Hall and asked that certain streets be closed to traffic exiting Loews but was unable to get a commitment from the developers. He is asking Council to vote this down but one condition should be to close the entrance on Hampshire Street, Methuen and Salem. Eighteen-wheelers cut onto Hampshire Street onto Rosewood road and that is without Loews. There should be a stop sign at Rosewood Road and Hampshire Street going south. He has spoken to the police department but with no results. Mr. DelPozzo referenced a Tribune article of December 22,2006 regarding mitigation money and it should not be used to shore up a city budget. Money should be to lessen traffic and problems. The demands for payment of six figures in exchange for building permit amounts to little more than extortion. The article said it back in December and he believes it now.

Jennifer Gannon – 2 Gaywood Circle said she was originally opposed to the rezone but realizes it is going through. She strongly recommends mitigation and for Council to look at Hampshire Street. She has been asking for someone to look at the problem of traffic on Hampshire Street and she is asking the Mayor to do something. All the streets are circles. Children have to walk in the street there should be sidewalks. She is asking the Mayor and the City Council to please look at the dangerous situation.

Louis Antonellis – Business Representative for IBEW Local 103 and represents over 6000 electricians and technicians in 110 cities and town in Eastern Massachusetts. Mr. Antonellis is asking the City Council and the Mayor to consider some questions during their decision-making and to table this item until these questions can be answered. (Copy Attached)

Phil McCarthy – 5 Kimball Road said he is opposed to the rezoning. It does not make sense to have zoning that blocks commercial encroachment only to have it rezoned when a commercial interest presents itself. He looks out his window and can see and hear the three highways. The intersection at Rosewood and route 28 is very busy. Our neighborhoods are pressured by commercialism and urbanization. We want to keep the integrity of our neighborhood. The decision to build Loews is Salem New Hampshire and Methuen should vote against any rezoning and keep our neighborhoods intact.

Tom Caterino Kimball Road (no number given) spoke against the rezoning and stated that this area is constantly under development attack. Cell towers, Casinos, Hotels, Gas pipelines, Loews, access roads and now a rezone and turning this into a business area. All of the neighbors are under pressure to stay. What is the town doing for us? This is a small amount of tax dollars from a partial parking lot. The whole of Hampshire Street will change. As soon as one home becomes zoned for business all of the homes will become a business. There will be more businesses asking for more land. He is asking Council to think hard about what the neighbors have been through and he is asking that Council vote against the rezoning.

Mike Mulligan (no address) is against the rezoning. The traffic situation is bad enough but now you have the big vehicles traveling Hampshire Street and signs alone or tickets will not stop them from traveling these roadways. The developers come into a community destroy it and leave. They are not the ones raising a family and paying the taxes. Methuen does not need a parking lot they can keep it in New Hampshire.

PUBLIC SERVICE

GRANTS: None

LICENSES: Second Hand Dealer Application (Renewal) James M. Gurka D/B/A  
Broadway Thrift Shop – 133 Center Street Methuen MA

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

UPON VOTE: UNANIMOUS

Special Excavation: 14 Jade Street – Gas Service

MOTION BY: Councilor Cronin seconded by Councilor Corey Rahme to approve.

UPON VOTE: UNANIMOUS

CONTRACTS/ None

**Out of Order**

1. TO-07-03 Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen –477 –479 Broadway. (remove from the table)

**MOTION BY:** Councilor Leone seconded by Councilor Corey Rahme to remove from the table.

UPON ROLL CALL: 5-Yes 4-No (Councilors Cronin, Giordano, Lahey and Willette)

Chairman Zanni recognized Attorney David Bernardin representing the Ganem family.

Attorney Bernardin listened carefully to the justified concerns of the residents of Kimball Road, Rosewood Circle, Gaywood Circle and Hampshire Street. Those are residential streets. What they are saying is that route 28 is a residential street because that is how it is zoned and that is how it should stay. Attorney Bernardin is saying that is short sighted and out of touch with reality. This is a valuable commercial corridor and should be developed with reason to enhance the town of Methuen, the protection of its residents and surrounding areas and for the people who have seen dramatic changes in their property. Route 28 has had dramatic changes in the last twenty years with commercial development. What he is asking is that Methuen recognize that these are residential homes that are dinosaurs in a commercial area. His clients are not part of the Loews project. If the development of Loews is conditioned upon parking located in Methuen and that section is rezoned (we) adjoin that property and are exactly similarly situated. He has confidence in this town, its administrators, its community development and planners to work with any site review people who come before town boards, should they vote to rezone, as he urges Council to do at 479 Broadway. Attorney Bernardin is asking Council not to divorce his clients from Loews. They are not a part of that project but are in the same boat they are in. They are in a commercial zone but it is not legally a

commercial zone. He stated there would be plenty of opportunity to work with the neighbors to appease their traffic concerns with adequate stoplights and signaling on route 28 in order to reasonably develop his clients' property should it be properly rezoned to Business Highway.

