

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 p.m.
GREAT HALL, SEARLES BUILDING

Chairman Zanni called the regular meeting to order at 7:00 p.m. with all members present.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Giordano, seconded by Councilor Corey Rahme to accept the agenda as presented.

UPON VOTE: UNANIMOUS.

(Council did not take action to amend the agenda this evening as requested by the Mayor on behalf of a constituent)

Invocation/Pledge of Allegiance

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

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Cronin, seconded by Councilor Willette to waive the reading and accept the minutes of April 17, 2007, regular meeting.

UPON VOTE: UNANIMOUS.

CORRESPONDENCE/PROCLAMATION (hold until next meeting)

PUBLIC PARTICIPATION

Arthur M. O'Neil, Chief of Police in Mansfield, Massachusetts, President of the Massachusetts Police Association, and represents the Police Chiefs and Commissioners of the Commonwealth of Massachusetts. He complimented the municipality for having such a beautiful city hall. Mr. O'Neil read the following prepared statement: "I'd like to begin to tell you that the Massachusetts Chiefs of Police has never taken a position nor will we ever take a position that we want to tell a community what is best for them. That's not what we do. Therefore, we are not for or against a proposal to create a police commissioner or a public safety commissioner as well. Our role is simply to provide truthful, independent advice based on the experience of other places in this

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Commonwealth over the years. There is a reason why there are only a handful of communities in the Commonwealth who have gone to a Police Commissioner and that reason is the extra cost. People may tell you that it also undermines the moral of the men and women in the department with hopes of rising through the ranks to the position of Chief themselves. And that is true. Others may say that it sends the wrong message to the entire department that the City Council wants to run a department politically by replacing a career professional law enforcement officer with a politically appointed civilian. Some may feel that the officers will feel reluctant to do their jobs, worrying about who may be connected to a member of the Council. And I felt that they may be correct. One thing I can tell you from experience is that no community has saved money by doing this. There are several costs that must be considered. It is important to avoid the temptation of saying that we'll just replace the Chief's salary with that of a civilian, which may not cost that much more. This is naïve and in some cases a deceptive argument. The most recent city to adopt a Police Commissioner is the City of Springfield. Yes, it's larger than Methuen; but after that there are some remarkable similarities. For example, they had a civil service Police Chief. In this case, the Chief was old enough and had enough years of service to retire, and she was willing to make a deal. They bought her out for \$360,000, \$360,000 to get the incumbent Chief to retire. They did this recognizing that as a civil service Chief, she could only be removed for just cause. Their legal fees were reported to be in the six figures but I can't confirm this but suffice to say that they spent tens of thousands of dollars and concluded that they could not simply oust a sitting civil service Chief of Police and replace her with a Commissioner as some local politicians had asserted. With a younger Chief, as you have here, you might expect the fight to be more protracted and definitely more expensive. Springfield did replace her with a Commissioner, with a starting salary of about \$60,000 higher than the Chief was getting and in addition, as is often the case, the Commissioner needed an entirely new private staff of advisors, press aides and the like, not that these were not helpful, perhaps essentials in some peoples minds. All I am saying is that the hidden costs, the normal extras, far exceed the cost of just a Commissioner's base salary. The City of Methuen made a covenant with Joe Solomon when they made him Police Chief. It said that he would keep his job unless and until the Mayor found just cause to replace him. Now the City Councilors of a civil service community, I'm sure you'll be familiar with what just cause is. As an association we will stick by this Chief for as long as it takes and whatever it takes and whatever form it requires with all the vigor we can muster. I'm not lacking personally political savvy; I was here a few months ago and got a good lay of the political landscape. I know that there are some on the Council that would like to see Chief Solomon gone. If their concerns were not based on perceived personal slights or the hiring or the disciplining of a family member, for example, they would deserve more attention. I can tell you that when a community lets the personal mission of a few politicians take over, nothing good can come of it. One thing, we, as an association, have always been certain about, a city or town should not jump into this area blind. It takes a great deal of study, by professionals. Unless Methuen has completed a comprehensive management study, it would be fool hearty to embark on a road towards a Police Commissioner with no road map or compass. If, after careful consideration, Methuen decides to follow the path towards a civilian Police Commissioner, we, as the Statewide Chiefs of Police Association, will welcome the Commissioner to join us in

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

fostering professionalism and fellowship. We will not oppose the will of the community. You know best and what is right for Methuen. However, if the Council jumps into this without giving it the proper study and time it deserves, I expect the city's residents will see it for what it is – a wolf in sheep's clothing. I am not here with a sword in my hand. I also offer a branch of peace. I plead as President of Massachusetts Chiefs of Police Association to help Methuen take an objective look at what is best for this community, if you want us to. We will cooperate with any professional management study, personnel survey, or similar objective review of the structure and operation of the Methuen Police Department. It takes time and a little bit of funding. However, in the long run, it will be one of the wisest investments that this city can make. I thank you for your time, your kind attention, and I assure you, I've been a Chief for almost 14 years now, one in the top tier of Chiefs in the Commonwealth in terms of seniority, and I can tell you that your Chief is very well thought of by his peers throughout the state and your police department, I compliment you, has a very good reputation. I thank you very much.

