

**METHUEN CITY COUNCIL REGULAR MEETING  
GREAT HALL, SEARLES BUILDING  
May 21, 2007 - 7:00 p.m.**

Chairman Zanni called the regular meeting of the Methuen City Council, scheduled for May 21, 2007 to order at with all members present.

**ACCEPTANCE OF AGENDA**

MOTION BY: Councilor Quinn seconded by Councilor Corey Rahme, to amend the agenda and take out of order, Consideration of appointments and Resolution TR-07-46.

UPON VOTE: UNANIMOUS

**INVOCATION/PLEDGE OF ALLEGIANCE**

Councilor Giordano gave the Invocation. Everyone remained standing for the Pledge of Allegiance

**ACCEPTANCE OF MINUTES**

MOTION BY: Councilor Corey Rahme seconded by Councilor Quinn to waive the reading and accept the minutes of May 7,2007 –regular meeting.

UPON VOTE: UNANIMOUS

**CORRESPONDENCE/PROCLAMATIONS**

Chairman Zanni presented retired Police Lieutenant Kevin Waithe a Proclamation honoring his 33 years of outstanding service with the Methuen Police Department and wished him a wonderful retirement and many years of health and happiness. Council declared April 21,2007 as “KEVIN WAITHE DAY”.

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

UPON VOTE: UNANIMOUS.

**PUBLIC PARTICIPATION**

Jack Burke, 49 Canobieola Road referred to TO-07-06 amending the contract authority of the Mayor. Mr. Burke stated that council has visited this issue three times and changed it. Mr. Burke is looking by project, vendor and cost the contracts the Mayor has signed for the year. What would be the added value by changing the authority? He would like to see a long-term review process every year and that would help the Council decide if the contract authority needs to change. He would like to see a chart showing all the delegated authority levels of all members of the government at City Hall. Will this ordinance take into account and disallow contract splitting when looking at their value.

His opinion is to set up a value number rather than a cost number such as 20% of the predecessor's yearly pay which would be \$65,000 and give the Mayor contract authority of \$13,000 and the next Mayor contract authority would go to \$17,000. The Contract authority would rise along with increase economy and the Mayor salary automatically. Mr. Burke thanked the Council for their time.

**CONSIDERATION OF APPOINTMENTS (out of order)**

Public Safety – Police Department

James P. Jajuga Promoted to Police Lieutenant

MOTION BY: Councilor Cronin seconded by Councilor Quinn to approve

UPON VOTE: UNANIMOUS

James Gunter Promoted to Police Sergeant.

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

Councilor Corey Rahme congratulated both appointees but specifically noted that she has worked with Officer James Gunther in the Central District for the last four years. He has always been there for her constituents and she acknowledges that fact on their behalf.

UPON VOTE: UNANIMOUS

Chief Solomon congratulated both officers noting that they will be a good addition to the Superior Officers and the department, they are the members who will be out there making important decisions and overseeing what happens out in the streets and he is in support of both officers.

Chairman Zanni congratulated both officers on their promotions and Kevin Waithe for his many years of service.

Chairman Zanni declared a two-minute recess.

**(Out of Order)**

TR-07-46 Resolution Approving the Designation of the F. W. Webb Economic Opportunity Area, Certified Projects Application and Tax Increment Financing (“TIF”), Plan By and Between the City of Methuen and F.W.Webb, Inc. (“FWW”) (EPA REQUESTED)

MOTION BY: Councilor Willette seconded by Councilor Corey Rahme to add an EPA for the good and welfare of the community.

Councilor Giordano asked Mayor Manzi why the need for the EPA?

Mayor Manzi stated it is filing requirements for the State. It is a great project. This is a tremendous amount of investment for Methuen, a great company and we are happy to bring this before Council tonight. Mayor Manzi thanked Karen Sawyer and her staff for the hard work, working long hours doing a remarkable job preparing this.