Kimberly Cottone stated that her parents live at 477 Broadway. She listened to Mr. Bernardin and the concerns of the people of Hampshire Street and understands their concerns for safety but these small plots on route 28 are abutting 28. The back of these homes will be abutting something commercial. If not rezoned these homes would not be appropriate for a family to move into. It is impossible to get out of the driveway and. Emergency vehicles are unable to get in. The traffic is what it is and is not going to change. If the rezone were to take place the amount of land would not afford anything large enough to increase the traffic. The town would get more in taxes if it were zoned commercial. She understands the two separate issues but hopes the City would act on these two properties in a sea of commercial establishments.

**MOTION BY:** Councilor Corey Rahme to approve TO-07-03. Seconded by Councilor Leone.

Councilor Lahey stated that he along with Councilor Cronin and Councilor Andrew have been involved with the neighborhood group and has met with the Mayor twice and told the neighborhood what to expect. We are asking the neighborhood to trust us. One of the things they are trusting is not to rezone these added parcels on Broadway. Councilor Lahey is asking Council to show a commitment to them. We do have some feelings regarding the development of their neighborhood and the neighbors not having the "say" they would like to have. Councilor Lahey is asking Council to show them that they can have faith in council and not all public officials speak out the sides of their mouths. We want the neighbors to trust us regarding mitigation, improvements and traffic studies. Councilor Lahey feels if these parcels are voted in then that is a double cross. Councilor Lahey is voting no on these parcels because he did make a commitment to the neighborhood.

Councilor Andrew stated these are two parcels on Broadway that were brought in at a later date. He thought there was a third parcel wanting in on this.

Councilor Cronin stated there has not been a public hearing on the third parcel.

Councilor Andrew said this is a tough vote a no winner no lose vote. They (neighbors) are looking to get trust from the Council and trust from the Mayor and the town to follow up with what they said they would do. We are getting Loews anyway and we should get what we can out of Loews. Get the improvements on the streets, on the signs and sidewalks. Get the improvements on the "no" heavy trucks and the entrances and exits out. Then let the other two parcels come on their own basis and not piggyback onto this. Go through the normal procedure.

Councilor Willette stated he has been consistently against this. There are many issues with the neighbors and the impact of traffic. This does not make sense economically. There are enough businesses on our side of route 28. Salem New Hampshire is looking to restore a portion of that area with businesses that benefit Salem New Hampshire. The discussion on voting for this because Salem is doing this anyway says that Salem is not a good neighbor. We have a water agreement with Salem New

Hampshire. When this agreement comes up for discussion again, Councilor Willette will examine that water agreement. However we object to the project as Methuen residents, this will happen anyway. Why are we engaging with water agreements with Salem New Hampshire? No one has told Councilor Willette that this project will benefit Methuen. How will it benefit the downtown area with Robichaud's Hardware store and other depressed businesses? We will be diverting traffic away from our own businesses and sending them to Salem New Hampshire. Councilor Willette stated that he would vote this down. Councilor Willette has read the traffic study and it said it is a nearly vacant lot. There is Namco, Staples and every other business is out of business at that location. We absolutely would experience an increase of traffic at that location. Councilor Willette stated this is haphazard and similar to the 40R site on Forrest Street. 40R is designated for a downtown area. The Master Plan calls for a redevelopment of the downtown area. If this project is approved this will only benefit Salem New Hampshire and there will be an increase in traffic in our downtown area.

Councilor Leone stated he voted to remove this from the table because he felt the parties involved should have the opportunity to be heard. Councilor Leone said that it is important to realize that Methuen can have commercial development on route 28 and an improvement in the Hampshire Street neighborhood. He does not think the two petitioners should get painted with the same brush as Loews. They should be dealt with on their own when the public hearing is conducted for the third parcel coming up. Councilor Leone would like to reserve the right to re-table this so it is not tainted and they do not lose their rights to re-petition this for two years and deal with all three at one time.

Councilor Quinn stated that route 28 is a commercial corridor. No one would build a house there and we cannot blame the people for not wanting to live there any longer. Councilor Quinn agrees that the neighbors should get what they need, they have a beautiful neighborhood but they need changes. We (council) can help with the changes. We can help the neighbors get what they need and help some people that are living in a highway.