Elton McGray, 27 Clementi Lane, said there's been an awful lot of talk about turmoil in the police department, the source unknown. There were incidents maybe of the Chief trying to discipline a couple of officers and disagreements that may be just normal management worker disputes. Regarding the grant money that was used for overtime for superior officers was a mistake. He paid for that mistake and whether the punishment was fit for the crime, he doesn't know. But there seems to have been a considered effort over a period of time to get rid of Chief Solomon and the more you talk, whether the charges are true or not, after a while if you talk enough on something, then that becomes the truth somehow. If this person has done something so bad, then come up with charges against. And if there are no charges against him, stop the talk because it doesn't serve the community very well at all. To his knowledge the Methuen Police department does a great job and the Chief is the leader. "Does he get any credit for that? Or does he only get the criticism for supposed mistakes?" Mr. McGray suggested if a Councilor whose son is in some disagreement with the police or the city and it involves the Police Chief, he should reclude himself from any actions or any talk about the police until the lawsuit is resolved. Delays allow the opportunity to keep attacking the Chief. The talk should be ended one way or another. It is not good for the community or the police department.

Jack Burke, 2 Canobieola Road, referred to Robert's Rules and stated the definition of an emergency preamble which is suppose to be for the immediate preservation of public peace, health, or safety and under Robert's Rules of Order. He is lead to believe that when an EPA is attached to a bill. It should be read so that the public is aware of what that public, peace, health and safety issue is. Attending meetings and watching them, the impression that he comes away with and it appears to people that he speaks with in the street EPA's are used in order to stop debate or discussion about an issue. Once Council approves an ordinance that has an EPA, that's it. It becomes law. He asked the Council to read what the EPA says is the actual public, peace, health or safety issue involved so that people will understand that Council has something that needs to be done immediately without further debate or waiting for another two weeks for the next Council meeting. Mr. Burke asked when an item regarding the Disability

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Coordinator position would be on the agenda for review. The minutes of the meeting stated that a review would be done after one year.

PUBLIC SERVICE

Grants: None

Licenses: Special Excavation: 15 Old Ferry Road (to replace a water service)

MOTION BY: Councilor Willette, seconded by Councilor Corey Rahme to approve. UPON VOTE: UNANIMOUS.

Contracts: None

OTHER CITY AND COMMITTEE REPORTS

Chairman Zanni stated that two committees were established. Councilor Quinn is the Chair of subcommittee regarding Historical Chapters of the Code and Councilor Rahme is the Chair of the Recodification committee (Methuen Municipal Code).

Councilor Corey Rahme reported that a meeting is scheduled for Tuesday, May 8th at noon in the second floor conference room. The committee will be reviewing the Municipal Code to see if there are any needs to reconfigure some of the language and will consult with the City Solicitor. (Membership includes Councilor Quinn, Councilor Andrew, Councilor Leone, and Councilor Lahey)

Councilor Quinn said her committee is waiting for the Historic Planner and the Historic Commission to come together and provide a map and inventory of historical buildings and homes. (Membership includes Councilor Cronin, Councilor Leone, Councilor Andrew, Martha Welch and Lyn Smiledge)

Councilor Leone stated that they asked Lyn Smiledge, who is the Historic Planner, to furnish inventory. She currently has a written inventory of all of the buildings in town that they feel have some historic significance. She's giving that to the engineering department so they can use our GIS system to provide a map showing the location of all the buildings. Anticipated time frame is a month or longer to get that done and then the committee will schedule another meeting.

Chairman Zanni reported that the Charter Review committee (Councilor Giordano, Councilor Lahey, and himself) met with the Solicitor a few times.

Councilor Giordano stated that a written report would be given to Council for review.

Councilor Lahey said the committee suggested a change regarding the 2-11 Investigation procedure in the Charter. The change deals with having a subcommittee do an investigation prior to a 2-11, bring a recommendation back to the Council, and then based on the recommendation, then take a Council vote to see if a 2-11 is warranted. The other issue that would require a Charter change pertains to having the Council have a little bit more of a say on appointments, promotions, etc. A lot of those were cut out during a previous Charter change and its something that should be reinstated.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Councilor Willette asked for the status of results from the task force on business and business friendly changes to help conduct business in the City of Methuen.

Councilor Leone said they've furnished a draft report to the Mayor, who's going to review it. If all is well, a final draft will be given to the Mayor and distributed to the Council shortly.

OLD BUSINESS

Resolutions: None

Ordinances: None

Consideration of Appointments

Board of Registrar of Voters

Term to Expire

Madeline Varitimos, 44 Woodland St., Methuen

03/31/10

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

Councilor Andrew asked if this is a replacement appointment.

Mayor Manzi said this is to fill a vacancy.

Councilor Giordano asked who left the board.

Mayor Manzi responded, Bill Licata.