UPON VOTE: UNANIMOUS

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

UPON VOTE: UNANIMOUS

**PUBLIC SERVICE**

**GRANTS:** None

**LICENSES:**

Special Excavation – Meriline Avenue, Lot 79.

MOTION BY: Councilor Willette seconded by Councilor Andrew to approve.

UPON VOTE: UNANIMOUS

Special Excavation – Arnold Street and Pinehurst Street

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

UPON VOTE: UNANIMOUS

**CONTRACTS**

**C-07-17** Commonwealth of Massachusetts Mass Highway Department 10 Park Plaza – Room 5562 Boston MA.

Chapter 90, FY 2008- AMT: \$895,997.00

MOTION BY: Councilor Willette seconded by Councilor Corey Rahme to approve

UPON VOTE: UNANIMOUS

**C-07-18** Brox Industries Inc. 1471 Methuen Street – Bituminous Concrete AMT: \$1,445,530.00

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

Councilor Cronin asked if this is an installed price or just for materials? He understands we will not be spending all of the money. We will spend it as needed for the streets and it is a per ton price. If this is over one million dollars where is the other funding coming from for the labor to install?

Mayor Manzi stated that depending on which projects, we have not expended all of our past money in that line. There would be carry forward Chapter 90 money.

City Auditor Thomas Kelly said this is a menu in order to go to the different vendors for different types of concrete.

Councilor Quinn asked if these vendors guarantee the work or service after completion.

Mr. Kelly said the vendors do not do the service. This is to go purchase the different hot tops or cements. Our own DPW workers will do the service. There is no performance bond with these companies.

Councilor Quinn asked if there are any Methuen businesses bidding these jobs?

Mayor Manzi said in some cases there are no qualified businesses in Methuen that would enter a bid.

UPON VOTE: UNANIMOUS

**C-07-19** Northeast Reclamation Corporation 95 Turnpike Street West Bridgewater MA. Asphalt Pavement Reclamation – AMT. \$155,156.00

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

UPON VOTE: UNANIMOUS

**C-07-20** Ferguson Water Works Systems 2 Whitman Road Canton MA- PVC Pipe and Fittings-AMT. \$169,851.50

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

UPON VOTE: UNANIMOUS

**C-07-21** Sealcoating Inc. 120 Industrial Park Road Hingham MA. Pavement Recycling/Road Sealing. AMT: \$1,464,600.00

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

UPON VOTE: UNANIMOUS

**C-07-22** Sealcoating Inc 120 Industrial Park Road Hingham MA. Random Crack Sealing AMT: \$124,750.00

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

UPON VOTE: UNANIMOUS

**C-07-23** Brox Industries Inc 1471 Methuen Street Dracut MA. Bituminous Concrete and Cold Patch AMT: \$365,500.00

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

UPON VOTE: UNANIMOUS

**C-07-24** Torrromeo Industries Inc 33 Old ferry Road PO Box 2308 Methuen MA. Sand Stone and Gravel. AMT \$122,125.00

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

UPON VOTE: UNANIMOUS

**C-07-25** Concrete Systems 9 Commercial Street Hudson NH. Precast Concrete Manholes. AMT: \$33,010.00.

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

UPON VOTE: UNANIMOUS

**C-07-26** Camp Dresser McKee Inc 1 Cambridge Place 50 Hampshire Street Cambridge MA. Professional Services – Phase 2 Stormwater Follow up. \$200,000.00

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

UPON VOTE: 8 Yes 1 No (Clr Lahey)

**C-07-27** Superintendent 's Union Contract Agreement Between the Town of Methuen and Local 123 Federation of State City and Town Employees. July 1<sup>st</sup>, 2007 - June 30<sup>th</sup>, 2009

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

UPON VOTE: 7 Yes 1 No (Lahey). Councilor Willette was out of the Chamber.

#### OTHER OFFICERS AND COMMITTEE REPORTS

Chairman Zanni noted that he would schedule a workshop regarding the Report of the Charter Review Committee (Clr Zanni, Lahey and Giordano) relative to sections of the Charter that merit further review for clarification and/or amendment.