Councilor Corey Rahme stated that she agrees with Councilor Leone. We are talking about Loews and that is not the issue on the table. We are talking about the two pieces that are in addition to the agenda. We are not talking about Loews. Councilor Corey Rahme said she would reserve her comments about Loews when it is on the table. Councilor Corey Rahme stated she would second a motion to table.

Councilor Lahey asked for the opportunity for others to speak before it is tabled.

Chairman Zanni stated that council does not want to pit one side against another. Chairman Zanni has met with the neighbors and initially agreed to the rezone of Broadway with Loews. There was a meeting (Saturday morning) in the Mayor's office with the residents and what would make this project fly is not to rezone Broadway (at this time) and they would concede with the Loews and the mitigation. Chairman Zanni feels bad about that decision but must give his vote to the residents. That is what the councilors present at that meeting were willing to do. In order to be fair to the majority of residents on the other side he felt it important not to vote for the rezoning of Broadway at this time. They can come up individually and go through the proper channels. Chairman Zanni agreed to this. What we have to realize is Loews is going in. If this Loews were voted down the concession made will not be made by Methuen it will be all

on the Salem side and Methuen will not be able to make any changes. We as a council have to vote for what is right for the community at large. The majority of the residents would agree to Loews providing we did not vote the rezoning.

Mayor Manzi spoke regarding the rezoning of the additional parcels on Broadway. The message he took from the residents regarding the two parcels and also the Mangano parcel is that they felt the Loews project had been vetted and they felt satisfied with the concessions that Loews had made. They did feel that the additional parcel (third) had not gone through the vetted process and they did not have the information needed to make an informed judgment to the future use of the rezone parcel. That is the message he took from the neighborhood. Mayor Manzi was of the understanding that if any additional rezoning were to be contemplated, those petitioning should meet with the neighborhood. There would be no guarantee but they do feel Loews did that and no one else did. This is why the neighbors have the apprehension about the additional rezoning. The message was that if you do not include the residents and talk about what may come down the road, they are not going to be supportive. The Mayor does not make a recommendation but his comment to the petitioners would be start with the neighborhood and talk to them about potential uses of the property and give them more information. He says this more so for the petitioners rather than the City Council.

Councilor Willette asked when the rezoning train is going to stop? We have a domino effect in place. To say there is no cause and affect with the Loews' project and proposals is ludicrous. Councilor Willette has nothing but sympathy for the people on route 28. Common sense dictates that Loews is going into that location. To say one thing has no linkage to the other is not how as a community we should be conducting policy. We have a Master Plan and we should be developing the downtown area. No one has presented any economic benefit to the City of Methuen. There is no justification to having that business at that location when we have businesses in the downtown area struggling for business. We as a community should be discussing issues of buffer zones and what type of businesses will go into those areas and hours of operation and not deal with it haphazard. What is the sense of the Master Plan if we are operating in this fashion?

Councilor Leone stated that he resents the fact that four Councilors attended a private meeting on a Saturday and spoke for the entire council.

Chairman Zanni noted there was a meeting today as well in the Mayor's office.

Councilor Cronin stated he attended the meeting but spoke only for himself. Everyone here is entitled to their own vote. Councilor Cronin stated he did not speak for the whole council. He told the neighbors how he (only) was going to vote. Everyone on this Council is entitled to his or her own vote.

Councilor Leone: **Motioned to table TO-07-03.** Seconded by Councilor Corey Rahme  
UPON ROLL CALL: 3- yes 6-no ( Clrs. Andrew, Cronin Giordano Lahey, Willette, Zanni). Motion to table Failed.

Councilor Andrew stated that every councilor should be able to speak before the Chairman calls for a tabling motion. Council should deal with the issue of the two lots not Loews. Not the traffic from Loews or anything else from Loews. We will deal with

Loews situation at a later time. We are dealing with the two lots only. Loews is not part of this proposal.

Councilor Andrew asked for a clarification of the motion.

Chairman Zanni stated the motion to approve TO-07 03 Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen – 477-479 Broadway.

Councilor Leone stated he would exercise his right to issue a Charter Objection and hold this to the next meeting. No discussion required.

Councilor Cronin asked the solicitor through the chair if there is a 90-day perimeter on this issue and when is the timeframe up?

Attorney McQuillan stated he does not know the timeframe because he is not sure of when the original documentation was submitted. There is a 90-day requirement to act on the ordinance one way or the other if not then the public hearing process starts over.

Chairman Zanni asked Mayor Manzi for a date of the original documentation.