UPON VOTE: 8 yes, 1 present (Clr. Cronin) M. Varitimos was a former employee

Historic District Commission

Term to Expire

Christine Metzemaekers, 16 Lincoln St., Methuen

09/17/10

MOTION BY: Councilor Corey Rahme, seconded by Councilor Willette to approve. UPON VOTE: UNANIMOUS.

NEW BUSINESS

Resolutions:

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

MOTION BY: Councilor Andrew, seconded by Councilor Cronin to adopt for first read.

Councilor Lahey asked the Solicitor for clarification on this resolution.

Attorney McQuillan said it is non-binding piece of legislation. It is essentially a statement, a symbolic statement.

Councilor Corey Rahme referred to the front page of the eagle tribune and said she's been getting a lot of telephone calls from concerned constituents. They're very upset about the Council's involvement in something that's not their perview. It is something they feel is not Council's business. They recognize that the Mayor is responsible for the Chief of Police. There's extraordinary information involved in the hearing that was held and the findings. She has in her possession, if anyone would like to see it, a letter from the Justice Department. Her point is there is no need to add fuel to the

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

fire of an outstanding issue facing the citizens of Methuen. Council should take a wait and see attitude that protects the taxpayers' dollars. There's \$29,000 under discussion with the federal government. Council ought to wait to see exactly what's going on before hastily make a decision to disrespect the Chief of Police and the department. Its not Council business right now.

Councilor Leone said his primary concern is that we have a Charter, duly approved by the voters, which specifically gives the Mayor the administrative power in personnel matters. The only Council involvement regarding personnel matters deals with ratifying appointments of senior management, assistant department heads and acting as an appeal venue, if and when the Mayor takes disciplinary action that could result in termination. Council getting involved in this particular matter is not only a "no confidence" vote on the Chief; it is a "no confidence" vote on the Mayor. The Mayor took the action he needed to take. The only action open to him under civil service law was a suspension, a three-day suspension, which was duly served. The Charter cannot be interpreted to give Council the right to interfere in the Mayor's relationship between himself and his senior managers. That's his prerogative. If he mishandles that relationship. He doesn't answer to Council in those matters. He answers to the voters directly. The Charter gives him that right. Councilor Leone said he understands why Councilor Andrew put this item on the agenda. He also has received calls and people are divided 50/50, one-way or the other. No matter how he votes on it, he's going to end up upsetting half of the people who called. The first four paragraphs in the resolution are 100% true, all factual, all accurate. Councilor Leone read the first four whereas paragraphs of TR-07-35. He stated he would like to add another paragraph that says "Whereas the Mayor has determined, after seeking counsel from a qualified Civil Service hearing officer, 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, and replace the last paragraph with one that says "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." This last paragraph would replace the last paragraph within the original resolution.

Councilor Cronin and Councilor Giordano requested a copy of the amendment for review.

Councilor Quinn said the City Council has an item from Councilor Andrew, Councilor Cronin, Councilor Giordano and something that Councilor Leone put together two minutes before a vote is pertinent right now. She believes this a distraction to the City of Methuen and to the citizens. Council is spending way too much time on this. The Mayor has taken charge of it and given the suspension. The Chief served it. "How many times do we have to go through this?" Councilor Quinn said she's looking for businesses to come to Methuen to help us with our tax base and create jobs. "Do you think anyone in their right mind wants to come to this city the way things are happening?" Too many people out there believe it's a joke. "How many times do you want to slap someone?" She asked Attorney McQuillan if it is ethically correct to vote or bring something forward directly pertaining to a person if there is a pending litigation against this individual.

Peter McQuillan said he would not answer the question now. It is the first time its been posed and it's a question of significant impact. He would like the opportunity to

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

review all the circumstances, and review the law and the facts before making a determination, one way or the other.

Councilor Quinn said she would like the information because of the need to know if there is an ethical violation here and to protect the citizens of Methuen.

Peter McQuillan said an opinion would have to be through a general consensus of the Council, and suggested it be done through the Chair.

Councilor Quinn requested the opinion, through the Chair.

Chairman Zanni asked the Clerk to prepare the request to the Solicitor.

(Request seconded by Councilor Corey Rahme.)

Councilor Lahey said he and Councilor Andrew attended the hearing held for the Chief and listened to both sides. It was a fair and impartial hearing, presented well on both sides. Based on what they heard, it was a fair decision. The three-day suspension given to the Chief proved a point. The Mayor told him, this is your department, you are responsible for it, not just for the good but also for the mistakes you make. The Chief has to be responsible for what happened. Although the Chief has the right under civil service to appeal, it makes him angry that the Chief did not accept responsibility and the punishment designated by the Mayor. Councilor Lahey said he would support Councilor Leone's amendment to endorse and support the Mayor's actions. If Council doesn't support the amendment, he will support the "no confidence" vote.