#### **OLD BUSINESS**

##### RESOLUTIONS.

1.TR-07- TR-07-35 Resolution Regarding Mismanagement Report of the HSPO Grant (Req of Clr Andrew, Clr Cronin, Clr Giordano)

Chairman Zanni noted the Request for Legal Opinion on the issue pertaining to the no confidence of the Chief of Police. The opinion was handed to all councilors and is the determination that in most cases individuals can vote.

**MOTION BY:** Councilor Cronin seconded by Councilor Andrew to adopt.

Councilor Corey Rahme expressed her discontent with this resolution and finds the timing not appropriate and cannot support this in favor of protecting taxpayer dollars for the City of Methuen. It is not our purview and she will establish that for the record.

Chairman Zanni passed the gavel to Vice Chair Corey Rahme.

Councilor Zanni stated that at the last meeting Councilor Leone brought forward an amendment and he feels that would have been the direction council should have taken. He feels his vote of present at the time was the right decision. Councilor Zanni stated he is again amending the resolution to read as follows.

MOTION BY: Councilor Zanni to amend and add, Whereas the Mayor has determined, after seeking counsel from a qualified Civil Service hearing office, that the Chief of Police should be suspended for his actions and said Chief has duly served the suspension for a period of three days. Now therefore this council by virtue of this vote does hereby affirm and support the actions of the Mayor with regard to the aforementioned suspension of the Chief of Police.

Seconded by Councilor Leone.

Councilor Cronin asked if that is the same amendment proposed at the last meeting?

Councilor Zanni stated, "correct".

Councilor Cronin challenged the right to put that (same) amendment on the floor. The only people who can reconsider the item are those in the affirmative of the (previous) prevailing side of the vote.

City Solicitor Peter McQuillan stated the nature of the amendment is very similar to the original amendment introduced at the first read. If this is a motion for reconsideration only those who voted in the majority of the previous original vote can bring a motion to reconsider.

Councilor Corey Rahme stated for the record this is the exact amendment from the last meeting. It is not similar it is the exact amendment.

Attorney McQuillan stated it seems to be a motion to reintroduce this as reconsideration to the floor and the same ruling does apply.

Councilor Leone stated this is not reconsideration. It is an amendment to a motion that is on the floor

Councilor Corey Rahme stated it has to do with the prevailing side. It failed the last time.

Attorney McQuillan stated it is not the name given; it's the nature of the motion.

Councilor Quinn charter objected to the amendment.

Councilor Corey Rahme stated that with the charter objection all discussion on the amendment would end.

Councilor Cronin moved the main motion

Attorney McQuillan stated as a point of clarification and information to Councilor Quinn, a charter objection does not lie on an amendment. A charter objection lies on the main motion. Because of the original amendment (failed) it cannot come to the floor.

UPON ROLL CALL: (**main motion – no amendment**) 5 Yes 3 No ( Corey Rahme, Quinn ,Leone) 1 Present (Zanni)

2. TR-07-07-36 Resolution Authorizing Acceptance of Donation to Methuen Fire department and Appropriation Thereof (Daniel Eaton)

MOTION BY: Councilor Andrew seconded by Councilor Willette to adopt

UPON VOTE: UNANIMOUS.

TR-07-40 Resolution Amending Traffic Rules and Regulations of the City of Methuen – No Parking Area 16 Camden Street.

MOTION BY: Councilor Cronin seconded by Councilor Andrew to adopt

UPON VOTE: UNANIMOUS

**ORDINANCES**

1. TO-07-06 An 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) remove from the table.

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

UPON VOTE: UNANIMOUS

Councilor Giordano considers this checks and balances. The Mayor would not approve anything more than twenty five thousand dollars. He is not saying the present Mayor is not doing a good job. This has to do with the previous administration's handling of this issue. He feels the current Mayor should only have the authority for twenty five thousand dollars. In the future we do not know who the City Council or Mayor will be and this gives some authority back to Council.