Mayor Manzi stated the Charter Objection will not prevent the council from acting on it for 90-days. He does not have the exact dates. He believes (will check) the date of the public hearing was 2-28-07. He does not believe the Charter objection will put this beyond the 90-days.

Councilor Willette asked if this is a one-time deal with the Charter objection, when one person raises it at one meeting on the same issue at the subsequent meeting can another city councilor charter object?

Solicitor McQuillan said he would have to review that question.

Councilor Cronin stated that in the past we were only allowed one charter objection and if three councilors stand up it has to go to the next regular meeting. If only one or two councilors charter object a special meeting can be held in the meantime.

Councilor Leone stated he is only trying to separate the issues to give the petitioners time to withdraw their requests so this can be dealt with in the future when cooler heads prevail.

Charter Objection closed all discussion on TR-07-03.

2. TO-06-21 Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen – W/S Stateline LLC. (Remove from the table).

**MOTION BY:** Councilor Corey Rahme seconded by Councilor Andrew to remove from the table.

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

Councilor Cronin stated that he promised the people in the neighborhood that he would support them. In the three meetings he has attended he thought the process would be mitigated out to the satisfaction of the vast majority of the neighborhood but feels that that did not happen based on the comments made tonight. Councilor Cronin finds himself in the “no” column and as he promised the neighborhood he will stand up and support them with a “no” vote. He is disappointed that it was not mitigated out.

Councilor Lahey stated that he believes the majority of the neighborhood did mitigate it out. That is why he asked for the first petition to go on. Since the charter objection, his honor is at stake because he promised the people that (TO-07-03) would be voted down. He told them (neighbors) if that did not get voted down they had his word that he would vote this other project down. As much a mistake that he thinks it is and as

much as he thinks we will get impacted anyway he is being forced to vote something that is not in the best interest of Methuen because of a charter objection. We could have voted the other issue down and voted this in with the mitigation and allow the neighbors to work with the Mayor and the Council and show them some trust. What we did was to tell them (neighbors) that they couldn't trust us.

Councilor Quinn asked how some of the councilors (he) could say that it would be voted down?

Councilor Lahey stated that he (and some others) said that they would vote it down with just their vote.

Councilor Cronin stated they were only committing to their own vote, no one else.

Councilor Leone stated that he resented the four councilors for attending a meeting and guaranteeing a no vote of the entire council.

Councilor Lahey stated he only guarantee his vote.

Councilor Giordano requested a five-minute recess.

Chairman Zanni called the meeting back to order.

Councilor Leone stated he would motion to table the current issue (TO-06-21) in order to withdraw his charter objection and return to the previous item of business.

**MOTION BY:** Councilor Leone to table TO-06-21, seconded by Councilor Quinn.

**UPON VOTE:** UNANIMOUS

Councilor Leone reconsidered his charter objection and after some discussion during the recess he feels there is nothing he can do to help the people at 477 Broadway accomplish their goal at this time. He can only aggravate the other situation and asked the Chairman to allow Councilor Leone to remove his Charter Objection in order for the Council to take a vote on that item of business.

Chairman Zanni stated the Charter Objection is removed. There is a motion and a second and discussion will continue on TO-07-03

Councilor Andrew asked if the ordinance is voted down (477-479 Broadway) does the owner and the applicant have to wait the two-year waiting period to re-submit.

Solicitor McQuillan stated that is correct.

Councilor Andrew stated the consensus is that this be voted down so we can deal with the Loews on its own. Councilor Andrew asked to add an amendment to waive the two waiting period for the owners of the property. To come back with a proposal through the proper circumstances.

Chairman Zanni asked the solicitor if that could be done.

Attorney McQuillan said he was not sure that could be done. The provisions of the statute are mandatory. He does not believe the provision can be waived because the statute is quite specific. He would have to review it but he does not think Council has the authority to do that.

Councilor Andrew asked if they could come in with a proposal within two years with a substantial change?

Attorney McQuillan stated if it is a different proposal from the original, they could under the statute it would be treated as a new application.

Councilor Andrew stated going from a no existing plan to an existing plan with a building plan on it is a substantial change.

Solicitor McQuillan stated he would have to review that issue.

UPON ROLL CALL: (TR-03-07) 3-yes 6-no (Clrs Andrew, Cronin, Giordano, Lahey, Willette, Zanni). Motion to adopt failed.

**MOTION BY:** Councilor Leone seconded by Councilor Lahey to remove TO-06-21 from the table.

UPON VOTE: 8-yes 1- no (Clr Willette).