Councilor Andrew said the reason he brought this forth has nothing to do with the penalty that was given to the Chief for what he did wrong. The buck stopped at the Chief's office, at him administrating this grant, not St. Luis or anyone else. He was found wrong and there are other things under investigation as we speak. The constituents out there, the taxpayers, ask him what the Councilor(s) are doing about what's going on in the police department. There's a cloud over Methuen's police department. Councilor Andrew disagreed with the public speaker because other Chiefs have told him they have a tough time dealing with Methuen and that's okay. But it's not okay when the constituents do not know what Council is doing. He disagrees with anybody who says to him "you have no business putting your nose into that business". Councilors are elected by constituents to do city business for them and that means bringing to the table the things we need. Councilor Lahey just finished talking about how the 2-11 investigation works. If Council wishes, he'll take it off the table, noting Council legally and rightfully can get involved with the police department inquiry. This resolution is a "no confidence" vote because the Chief did something wrong. Its nothing against the other police officers in the department. Other officers have told him and Chiefs in other towns that we have some great police officers, officers that are having a tough time doing their job. He has "no confidence" and not 100% happy with what's happening the police department from the top management. The Chief was given a penalty. That's what the Mayor said he should do. That's the Mayor's prerogative. But, he personally, as a lot of people out there in the city, the citizens, don't have a whole lot of confidence as how the police department is being run, how the grants were being administrated, how the overtime was spent, who got the overtime, what they got the overtime for and Council can't tell them because they are not told. He wants everybody in the City of Methuen to know he is still interested and following the situation. This resolution is one way of way of showing that.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Councilor Cronin said, by virtue of the Charter, the 2-11 investigation is a tool that's meant for this Council. It gives Council the authority and the right to call before them any employee to give testimony. According to the Charter, it is their right, as a Council, to get involved in this community, workings of the community and of the City workers and have an obligation to the taxpayers to do that. Councilor Cronin stated that the people talking to him are taking quite the opposite stance than this gentleman presented. Because the citizens are not blaming the Mayor, they're blaming the Council and asking why Council is doing something. Council understands, according to the Charter, there is only so much they can do. The only method Council has to bring this forward on behalf of the people is to make motions such as they presented this evening to show that they care and are trying to take some kind of an action to straighten things out. Councilor Cronin said he took exception to the fact Councilor Quinn's is questioning his ethics, especially from somebody that supported the taxpayers pay all the bills, the legal fees, and attorney fees and anything that comes down against the Chief. Councilor Cronin said he called the Ethics Commission this morning and presented this situation to them. (He will provide the individual's name to the Solicitor.) Councilor Cronin said he is confident and secure in the fact that he is allowed to vote on this measure based on what the attorney at the Ethics Commission told him. His ethics are well above board on this. Any action that his son has against the Police Chief or the Deputy Chief is not affecting the Town of Methuen. It doesn't affect his vote. To be honest, it's much better for the Police Chief to have a job if his son prevails with his lawsuit than to not have a job. Because even if his son wins he won't collect anything. It doesn't benefit him for the Chief to be out of a job and that is not what he is saying. Items on the agenda may present the situation that might make the Chief the Police Commissioner. That would be up to the Mayor. Councilor Cronin said he has every right to vote on this resolution and has cleared it with the ethics commission. He resents the fact that his ethics were brought into question on this.

Chairman Zanni declared a brief recess.

Chairman Zanni asked if the Council is in agreement to have the Solicitor provide a written opinion to him regarding the ethics question raised by Councilor Quinn. Council has to take a vote.

Councilor Cronin asked if he could amend the motion

Councilor Quinn requested an opinion as to the ethics.

Councilor Giordano asked if that was in the form of a motion

Chairman Zanni said yes, it was made in the form of a motion. What happened was it was seconded and everybody had a chance to talk.

The Clerk noted that the Solicitor said "with the general consensus of the Council."

Councilor Andrew suggested listening to the tape. He said Councilor Quinn said she'd like to make that recommendation, through the Chair, to the Solicitor. Not in the form of a motion. There was no motion, no second.

Councilor Corey Rahme stated that she seconded.

Chairman Zanni asked the Clerk. The Clerk referred to her notes and had written that Councilor Quinn requested an opinion. Then Chairman Zanni directed the Clerk to prepare a written request, done through the Chair, but did not hear a second.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Councilor Corey Rahme said when Councilor Quinn asked, through the Chair to the Solicitor, for a legal opinion whether it was ethically correct for Councilor Cronin to involve himself in such matters. He refused to answer because he wanted to study the issue further and she respects that. The Solicitor wouldn't do anything unless it was through the Chair, a consensus of the City Council. At that moment, she felt there was an inference to make a motion, encouraged by the Counsel, of Councilor Quinn's intention. She seconded because she perceived the motion was made. While Councilor Quinn didn't say she would like to make a formal motion, it was inferred to the point where it was felt a second was appropriate because the Counselor, Attorney McQuillan, suggested strongly that it go through the Chair and the Council.

Councilor Leone said he heard Councilor Rahme second that but didn't hear everything.

Councilor Quinn said to let this go because Council has a lot of work to do.

Chairman Zanni asked Councilor Quinn if it would be fair to make the assumption (for what she said earlier) that Counselor McQuillan will provide a written opinion, through the Chair, then given to her.

