

**METHUEN CITY COUNCIL REGULAR MEETING
GREAT HALL, SEARLES BUILDING
May 3, 2010 - 7:00 p.m.**

Chairman John Cronin called the Regular meeting of the Methuen City Council, scheduled for May 3, 2010 to order with all members present.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Pappalardo seconded by Councilor Zanni, to amend the agenda and take out of order TR-10-28 and place it on the agenda after Public Participation.

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

Rev Joseph Wilkes from St Andrew Church gave the Invocation. Everyone remained standing for the Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Zanni seconded by Councilor Giordano to waive the reading and accept the minutes of previous meetings: April 20,2010

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

A Proclamation was presented to Senior Center Director Corrine LaCharite in recognition of May being "National Older American's Month. The City Council and the Mayor expressed gratitude to our Senior Citizens and declared Thursday, May 6th 2010 "Methuen Senior Citizen Day".

MOTION BY: Councilor Zanni seconded by Councilor Uliano to Proclaim

UPON VOTE: UNANIMOUS

PUBLIC PARTICIPATION

Russell Courier 620 Forest Street presented a picture of his late grandson, killed in action to Mayor Manzi for the "Wall of Honor". Mr. Courier thanked the Mayor and Council

for this tribute and stated it is for every veteran who has lost their lives in service to our country.

Jerry McCall 165 Hampshire Road, spoke on the new High School and asked the need for two Owner's Project Managers. Under contract is Trident and KBA. Mr. McCall has researched both firms. KBA has vast experience but all of their projects are not what Methuen needs. Methuen is a renovation project. Trident has done a lot of work in the Merrimac Valley but nothing as involved as the high school renovation. Trident has completed fifteen projects in the Merrimac Valley and provided OPM services free of charge. Mr. McCall questioned if the resolution does not pass, is there an alternative plan to educate the taxpayers as to the cost benefit analyst for this type of construction process and that the plan be posted on the website. He also asked for district presentations to elicit comments from the taxpayer and would there be ballot questions regarding a two and half override or debt exclusion. Is there a plan to fund this project with alternatives? What is the plan to accommodate the displaced students are sites identified? He recommended the Mount Carmel School. There are risks as the construction goes forward costs do go up.

Chairman Cronin stated that he sits on the High School Building Committee and one of the goals of the committee is not to have any extras at all. There are fees that go along with extras. We faced it on the last three schools built coming in with a lot of extras. The Building committee is making sure there will be very little extras. One of the benefits of Contractors at Risk is they oversee the plan and if something does get missed they can correct it.

Mayor Manzi stated the City of Methuen, for this High School project ,has one Owner's Project Manager with one fee. KBA and Trident is a joint venture and for the purpose of Methuen High School they are one company. They draw the standard fee for one company and Methuen has the benefit of both Trident and KBA expertise. The one percent is important. The State and MSBA recognize there may be some additional up front costs and they reward the community for undertaking the risk by reimbursing the community the 1% which is a substantial amount of money.

(out of order)

TR-10-28 Resolution Authorizing the use of the Construction Management At Risk delivery method and the hiring of a construction Firm for the proposed improvements to the High School.

Councilor Pappalardo questioned the 120 days and who is he submitting this to?

Mayor Manzi stated what is being voted tonight is an application to the Inspector General that would indicate to the MSBA that the Inspector General Application for CM at Risk is on file.

Councilor Pappalardo stated she did speak with someone (by phone) from the MSBA and they indicated to her that this is the best way to go, saving the 1%. She does not want to be locked into funding. She does not want this (in six months) to come back and Council gets the blame.

Mayor Manzi said this does not bind the Council in any way shape or form. It simply allows him to file the application with the Inspector General and tell MSBA that the application is on file.

Councilor Pappalardo asked if Council would know who he picks from the list of construction people. Would we get that from the Representatives?

Mayor Manzi stated the Building Committee would undertake that process. Once a contract is offered Council would get the information from the Representatives but they (Council) would have to vote the contract to approve it.

Councilor Giordano asked for back-up information

Mayor Manzi said he would give Council a résumé of the CM designated to do the job along with the contract.

MOTION BY: Councilor Hajjar seconded by Councilor Campagnone to make it effective upon passage

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Zanni seconded by Councilor Campagnone to adopt the main motion.

UPON VOTE: UNANIMOUS

PUBLIC SERVICE

LICENSES: Special Excavation – Paris Street (Lot 2A Grace Street)

MOTION BY: Councilor Uliano seconded by Councilor Kannan to approve

UPON VOTE: UNANIMOUS

CONTRACTS

C-10-13 Calgon Carbon Corporation to provide Granular Carbon to the Water Treatment Plant – Unit price \$1.42/lb (not to exceed \$171,000.00) for FY 2011)

MOTION BY: Councilor Zanni seconded by Councilor Uliano to approve.