Councilor Corey Rahme stated that as a person who has developed numerous neighborhood associations across the city so that neighbors have a voice, she likens this to the Civil War and feels we (council) are being hog-tied meaning that Loews is going in no matter what we do. One equation is Loews plus concessions and amenities equals Loews plus concessions and amenities. The other equation is Loews plus zero equals Loews. In a perfect world that equation would not exist. There would be a voice of the nine elected officials and that would make a difference. There is no difference. The difference is there will not be drainage, traffic mitigation on Hampshire and route 28. We need to have a voice in what goes on in Loews. Councilor Corey Rahme is hoping that our Methuen State Representative, also the co-chair of the Department of Transportation Commission will be able to make an effective change on Rosewood and the MSPCA. That would hold hands with Uno's entryway (proposed) and towards the Blue House Pizza. This has been difficult because there is a neighborhood back there. Councilor Corey Rahme said that with hesitation she must support this because she has to look at the big picture and the equation dictates that she must do so.

Councilor Willette said that Methuen is a good neighbor; there is a water agreement with Salem New Hampshire. When they (Salem) want to impact a neighborhood and the quality of life in Methuen that is not a good neighbor. No one has said that the back of the existing site will be closed off and all trucks and vehicles, vendors and contractors will travel on route 28. A natural transgression will have traffic travel from the site to Hampshire and to other neighborhoods on secondary roads. Councilor Willette stated that if there were a proposal to create an access route to the location barring traffic from the back of Loews and met with the neighbors that would be a different circumstance. Route 28 is a parking lot no matter how many traffic signals are put in. We are asking these people to take on additional traffic. The City will receive over twenty years \$600,000 dollars and the account will not be used entirely for mitigation. There is no incentive to this project we are draining our own downtown area and other businesses.

Mayor Manzi stated that he would speak on the meetings he has conducted regarding this situation and to clarify these meetings. Traditionally he is keeping City Council in small groups and meet in two or three different lots in order to get presentations made and still comply with the law. It was no different in this case. The Mayor met on two separate occasions, including one today with city councilors. All meetings conducted were in line with everything he has done in the past. Because of time constraints the Mayor agreed to meet with the neighborhood on Saturday (4-31-07) at City Hall. There were some City Councilors at the meeting but the meeting was

designed for himself as Mayor to interact with the neighborhood something he had not done. The Town of Salem and the developer have come to Methuen looking for a zoning change. The configuration before Council is their preference and if they can not do it their way it would cost them more money and force them to make adjustments in the lease holder agreements they have and they will make those adjustments. The bottom line is whether this is voted in or not, a Loews store of the same size will go into the area. Mayor Manzi said that he is in favor of this because it is good for Methuen. Methuen has important agreements beyond monetary. We have heard a lot about vehicular traffic in back of the store. We (Methuen) have an agreement in hand from the developer that trucks leaving the site will be prohibited from turning right. They will be forced to turn left. Failure to approve this ordinance will wash that agreement away. We have an agreement (today) by the developer (at his own expense) to extend the traffic study further south as requested by the neighbors to get to the intersection at Rosewood and route 28. That intersection is a major problem to the neighborhood. The Mayor would try to couple that with an attempt by Mass Highway and their traffic engineers to meet and possibly extend it further south to the 213 on ramp that is a major problem. We would not have any of that without the rezone. The Town of Salem has said clearly that the City of Methuen will be involved at the planning level. That means our engineering department and planning department will be involved in the day-to-day application and how we develop this further and that would include drainage. Methuen will be a full partner in this development. The City of Methuen has an obligation because we all realize there will be impacts. What will the City do beyond Mass Highway, beyond the developer? The Mayor stated that he has designated Kathleen Caldwell of our Planning office as the appoint person for the neighborhood in hopes of getting neighborhood meetings (this week and the next) along with Methuen Police, Planning, DPW and Engineering departments. These departments will talk to the neighborhood regarding traffic mitigation and other issues including sidewalks. The Mayor cannot commit to a dollar figure but he will develop a plan in conjunction with the neighborhood and will spend some of the money that comes in to do proper mitigation there. Mayor Manzi cannot speak for the neighborhood but he understands that is what the residents want. The taskforce has been put together and has been designated internally and the two leaders he met with (today) should have received email to that effect. From the City's perspective this is not a matter of no choice or good neighbor versus bad neighbor. This is not entirely up to the Town of Salem. This is a development issue in an area zoned for this and Salem may not be able to stop. Methuen is saying that we want to mitigate. If we derive a financial benefit, Methuen deserves it because there will be impacts to Methuen and we are entitled to the mitigation because we will be impacted. Given all of these factors the Mayor is asking that Council vote this in the affirmative.