Councilor Quinn, responded, yes, that's what she asked him and the Solicitor said it would be through the Chair.

Chairman Zanni said there was a motion made and seconded which he didn't understand. If that's okay Council will let it go at that and just to get an opinion.

Councilor Willette said the Ethics Commission itself does provide legal advisories to elected officials, appointed officials, on particular questions posed to them. He asked Attorney McQuillan if that was correct.

Attorney McQuillan responded, yes it is Councilor.

Councilor Cronin said, if that request is going to be made through the Chair, he would also submit to the Solicitor for a legal opinion as to whether anyone who received a donation from the Police Chief for their campaign, could also vote on any of these items.

Chairman Zanni agreed.

Councilor Andrew said he believed that if someone is interested in a problem with ethics, it's their duty to write or inform the Ethics Committee to find out a ruling if that's valid or not valid. He asked if that takes it out of Solicitor's hands or if he made a ruling, they continue and go to the State Ethics Commission.

Attorney McQuillan said, normally, the way it works under the statute is that if there is any issue relative to a conflict of interest regarding an official, an employee; they have a right to request an opinion directly from his office. And based upon consultations with him, a decision is made after review. The request has to be in writing and the opinion itself has to be in writing. An official and an employee also has the right to file what they call a self-report, where they can write directly to in writing to the State Ethics Commission explaining the situation as best they see it and the potential conflict they have. The State Ethics Commission will accommodate them by way of a written response, advising them that it is confidential in nature unless they chose to make it public themselves. There are basically two routes provided by the statute. Initially, the request goes through his office first.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Chairman Zanni noted that everyone had before them the amendment as presented by Councilor Leone.

MOTION BY: Councilor Leone, seconded by Councilor Lahey to amend the resolution as submitted by Councilor Leone.

Councilor Corey Rahme said she is having a great deal of difficulty with TR-07-35 and having a discussion about this at this time. The timing is very poor. She suggested Council look at the sponsors of this and ask, in good conscientious, “Do any of these gentlemen 1, 2, or 3 have a personal vendetta or a contention with the Police Chief on a personal matter?” “Or is Councilor Andrew, Councilor Cronin, and Councilor Giordano acting on behalf of the constituents, the citizens of Methuen, by advocating TR-07-35?”

Councilor Willette said he doesn't have a personal vendetta against the Chief but is very displeased with the Chief. The Chief has not admitted any responsibility for what happened with the grant program. This is the tip of the iceberg. The federal government, with the COPS program, focused on one year, 2003. As City Councilors, they represent the voters, put personal issues and personal politics aside. He trusts that Councilors will make the right decision. Councilor Willette said he doesn't want to have anyone infer to him that because he votes in favor of this or against this, that he has a personal vendetta against the Chief. Give me a break. Councilors rise above the fold when they're sworn in as City Councilors.

Councilor Corey Rahme noted that Councilor Willette is not the sponsor and she was not referring to him.

Councilor Willette said he is tempted to vote in favor of this resolution, because there's no admission of guilt from the Chief. The Chief's talking about a dead person who's responsible for what happened with the grant advice. And clearly in black and white if you look at the grant application, it emphasizes that it's only designated for patrolmen in terms of the overtime.

Chairman Zanni suggested Council focus and speaks on the resolution before them, not personalities.

Councilor Lahey said that Councilor Leone's amendment. It states the Chief made a mistake, the Council feels the Chief was responsible. It also says that Council agrees with what the Mayor handed him as disciplinary action. He is willing to vote for this amendment as opposed to the no confidence. Both votes are symbolic and he wants the people to know that Councilors feel the Chief should be responsible for his department. Councilor Lahey said the right thing for the Chief to do, on his own, would be to withdraw the appeal and take responsibility. If the amendment doesn't pass, he will support the “no confidence vote”.

Councilor Cronin said there are many things going on in Methuen. Every other day there's an item in the newspaper regarding our Police Chief and our Police Department, whether it be forty-five cents for extra cheese on a trip or mismanagement of a grant with a possible mismanagement of a lot of other grants, a lot of other money from the Weed and Seed Program. People have to be aware thanks to the Eagle Tribune for reporting the news and when the people get the news they start emailing and none of them have been very good or supportive of the Police Department. Councilor Cronin disagreed with the comments made by the Police Chief from Mansfield because he talked to numerous people in other police departments and they're laughing at us. One email

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

said “Methuen smells These are things we all face in the community whether it is at a coffee shop, standing in line in the bank, and this motion isn’t just for that one item on that one grant.

Councilor Lahey point of information – noted he was told to limit my discussion to the amendment.

Councilor Cronin said if the amendment passes, it takes the meaning out of the original motion, which is worth voting on, worth supporting. The people in the community are fed up. Its not just one or two people. Its everywhere you go. They’re blaming the Council, not the Mayor, and want to know why Councilors aren’t doing something. He understands the power of the Mayor and is not to usurp the power of the Mayor. What he did was probably the right thing based on the information before him, based on the hearing, and based on the report from the independent arbitrator. That’s what was recommended to him. But, Councilors have to stand up and be counted, too. There is a problem in the police department and we cannot pretend it doesn’t exist. The right thing to do is support the resolution on the floor, not the amendment.