Councilor Pappalardo asked if there was any other local consortium the city could have gone to other than this company?

City Solicitor Peter McQuillan said he was unaware of any other company. The contract was predicated upon competitive bidding and properly advertised.

UPON VOTE: UNANIMOUS

C-10-14 Benigno Espaillat for Rehabilitation/Restoration of 2 Charles Street in the amount of \$190,000.00

MOTION BY: Councilor Uliano seconded by Councilor Zanni to approve

Councilor Pappalardo noted a contract date of April 2010.

Mr. McQuillan said he would change the date and make it effective in thirty days.

Councilor Pappalardo asked if Mr. Espaillat is paying for all permits?

Mr. McQuillan stated, “yes” with assistance from the City because everything is administered through the City by the terms of the grants and permits required. Paid through the grant.

Councilor Pappalardo stated that the City artifacts are stored on the second floor (2 Charles St) will the city be responsible for the insurance of these artifacts? Are they presently insured?

Mr. McQuillan stated he is not sure if the City currently has insurance for the artifacts but by the terms of the agreement Mr. Espaillat is required to have all necessary insurance. Premise liability or content the terms and easement of the City agreement states that he be additionally insured.

Councilor Zanni stated this will be part of the Historical District and will be put on display for people to see. Councilor Zanni asked if there is a cost once the Historic Commission displays the artifacts on the second floor of the building?

Councilor Uliano said that she had discussed this with the Mayor and was told he (Mayor) would enter into a lease agreement.

Mayor Manzi stated regarding storage there would be a lease agreement between the City and the Historical people and the landowner. No cost factor and the lease will cover the insurance.

Councilor Pappalardo asked (pg 5) “overhead and fee” what does it stand for?

Mayor Manzi stated that would be Grant Administration for the City. A fee the City is receiving for administrating the grant.

UPON VOTE: UNANIMOUS

OTHER OFFICERS AND COMMITTEE REPORTS

OLD BUSINESS

RESOLUTIONS

TR- 10-24 Resolution Authorizing Acceptance of 2010 Shannon Anti- Gang Grant Executive Office of Public Safety

MOTION BY: Councilor Uliano seconded by Councilor Pappalardo to approve.

UPON VOTE: UNANIMOUS

TR-10-25 Resolution Amending Traffic Rules and Regulations – Stop Sign- Hemenway (at intersection of Madison Street) (remove from the table)

MOTION BY: Councilor Uliano seconded by Councilor Zanni to remove from the table.

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Campagnone seconded by Councilor Pappalardo to adopt.

UPON VOTE: UNANIMOUS

TR-10-27 Resolution Accepting a Donation from the Methuen Exchange Club to the Methuen Recreation Department

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

UPON VOTE: UNANIMOUS

ORDINANCES

TO-10-3 Ordinance Revising Contract Authority of the Mayor (Req of Clrs Pappalardo and Giordano) (remove vote re: Mayoral veto from the table)

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

Councilor Hajjar asked why Council is taking this off the table? The Finance Committee has not received any information from the Auditor or the Mayor regarding contracts since

we (council) tabled this ordinance. Councilor Hajjar thought the reason for the tabling was to give this a three-month period to see if we need to do this.

Councilor Uliano stated there was a contract that was approved (tonight) that was given to Council on the day of the last meeting. It is a total disregard of the five-day notice. That contract was on for tonight because the Chairman decided not to put it on two weeks ago. This is a faith issue as to what the procedure is and the willingness on the Mayor's part to follow through with the procedure. Council was not given the five days after Council was told they would get the five-days before a meeting for the back up information.

UPON VOTE: (remove from the table) UNANIMOUS

MOTION BY: Councilor Giordano seconded by Councilor Pappalardo to adopt
Councilor Giordano said he has put this back on the agenda to vote this up or down. Chairman Cronin stated this item was put on the agenda on the Wednesday before the last meeting. The contract Councilor Uliano referenced came up the Monday after. That contract cannot be used as a reason for putting this on the agenda. For clarification purposes this item was put on the agenda before the (said) contract was an issue. Councilor Lahey said Councilor Giordano is asking that this be voted up or down whatever the vote Council will have to live with this.

Councilor Zanni said this was tabled in good faith to wait a three-month period to see how the Contracts came about. The courtesy should have been given to the Finance Committee for the three-month wait. Councilor Zanni cannot go along with this ordinance just to get a vote. In fairness, Council should have been given the three months to observe what the contracts are and then vote accordingly. He will not vote for this. Councilor Hajjar thought the night this was voted (to table) there were three pieces of collaboration compromise that the Mayor presented. (1) five day rule and the Mayor is sticking to that. (2) The Mayor would not veto the stipend proposal that was unanimously voted and Council is working on the third (3) step of evaluating. Councilor Hajjar feels this is being forced onto Council for a vote and it will be done for a year. It's a disservice to residents, because it could have been evaluated with a good decision based on the facts.