Mayor Manzi said that regarding the issue of further rezoning, which can be dealt with further down the road. We are looking at this in the Master Plan. This will be debated as to the extent of the commercial extension on route 28. Some say it is commercial now but it is a subject for future debate and discussed along with the Master Plan. How do we do it or should we do it and what are the benefits to the city. This project before Council is important and we should do it properly. This project will be done and the Mayor is urging Council to vote "yes" on this petition.

Mayor Manzi asked that Council motion to make the zoning change contingent upon the final execution of the financial agreement between the developer and the City of Methuen as represented by Mayor. That has not been signed but will be signed with the Council's affirmative vote, within the next few days.

Councilor Giordano asked if there is an entrance on Hampstead Street to the Loews?

Developer Mark Lavoie, Project Manager with WS Development for the redevelopment of Stateline Plaza said there is an entrance (today) that fronts out onto Hampshire Street. He is proposing to maintain it with a restriction for truck access. Trucks will be prohibited from taking a right out of it onto Hampshire Street heading south. They will also prohibit trucks from his development from using Hampshire Street to enter the development. All vehicles will enter and exit from 28 or allowed to go out to Hampshire Street and take a left in Salem and go out to the Hampshire route 28 signal.

Mayor Manzi also noted that Methuen would restrict by ton, vehicles on Hampshire that would go beyond their vehicles. The issue was to further vend the traffic that would not be associated with Loews such as customers' traffic. This is an issue but it will be examined in the context of the task force, police and the solicitor. They will make recommendations based on what we can do legally.

Councilor Giordano asked that the Mayor include some City Councilors on the task force.

Mayor Manzi agreed to that request.

Councilor Lahey sympathizes with the people who want to rezone and those that do not want the rezone. He believes the majority of the residents are into working with the Mayor and other public officials to get the best deal they can for improvements and mitigation. Councilor Lahey stated he would support this. It is in the best interest of the neighborhood and the city.

Councilor Corey Rahme said that since the neighborhood has been involved in this ongoing debate the majority of them have had traffic concerns. Short of building an upper and lower deck on Hampshire, she does not think the city can do much. Loews developers have decided to add an extra lane for a natural right and left into the project. She agrees that will alleviate the traffic. As she understands, they are willing to speak with Senator Baddour and work with the State agency and therefore we all will feel relief as far down as the 213 ramp. Councilor Corey Rahme would like to see a full moratorium on truck traffic on Hampshire. That would be a huge concession. Councilor Corey Rahme said there might not be any teeth to a sign that says no truck traffic allowed but would like to give that type of relief with the changes proposed by the developer for ending the bottlenecks that becomes one lane in front of the existing empty lot. If we have three lanes, north and south traffic signal improvements all the way down to 213 and a moratorium on all truck traffic the neighborhood would feel relief.

Mayor Manzi stated that as Loews enters into the agreement with the City, it would be possible to restrict other truck traffic, if Loews violates the restriction we will be able to take remedial action against them based on their agreement with the city. We can and will enforce that agreement. The open question is relative to the other truck traffic.

Councilor Willette stated that there has been testimony (tonight) that the installation of signs has no impact on traffic in that area. The traffic study states there

will be no appreciable traffic in that area. The signalization in that area would improve the flow of traffic. If we are saying yes to all the items why do we have a corridor for exiting traffic onto Hampshire Street? If they stand by their study (he does not agree with) of no increase of traffic at a nearly vacant lot, why not block the back of that location? No one can answer those question and there will be people using the secondary roads. We will not be able to enforce the signs and the agreement will collect dust unless this is addressed now.

Councilor Andrew asked that Council not make the same mistake that past Councilors made on North Lowell Street. Cars cannot get out onto North Lowell Street from any of the side streets.

**MOTION BY:** Councilor Leone seconded by Councilor Andrew to amend the ordinance and make the zoning change contingent upon the first execution of the financial agreement between the developer and the City of Methuen.

UPON VOTE: (Amendment) UNANIMOUS

Chairman Zanni stated that some of the important issues are the traffic mitigation and that will be worked out with the residents. Chairman Zanni asked the developer if he is looking at contractors from Methuen to be hire during this project?

Loews' representative Mark Lavoie stated that they always encourage union contractors to bid on their projects. In this case it would be a site contractor that will do the site work in Methuen. They will allow contractors to bid and it is a competitive bid situation.

Chairman Zanni stated that the residents would be happy with the result of the trucks not taking a right turn. If this project does not go through the configuration could be different than what Loews is presenting to Council.