Councilor Corey Rahme stated she would support this. This will build confidence among our constituents. It is not a reflection on the current administration or the former administration but we need to confidence build in this regard.

Councilor Lahey stated he would not support this. He has been assured that any contracts signed will be in the hands of the solicitor and city auditor. He has seen the amounts change with previous Mayors but he feels fifty thousand is where it should be.

Councilor Leone stated he is content to have the Mayor submit a quarterly or monthly report showing the recipients of the contracts and the amounts. He is more interested in disclosure rather than oversight. The Mayor is elected and the Charter gives him the right to sign contracts. The limit we have is sufficient.

Mayor Manzi stated he is strongly opposed to this measure. Having served on both sides (Council and Mayor) his position is the same as it was when he was a City Councilor.

The Mayor should have this authority. The checks and balances are through the appropriation process and the budget process. That is where the Council's power lies.

The Mayor cannot spend out of an appropriation level and that flows through the budget.

As Mayor he has never signed a contract that has not been vetted for form by the City Council. The City Solicitor maintains a copy of every contract and the City Council through him has a copy of every contract that he has signed as Mayor. Mayor Manzi strongly objects to this and he intends to veto it if it should pass. As a political matter this is not warranted by any action he has taken and he feels it would be a step backward in Council / Mayoral relations.

Councilor Cronin stated he is trying to be constant in his votes. Previous positions were ten thousand and twenty five thousand. Councilor Cronin does not have a problem with fifty thousand but he has to be constant with his feelings and his vote in the past is that twenty five thousand dollars does give a better check and balance. This has nothing to do with Mayor Manzi or any other Mayor. Councilor Cronin hopes that Mayor Manzi does not consider this a political stone.

Councilor Quinn stated the Mayor is in a position of power and given what the citizens need she does not feel fifty thousand dollars is a lot for a Mayor. As long as it is transparent and Council can go into the Mayors office at any time and ask any questions. She does not want the business of the city held up over a political stalemate. The system is working well and it should stay as is.

Councilor Willette stated this issue resonated from the previous administration where there was no transparency. The current administration has cooperated with this council fully. There is no reason at this time to support this resolution. We should not penalize the current administration because of the ethical violation actions of the previous administration.

Councilor Andrew stated there were two previous administrations where questions should have been asked. Councilor Andrew has not seen anything that would cause him to doubt the current administration. Councilor Andrew would suggest tabling this so if there is a problem we do not have to go through a first and second read.

Councilor Giordano stated as the maker of the motion he will not table this item. We were sent here by the people to vote and we should vote this up or down.

Councilor Leone agrees with both Councilors Andrew and Willette but we do not need to table this. If for some reason we need to revisit this in the future we can do so on an emergency basis and he would support that.

Chairman Zanni stated that council has worked effectively with the Mayor and he has been very transparent with us. There is disclosure with the solicitor and the Mayor. This can be brought up at any time in the future. We should continue the working relationship with the Mayor. Chairman Zanni will not support this.

Councilor Andrew asked the Mayor if he could submit a one-page cover statement stating the amount of the contracts?

Mayor Manzi stated he does not have an issue with that and would do that. Having Council know the amounts and the nature of the contracts has never been an issue.

MOTION BY: Councilor Giordano seconded by Councilor Corey Rahme to adopt.

UPON ROLL CALL: 6 No (Clrs Andrew, Lahey, Willette, Zanni, Leone, Quinn) 3 Yes ( Clrs Cronin, Corey Rahme, Giordano) Motion Failed

## **NEW BUSINESS**

### **RESOLUTIONS**

Chairman Zanni stated he would set Workshop meeting dates for the Fiscal Year 2008 Budget items.

1. TR-07-41 Resolution Authorizing Expenditure from the Castle Fund

MOTION BY: Councilor Andrew seconded by Councilor Quinn to adopt for first read. Councilor Cronin asked for what purpose can council make expenditures from the Castle Fund? Councilor Cronin had asked at one time that the Castle Fund make an expenditure for a safe driving program that parents of prom students had (every year) to prevent any drinking driving situations. The program is after the prom for the students. The request at the time was turned down. He was chastised for asking and was told the only expenditure of funds was for educational purposes. Councilor Cronin would like to know the purpose of this resolution if it is for spring clean up? If the Fund can support spring clean up why not support safe driving for our prom students.