Councilor Pappalardo said that she understands Councilor Hajjar's comments but one month has gone by and he has not seen or heard anything. If Councilor Giordano wants this voted then Council should just vote on this.

Councilor Hajjar stated for the record that he has spoken directly to the Mayor every Friday (since council passed the three month wait) regarding contracts and the Mayor told him (Hajjar) that there have been none.

Councilor Pappalardo said this would not be stopping the process regarding voting on a contract. Council is not stopping the progress of contracts.

Councilor Giordano called for the vote.

UPON ROLL CALL: 4- Yes 5- No (motion fails)

TO- 10-6 Ordinance amending the wage and salary classification plan – Unaffiliated- Access Coordinator/ADA Coordinator

MOTION BY: Councilor Lahey seconded by Councilor Uliano to adopt
Councilor Zanni asked if this funding is coming out of the Disability Commission? This has gone from \$400 dollars to \$800 dollars. Is there more work involved?

Chairman Cronin stated it would come out of the Disability Commission money from parking tickets.

Sid Harris (disability coordinator) said these are two positions they are combining into one position. The original funding was \$400 dollars for the one position.

Councilor Lahey said this was initially an appointment for a one-year period. After the one-year report everyone was thrilled with the results of the position. If the past is an indication then this is a good idea.

Councilor Pappalardo asked if Mr Harris collects retirement from the City of Methuen?

Mr. Harris stated that he does not receive any benefits at all from the City.

UPON VOTE: UNANIMOUS

CONSIDERATION OF APPOINTMENTS None

NEW BUSINESS

RESOLUTIONS

1.TR- 10-29 Resolution Accepting a Gift of \$500.00 for the City of Methuen's Recreation Department. From the Law Office of Zanni & Pesce

MOTION BY: Councilor Campagnone seconded by Councilor Kannan to adopt for first read.

UPON VOTE: UNANIMOUS

TR-10-30 Resolution Submitting a Home Rule Petition for the Purpose of Waiving Certain Provisions of Massachusetts General Laws Chapter 40 and 30B (1st read)

MOTION BY: Councilor Campagnone seconded by Councilor Uliano to adopt for first read.

Councilor Pappalardo asked how much is the City charging for this lease. It does not state a dollar amount and did the former Council vote on this item because the back sheet has past Councilors names, most are no longer here.

Councilor Zanni stated this was voted on with the previous Council, it was a lease for ten years for one dollar.

Councilor Lahey asked if this is a ninety-nine year lease?

Mr. Mc Quillan (city solicitor) stated that is what the Mayor requested a ninety-nine year lease. The original was a lease for ten years straight out lease no Home Rule Petition.

The statute states a city has the right to lease public property, not being used, for no more than ten years. That was submitted to Council in 2002. There is still time on that lease.

What the Academy is looking for is a long-term commitment.

Councilor Giordano asked if there is money exchanged with the lease? Is this surplus property for the City?

Mr. McQuillan understands the Academy is making a significant investment in the building. This Council accepted the building as surplus in 2010.

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Councilor Giordano asked that the schools look at this building for classrooms regarding the new high school renovation?

Councilor Pappalardo said the city is leasing this for one dollar for ninety-nine years.

The city could use more money than one dollar. She would table this resolution.

Councilor Pappalardo noted the back page with previous councilors signatures that are not on council.

Mr. McQuillan noted the error and apologized for the oversight.

MOTION BY: Councilor Pappalardo seconded by Councilor Campagnone to table.

UPON VOTE: UNANIMOUS

ORDINANCES None

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Zanni noted the "Opening Day" presentations at Veteran's Park, Burnham Road and the Flag Football celebration at the stadium. All three were great provisions for our youth being able to play various sports. It was a nice day for all.

Chairman Cronin stated the DPW went in to the park at Riverside Drive and did an exemplary job at cleaning it up for the baseball and softball leagues.

Councilor Kannan announced Saturday May 8th 9am-12pm the "Methuen Clean-up".

Following with a cook out at the Tenney Middle School. All are welcome to attend.

Councilor Pappalardo stated that the "Wall of Honor" would go through the Mayor's office. He is in the process of having applications (on line) for anyone who would like to apply to bring in a photo. The "Wall" will be located on the first floor of the building and continue onto the second floor. There will be a notice in the newspaper to make people aware. Anyone with a picture can come in, fill out the application once it is ready.

REQUEST OF COUNCIL

ADJOURN

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

UPON VOTE: UNANIMOUS

Meeting was adjourned at: 8:20 pm

I do hereby certify that at a meeting of which a quorum was present, the foregoing minutes were adopted by the Methuen City Council by a unanimous vote on May 17,2010

Diane Lasonde/Council Secretary