Chairman Zanni also asked the Mayor if the residents could be part of the process and the mitigation.

Mayor Manzi stated he is willing to do that and asked the developer where they are in the Salem planning process?

The developer stated they have received some of the variances but was asked by Salem but nothing has been decided. They were asked by Salem to get the project rezoned in Methuen and they will proceed from there.

Mayor Manzi stated "yes" that Methuen will be plugged into the Salem process and through the City (Methuen) the residents will impact how Methuen deals with input on traffic and drainage and hopefully to get them in touch with Salem to express their concerns directly to the Salem Planning Board.

**MOTION BY:** (main motion as amended) Councilor Leone seconded by Councilor Corey Rahme to adopt.

**UPON ROLL CALL** 7-yes 2-no (Clrs. Cronin and Willette)

**(Out of order)**

**3.TR-07-32** Resolution Regarding Acceptance of T.I.F. Agreement. Re: General Mills. (EPA Requested)

**MOTION BY:** (EPA) Councilor Cronin seconded by Councilor Leone to add an emergency preamble for the good and welfare of the community.

UPON VOTE: UNANIMOUS

Mayor Manzi stated this company is making a major investment in Methuen plus adding jobs. We have been working with them on this tax agreement and other industrial issues. They are a great company to work with, they are a competitive company and this agreement will give a great future to Methuen, General Mills and Yoplait. Mayor Manzi urges the City Council to adopt this tonight. It is great economic news for the City and he thanked Community Director Karen Sawyer for the hard work that she along with her planning staff did on a very tight deadline. The Mayor also thanked the corporate people from Columbo/ Yoplait for being present.

Ed Dulski, Plant Manager of the General Mills Plant in Methuen thanked the Mayor along with the City Council for the opportunity to grow the facility and be competitive. It is important to be competitive with our sister facilities and this proposal is very important to Methuen and has a great future for a long time to come.

**MOTION BY:** (main motion with the EPA attached). Councilor Cronin seconded by Councilor Giordano to adopt with the EPA.

UPON VOTE: UNANIMOUS

OTHER OFFICERS AND COMMITTEE REPORTS

OLD BUSINESS

**RESOLUTIONS.** .

4. TR-07-11 Resolution Regarding Joint Hearings- Zoning Amendments – City Council – Community Development Board – Dissemination of Documents (Req. of Clr. Willette /Clr. Corey Rahme) (Remove from the table) **WITHDRAWN**

**(Out of order)**

5. **TR-07-27** Resolution Increasing the Membership of the Community Advisory Board – CATV.

**MOTION BY:** Councilor Leone seconded by Councilor Corey Rahme to adopt.

UPON VOTE: UNANIMOUS

**(Out of order)**

6. **TR-07-33** Resolution Providing for a Partial Waiver of Fees as Contained in Chapter 14 and 15 of the Methuen Municipal code.

**MOTION BY:** Councilor Willette seconded by Councilor Andrew to attach an emergency preamble for the good and welfare of the community.

UPON VOTE: UNANIMOUS

**MOTION BY:** Councilor Andrew seconded by Councilor Willette to adopt with the EPA attached.

UPON VOTE: UNANIMOUS

7. TR-07-14 Resolution Rescinding All Night Traffic Ban and to Amend the Traffic Rules and Regulations (Req. of Clr. Lahey /Clr. Leone) (Remove from the table)

**WITHDRAWN**

8. TR-07-22 Resolution Authorizing Transfer by Executive Order from General Government Department Budgetary Accounts and Other Available Funds to Satisfy Budgetary Requirements

**MOTION BY:** Councilor Willette seconded by Councilor Leone to adopt.  
UPON VOTE: UNANIMOUS

9. TR-07-23 Resolution Authorizing Expenditure from the Castle Fund.

**MOTION BY:** Councilor Andrew seconded by Councilor Willette to adopt.  
Councilor Cronin said that at one time he had requested from the Castle fund that they fund an after prom function to keep the kid's safe from driving or drinking and it was denied. Councilor Cronin was disappointed that it did not go through. It was a well-intentioned program by a lot of volunteers at the high school and was denied.

Councilor Corey Rahme said there are structures regarding the Castle Fund bound by certain criteria that have to do with the arts and cultural enrichment.

Chairman Zanni stated the three criteria are lectures, concerts and educational matters.

Councilor Leone said if the school department would get involved in such a project and ask for funding he would support it. Proms are important and anything the council can do for the safety and fun of the students is worth the effort. The school department should make this an official activity.