Mayor Manzi stated that they did fund the after prom program for the one year. He does not know why they did not fund it the year after.

Councilor Cronin stated he was told that the request did not meet the criteria.

Councilor Corey Rahme said it was her understanding there is certain criteria for the Castle Fund that has to do with education and the arts. It does state in the minutes of the Commission that there is an emphasis on the environment and recycling and that is how it holds hands with the criteria for the cleanup. Councilor Corey Rahme agrees with Councilor Cronin but suggest the word party be taken out because that may have been the stumbling block. They did approve one thousand dollars that first year.

Mayor Manzi said they get many funding requests. He did not see the letter where they denied (Clr. Cronin) the request.

Councilor Cronin asked that it be done on an ongoing basis. It was funded that first year so he thought it was in the loop. It may have been a communication problem.

Chairman Zanni stated his understanding is that requests are made every year.

Mayor Manzi said he would check with the Commissioners of the Castle Fund to see what the criteria is and what was filed with them and get back to Councilor Cronin.

Mayor Manzi's understanding was that the school would fund it this year with money from student activities fees.

UPON VOTE: UNANIMOUS

2. TR-07- 42 Resolution Providing for the Adoption of the Fiscal Year 2008 General Government Budget

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

UPON VOTE: UNANIMOUS

3. TR-07-43 Resolution Providing for the Adoption of the Fiscal Year 2008 Sewer and Water Enterprise Budget

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

UPON VOTE: UNANIMOUS

4. TR-07-44 Resolution Providing for the Adoption of the Fiscal Year 2008 School Department Budget

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

UPON VOTE: UNANIMOUS

5. TR-07- 45 Resolution Providing for the Adoption of the Fiscal Year 2008 Greater Lawrence Regional Vocational Technical High School Budget

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

UPON VOTE: UNANIMOUS

**ORDINANCES** None

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Giordano asked Mayor Manzi if the sidewalks at Pitman and Merrimac Streets could be rebuilt by the City and then billed to the State for the work done. This is a safety issue.

Mayor Manzi stated he did respond to Councilor Giordano's memo regarding this issue. He cannot re-bill the State for work they do not do but he is looking at the situation and will be meeting with Senator Baddour to resolve the problem.

Councilor Cronin asked Mayor Manzi for an up date on the high school renovation project.

Mayor Manzi said the State is due to send advanced teams to do a more comprehensive look at the school and come back to the City with recommendations. At present the forward team has not been out in the field. The State moratorium has been scheduled to be lifted by July 1,2007. We anticipate those forward teams coming at any time (they are 30-45 days overdo). Until the forward teams come, there is nothing to report. We are still hopeful that we will get in on the first round of funding. We have filed a statement of interest and was number 72 in the State. It was top notch and should result in them coming back and recommending us for the first round funding. As soon as there is some forward progress Mayor Manzi will let the City Council know.

Councilor Corey Rahme thanked the 110 volunteers that went out to the cemeteries in the rain on Saturday and replaced seven thousand flags in honor of Memorial Day. She commended all of the young people and the adults who volunteered their time.

Chairman Zanni thanked the Mayor for taking care of the parking situation at the elderly complex on Ashford Street. Chairman Zanni would like to have the team in to observe the High School while the students are still in session so they can get a first hand look at what is going on dealing with the problems of the open concept.

Mayor Manzi stated that he has not been inactive regarding the High School.

Representative Campbell and Senator Baddour are in touch with the Executive Director to get the forward teams out and we are all doing the best we can. It's a logistical issue on the State's end. The City is ready when they come.

REQUEST OF COUNCIL

**ADJOURN**

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

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:25 pm.

Diane Lasonde  
Council Secretary