Chairman Zanni stated there is an amendment on the floor and if somebody hasn’t spoken on the issue and would like to speak, he’ll allow one more round of conversation. It is important to deal with the facts at hand.

Councilor Corey Rahme - point of clarification - On the original document it says Now therefore, the Council, by virtue of this vote does hereby express and declare a vote of no confidence regarding the Police Chief. That paragraph is going to be stricken and replaced by Now therefore this Council, by virtue of this vote, does hereby affirm and support the actions of the Mayor. It’s a vote of confidence to the Mayor. From a vote of no confidence to the Chief of Police to a vote of confidence in the Mayor. She asked, “Are we his review board?”

Councilor Andrew said he resents the insinuation that there’s a vendetta. He’s been on the City Council for many years (this is his eighth year) and at no time has he ever this city hostage for any of personal decisions or personal feelings for any politician or any office holder. He stated he doesn’t have a problem with the amendment but doesn’t see why the fifth paragraph would be stricken. The resolution is saying all of the problems that’s been in the police department and the Mayor has determined, after seeking counsel from a qualified civil service hearing officer, that the Chief of Police should be suspended for his actions and said Chief has duly served his suspension period for three days. Then it says now therefore, this Council, by virtue of this vote, does affirm and support his actions, which he did. Councilor Andrew said he would have liked to see a little more severe penalty but the Mayor has the right to take the action he took. As a Councilor, he put this on the agenda because some of the constituents of this town have a problem with the confidence of this Chief, being confident of what’s going on in this police department. There are three situations, which he shared with another Councilor earlier, things that have been going for a year and half. This cloud has been over Methuen for a year and half and things keep cropping up. The situation with the grant stops at the Chief. Here’s a document that says that the Deputy Chief should have been the one administering this grant but St. Louis is being blamed and he is deceased. The Deputy Chief was supposed to be administrator of this grant and evidently he wasn’t. Councilor Andrew said he doesn’t have the confidence in the administration of that

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

police department. The resolution is just a statement from him, something people have asked him to do and agree with it.

Attorney McQuillan – point of clarification as to the amendment – the first sentence is somewhat of a misstatement where it says that whereas the Mayor has determined after seeking Counsel from a qualified civil service hearing officer. He sought Counsel from the Solicitor. What it should say is “Whereas the Mayor has determined based upon a decision from a qualified civil service hearing officer, that he acted accordingly” It clarifies the paragraph.

Councilor Leone agreed to the change.

Councilor Leone stated that this issue is causing a fair amount of division on this Council in addition to Mr. Cronin’s feelings that the police department is having internal conflict of their own. He presented this amendment because it gives Council a chance to get behind the situation by affirming the fact that they feel that the Chief acted in a manner that was not beneficial to the city, in handling these grants. The Chief’s been punished. The Mayor did what he is allowed to do under the City Charter, which is administer punishment to City employees. That’s his right. Councilors have the right to talk about this and place items on the agenda, but don’t have the right to force the Mayor to do anything regarding employees. That’s a foregone conclusion. This amendment gives the Council a chance to come together and put the entire issue behind them and see what the future brings instead of having a vote where everyone has to declare which side they’re on, again.

Chairman Zanni noted a change in the amendment “WHEREAS the Mayor has determined based upon a decision from a qualified civil service hearing officer that the Chief of Police, was suspended, not should be. He was suspended for his actions and said Chief has duly served his suspension for a period of three days and replace, we’d be taking out as Councilor Rahme asked, taking out the last paragraph, which now would read 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. Councilors are responsible to oversee what’s going on but the Mayor is overseeing the police department, day to day, with the Police Chief and should know what’s going on in the police department. A hearing was held, a recommendation made for a suspension of three days. The Mayor followed what that recommendation. Council should move ahead. The Mayor oversees every single department in our community on a day-to-day basis. It’s his responsibility. If the Mayor thinks there’s something drastically going wrong with that department or any other department, he would come forth and let the Council know. His feeling is that this Council, over the past year and half, has worked very effectively, and he would like to continue in a positive way.

Councilor Quinn said if she votes on the amended version, she is not voting a no confidence vote.

Chairman Zanni said that’s correct.

Councilor Quinn said she doesn’t think there’s mayhem or chaos in the Methuen police department. Methuen is a role model for many police departments in the Merrimack Valley. Crime is down. People feel safe. Patrolmen are walking the beat. Methuen has good schools, good public safety and the fire and police. DPW is efficient and works well. She is proud of the entire police department.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

UPON ROLL CALL VOTE: 4 yes, 4 no (Clr. Andrew, Clr. Corey Rahme, Clr. Cronin, Clr. Giordano), 1 present (Clr. Willette)

Main motion (MOTION BY: Councilor Cronin, seconded by Councilor Andrew to approve)

Councilor Lahey said he would support this resolution for the same reasons previously stated. If the Chief decided to assume the responsibility and drop the appeal, he'll bring it up for reconsideration.