Councilor Cronin would support something of that nature. Somewhere in the budget the money could be found and we could support that program.

UPON VOTE: UNANIMOUS

10. TR-07-24 Resolution Accepting Strawberry Lane.

**MOTION BY:** Councilor Leone seconded by Councilor Corey Rahme to adopt.  
UPON VOTE: UNANIMOUS

11. TR-07-25 Resolution requiring the review and re-codification of the Methuen Municipal Code. (Req. of Clr. Leone / Clr. Corey Rahme)

**MOTION BY:** Councilor Leone seconded by Councilor Corey Rahme to adopt.  
UPON VOTE: UNANIMOUS

12. TR-07-26 Resolution requesting the review, re-codification or re-enactment of certain sections of the Methuen Municipal Code.

(Req. of Clr. Leone / Clr. Quinn)

**MOTION BY:** Councilor Leone seconded by Councilor Corey Rahme to adopt.  
UPON VOTE: UNANIMOUS

13. TR-07-28 Resolution Providing Clause in City Contracts Prohibiting the Use of Un-documented Workers on City Contracts.

(Req. of Clr. Willette)

**MOTION BY:** Councilor Leone seconded by Councilor Willette to adopt.  
UPON VOTE: UNANIMOUS

**ORDINANCES** (ordinances were taken out of order)

CONSIDERATION OF APPOINTMENTS – None

**NEW BUSINESS**

**RESOLUTIONS**

10 Resolutions:

1. TR-07-29 Resolution Authorizing Acceptance of a 2006 Survey And Planning Grant from the Massachusetts Historical Commission.

**MOTION BY:** Councilor Corey Rahme seconded by Councilor Quinn to adopt for first read.

Councilor Willette said there is a task force created to analyze what has happened with the Historical District Commission in the aftermath of the Demolition Delay Ordinance. Councilor Willette stated he will vote this for first read but will not vote for a second read until the task force has come forward with the results. He would rather have an advisory component to the Historic District Commission.

Councilor Leone stated that he is looking for a good study of what structures in the City are truly valuable from a historic standpoint. Some of the money could be used for that and if would be counter productive not to accept the grant.

Councilor Willette said what they want to do is establish a mechanism for publishing guidelines. Making changes to that District is not a good use of the money.

UPON VOTE: UNANIMOUS

2. TR-07-30 Resolution Authorizing Acceptance of a 2006 Essex National Heritage Commission Partnership Grant.

**MOTION BY:** Councilor Corey Rahme seconded by Councilor Leone to adopt for first read.

UPON VOTE: UNANIMOUS

3. TR-07-31 Proposed Resolution Stating Opposition of the Methuen City Council to the Repeal of Chapter 166A of the General Laws.

(Req. of Clr. Corey Rahme)

**MOTION BY:** Councilor Corey Rahme seconded by Councilor Leone to adopt for first read.

UPON VOTE: UNANIMOUS

11. **ORDINANCES**

1. TO-07-6 Ordinance Amending the provisions of Chapter 7, Section 7-3 of the Methuen Municipal Code Revising Contract Authority of the Mayor. (Req of Clr Giordano)

**MOTION BY:** Councilor Giordano seconded by Councilor Cronin to adopt for first read.

Councilor Giordano is asking for the contract authority of the Mayor to be changed from fifty thousand to twenty-five.

METHUEN CITY COUNCIL REGULAR MEETING

Solicitor McQuillan stated that twenty-five thousand is the pivotal figure regarding competitive bidding.

Mayor Manzi stated he is willing to work to make the process more transparent. During the DiZoglio administration the contract authority was fifty thousand and reduced. During the last administration it was brought back to fifty thousand. Years ago during the town manager period it was ten thousand but that was a different time and managers worked for the Council; Mayors do not. Mayor Manzi does understand the rational but respectfully does not agree with it.

UPON VOTE: UNANIMOUS

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Chairman Zanni read a correspondence from Bernardin and Bernardin, attorneys at law representing Leopold J. Sirois and Lisa D. Sirois, 471 Broadway Methuen, property zoned residential for a rezoning of their real estate.

REQUEST OF COUNCIL

Councilor Corey Rahme announced that Luther McIlwain received the Congressional Gold Metal of Honor Award on Thursday March 29<sup>th</sup> in the Rotunda in Washington DC. She was in attendance and it was a wonderful event.

ADJOURN

MOTION BY: Councilor Andrew seconded by Councilor Quinn to adjourn.

UPON VOTE: UNANIMOUS

Meeting was adjourned at 10:00 pm

Diane Lasonde  
Council Secretary