Councilor Corey Rahme said she is very concerned about the taxpayers and about a pending appeal. Thirty thousand dollars is at stake. She encouraged her colleagues to vote "no". It's too premature. She asked "How the federal authority looking at an appeal view our Council if the nine designated people, the elected body, is looking at the Chief and saying "we don't think we have confidence in him". She urged the Council not to put the taxpayers at risk.

Councilor Cronin said this a first reading. No one knows what's going to happen two weeks from now as far votes changing. He doesn't think the federal government cares what the Council might vote. Their decision's made one way or the other. They have every news clipping, every statement that's made at this Council; they have everything in their file. They're not missing anything.

Councilor Willette said there's no accounting for what transpired with the grant or sense of responsibility for what transpired with the grant. As the elected officials, even if it's a non-binding symbolic vote, Councilors could take the affirmative stance on it. They're not happy with the Chief's actions in this regard. This is focused on one year, 2003 COPS grant and there's no sense of accountability or responsibility.

Councilor Andrew if Council passes this for the first reading, maybe Councilors could look into whether or not there's a reason for a no confidence vote. He did not put this resolution on the agenda because of the COPS grant. That's not the only reason. This police department's been under investigation for a year. Records were subpoenaed. The Mayor handled the situation and he agrees with the Mayor's action. But, his feeling is there is a cloud prevailing over Methuen. He suggested that Council adopt this for first read and in two weeks decide if there is a reason for the "no confidence vote". Councilor Andrew asked the Mayor if there's been any discussion or negotiating with regards to the thirty thousand dollars the community has to pay back.

Mayor Manzi said an appeal was sent in but that appeal has not yet come back adjudicated. They believe the number won't be thirty thousand.

Councilor Leone said reference has been made to an investigation several times. If the reporter from the Eagle Tribune calls the Justice Department tomorrow and asks about an investigation, the answer is "What investigation? We're not having an investigation." Council shouldn't be talking about it. There is no official investigation.

Councilor Andrew said they did subpoena records.

Councilor Leone some people in suits have been prowling around getting documents. That's all we know.

Councilor Andrew when they subpoena records, that's all we know.

Councilor Leone said everyone seems to have the same goal here, to acknowledge that the Chief did something wrong. That's what his amendment would have done, acknowledge that he did something wrong, acknowledge the Mayor handled it properly

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

and Council can stop talking about it. He said if he votes against this, its not because he have an opinion as to the Chief's performance, its because he has an opinion that the Charter gives the Mayor the right to deal with these matters. Council should not be interfering especially now because if Councilor Andrew is correct and there's an investigation, this is the worst thing Council could be doing.

Councilor Lahey said he supporting this for first read, strictly against one item, the COPS grant. With all the stories, legally, it's the only thing that came down against the Chief. This was a mistake he made and he's not taking responsibility for it.

Chairman Zanni said the amendment proposed tonight by Councilor Leone was a way of ending the finding regarding the grant in question. It didn't pass. He cannot vote for or against the "no confidence" resolution as originally presented.

UPON ROLL CALL VOTE: 5 yes, 3 no (Clr. Leone, Clr. Quinn, Clr. Corey Rahme) 1 present (Clr. Zanni) passes first read.

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

MOTION BY: Councilor Cronin, seconded by Councilor Leone to approve for first read.

UPON VOTE: UNANIMOUS.

Chairman Zanni requested that a letter of thanks be sent to Mr. Eaton.

TR-07-37 Resolution Authorizing Acceptance of a 2007 Survey & Planning Grant from the Massachusetts Historical Commission (EPA REQUESTED)

MOTION BY: Councilor Leone, seconded by Councilor Quinn to adopt and attach an EPA.

Chairman Zanni read the emergency preamble.

UPON VOTE: (EPA) UNANIMOUS.

MOTION BY: Councilor Cronin, seconded by Councilor Quinn to adopt the main resolution. UPON VOTE: UNANIMOUS.

TR-07-38 Resolution Submitting a Home Rule Petition for the Appointment of a Police Commissioner of the City of Methuen (Req. of Clr. Cronin)

Councilor Cronin withdrew the resolution in order to address some language changes and possibly bring back in two or four weeks.

Councilor Quinn asked the Solicitor if Councilor Cronin could bring for this resolution.

Attorney McQuillan stated that any request for a Legal Opinion should be in written form so he can respond accordingly. It is his understanding that if the item is withdrawn, the issue is mute.

Councilor Quinn said it is her understanding it will be brought forward at a later date.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

TR-07-39 Resolution Authorizing the Superintendent of Schools to Solicit or Award a Contract for a Term Exceeding three (3) years (EPA REQUESTED)

MOTION BY: Councilor Corey Rahme, seconded by Councilor Andrew to adopt TR-07-39.

Councilor Leone said he'd like to know the length of the proposed contract Joseph Salvo, Business Administrator, said the length of the contract is for three years with two optional years, if it is in the best interest of the community to do so.

Councilor Leone asked if the exercise of the option is strictly at the will of the School Committee.

Mr. Salvo responded, yes.

Councilor Leone said it allows them to fix the cost for years four and five should they chose the option. He asked what happens if the price of gasoline decreases.

Mr. Salvo noted that the School Committee could go out to bid again.

Mayor Manzi reported to the Council that the School Committee voted unanimously to accept this.

Councilor Leone asked the Solicitor if this is a one-time exemption.

Attorney McQuillan said it's a constant exemption that is provided in the statute that's cited if there's any contract in excess of three years, it has to go through a majority of the Council for the approval in concert with the School Committee. Mr. Salvo came to his office directly to discuss the statute and hence the result is the resolution before Council. This is a one-time exemption to this particular contract.

Councilor Willette requested a copy of the contract from Mr. Salvo.

Mr. Salvo agreed to provide a copy of the contract to the Council along with bid responses. He noted this had the unanimous approval of the School Committee.

MOTION BY: Councilor Corey Rahme, seconded by Councilor Quinn to attach an Emergency Preamble for the good and welfare of the community.

UPON VOTE: (EPA) UNANIMOUS.

UPON VOTE: (main motion) UNANIMOUS.

TR-07-40 Resolution Amending Traffic Rules and Regulations of the City of Methuen – Nor Parking Area – 16 Camden Street

MOTION BY: Councilor Leone, seconded by Councilor Willette to accept for first read and forward to a public hearing.

UPON VOTE: UNANIMOUS.

REQUEST OF COUNCILORS

Councilor Quinn asked if DPW could paint the structures within the Veterans' Project on Larchwood, Kenwood and Birchwood Streets.

Mayor Manzi said the Methuen Housing Authority controls the units, which is out of our purview. He suggested that Councilor Quinn contact the Board of Commissioners, attention Francis Roberge.

Councilor Quinn asked the Chairman to send a letter.

Councilor Andrew said he was with the Mayor and mentioned to him the graffiti problems and malicious damage at Grey Court. The Mayor immediately called Ray DiFiore's office. The next day the graffiti was painted over. It was not removed because

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

Sheriff Cousins' graffiti machine was inoperable. He went up to Grey Court last evening and a whole other section is covered with graffiti. The disadvantage of closing the gates at 6:00 p.m. is the kids can walk in but the police officers can't get in. Councilor Andrew suggested having the police bring mountain bikes, parking the cruisers in the city hall parking lot, and use the bikes to go up to Grey Court. As soon as the kids see headlights of the car they're gone.

Mayor Manzi said he submitted a memo to Council regarding graffiti. It has been a reoccurring problem late at night. The city is going to put remote cameras up there and tie them into the OIC command desk to get a good look at what's going on. The keys have been given to the shift commander. A new order cut last week so that those keys should be retrieved and we will not allow the fact that the gate is closed to stop us from patrolling. It's a good idea about the mountain bikes. We will be up there though.

Councilor Andrew asked for the status of the defibrillators in city hall.

Mayor Manzi said part of the upcoming budget would include two defibrillators.

Councilor Corey Rahme congratulated the Mayor and the City of Methuen for the wonderful clean up day on Saturday. She just got a number from Jill Stackelin that 1100 people volunteered, which is a great turnout. She especially thanked the citizens that joined her at the Elmwood Cemetery edging graves. She thanked the Mayor for the hamburgers and hot dogs served afterwards. Councilor Corey Rahme also thanked the dollars for scholars' volunteers for their efforts and participation

Councilor Willette said he mentioned to Senator Baddour the menace locally with the state bridges, Route 213, Nicholas Buglione Bridge and gang tagging. A crew cleaned the graffiti and soon after more elaborate, more heinous graffiti was added. He mentioned the installation of cameras in his letter to Senator Baddour. It is an excellent idea. We also have to explore the state laws in existence in terms of assessing fines and criminal charges against graffiti artists, especially those who participate in gang activities. He thinks Council should explore that option as well as sending a letter collectively as a City Council to not only maybe have funding for those cameras at different locations to protect our infrastructure and our public buildings but also to increase the penalties in the state. In California it's a felony the people who serve as graffiti artists. New York City cleaned up their act. They arrested a graffiti artist and cleaned up the public infrastructure. Locally as well, its become a menace and we should have a great knowledge of where these locations are, the installation of cameras, and also increase in the penalties of the state.

Mayor Manzi thanked all of the volunteers that helped in the clean up throughout the City, in particular Jill Stackelin who coordinated the event and Ray DiFiore and the department of public works. Thanks to everybody and all the cooks, Jay Bonanno, the Chief, and Ray. It was a wonderful event.

Chairman Zanni noted the residents in the west end did a terrific job as well.

METHUEN CITY COUNCIL REGULAR MEETING
MONDAY, MAY 7, 2007 – 7:00 P.M.

ADJOURN

MOTION BY: Councilor Andrew, seconded by Councilor Cronin to adjourn.

UPON VOTE: UNANIMOUS.

The meeting adjourned at 8:50 p.m.

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 21, 2007.

COUNCIL CLERK