

**METHUEN CITY COUNCIL REGULAR MEETING
GREAT HALL, SEARLES BUILDING
June 4, 2007 - 7:00 p.m.**

Chairman Zanni called the regular meeting of the Methuen City Council, scheduled for June 4, 2007 to order at with all members present.

ACCEPTANCE OF AGENDA

Chairman Zanni requested to amend the agenda and take out of order contracts C-07-28 and 29 and TO-07-49.

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

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

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

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Corey Rahme seconded by Councilor Willette to waive the reading and accept the minutes of May 21,2007 –regular meeting.

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

Chairman Zanni read into the record a letter from the Methuen Police Superior Officers Union. New England Police Benevolent Association, Local 17 to express their confidence in Chief Joseph E. Solomon. (Letter Attached).

PUBLIC PARTICIPATION

Robert Nicholson -34 Marsh Ave spoke on TR-07-47. Mr. Nicholson spoke for his mother in law who lives at 33 Forest Street at the corner of Memorial Drive. It is a safety hazard because there is parking there and she cannot see backing out of her driveway. There has been almost two accidents in that Memorial Drive area and he is asking that there be no parking.

Chuck Trudel - 14 Canobieola Road spoke regarding the parking of the school bus in his driveway. He has been driving nine years and does not see anything wrong in parking the bus in his driveway that does not pose a safety hazard. It is not on the street. He feels Mr. Trombly is a fair boss letting them bring the bus home and in turn saving him

money on gas. Some of the drivers have a hardship and only work part time. Mr. Trudel is asking council to support the ordinance.

Natalie Clancy - 79 Brown Street spoke regarding the parking of a school bus on her property for six years. It is convenient for her, saves her money and will save the town money in the long run. It saves Mike Trombly money because his expenses get passed down to the town when he makes his bid for the school bus contract. Ms. Clancy referred to savings that could total \$13,500 saved in one year for fuel and gasoline. A total cost for a three-year contract is \$40,500 dollars. If all school buses were parked for six years the savings would be \$81,000 dollars in gas and fuel at 140,000 miles. The savings would be a new school bus. If this does not inconvenience anyone and does not create a public safety issue the town should allow this.

David Nault - 99 Hampstead Street. Spoke regarding the school bus issue. He started driving a school bus six months ago. His wife has been working at Trombly for nine years and has parked the bus in the driveway. He also park's his bus in his driveway. Convenience is the biggest plus. He and his wife both live on the east side and drive (school bus) on the east side. He would have to go to the west side of Methuen and deal with the traffic on 113. He does not see the problem parking the buses in his driveway because there are a lot of businesses in his area although being told it is zoned residential. He is in support of this ordinance.

Charles Martineau - 13 Canobieola Road. Speaking for himself and possibly ten bus drivers who could take their bus home could save up to ten or fifteen dollars a week in fuel for the bus company. That would be (10 drivers) \$100 dollars a week times forty weeks would be \$4,000 dollars a year. He understands if the buses were parked on the street it would create a safety problem for emergency vehicles. If there is room in the driveway he feels he should be allowed to park the bus in the driveway. The bus is not parked during the summer. It is convenient and saves money for both the company and the town.

PUBLIC SERVICE

GRANTS:

Public Service Grant # 651 Pelham Street – To locate two (2) Poles.

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

UPON VOTE: UNANIMOUS

LICENSES:

Flea Market Application. Methuen High School PTO June 9,2007

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

UPON VOTE: UNANIMOUS

CONTRACTS

C-07-28 Maturano Recreation Co, PO Box 106, Spring Lake, N.J 07762 – Playground Equipment Veteran's and Shorty Park \$ 76,316.00 (Playground Equipment Wood Fiber: \$ 5,202.00) Total \$81,518.00.

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

Councilor Quinn thanked Mayor Manzi for the much needed improvements to our parks because what we have is old and outdated. We have beautiful parks and they need upgrading including handicap accessibility.

Councilor Willette asked Mayor Manzi with the game time program they have is the installation free?

Mayor Manzi stated the city will do the dismantling and the price will include the installation. It is free installation.

Councilor Willette said he is familiar with the program and knows there is a matching grant program. They had it in the past and they may re- open that again.

Mayor Manzi said he would send a letter out regarding that through his office or DPW. Councilor Giordano asked the Mayor to look into the Veterans Park and the clean up discussed there.

Mayor Manzi said he has been getting good reports in the last couple of days.

Councilor Lahey asked where the funds are coming from for this project?

Mayor Manzi stated the funds are from a one-time payment for a real estate transaction on Hampshire Road of \$150,000 dollars and should arrive next week. He will execute the contract when that comes.

Councilor Lahey asked if this project was considered to be done in-house? Such as the installation or buying the equipment?

Mayor Manzi stated a portion of the work would be done in-house.

Mayor Manzi said we are getting free installation; we are buying the equipment as we would in any case and they are installing it.

Councilor Leone said he was at Veterans Park Saturday morning and did notice a substantial improvement since his last visit (with the Mayor). The grounds look very nice and he has gotten positive comments from people using the Park.

Mayor Manzi thanked the DPW department for an excellent job and all their good work.

Chairman Zanni said they (DPW) do an excellent job maintaining our Parks. The new equipment will be a helpful aid to that.

Councilor Willette asked about the installation of cameras at Grey Court and possibly use Veterans Park as an experiment. We will have new equipment and ball fields and this would help to prevent vandalism.

Mayor Manzi said that would be a park that would have a natural fit for that. He is getting pricing and will get back to council.

UPON VOTE : UNANIMOUS

C-07-29 Agreement Between the City of Methuen and Local 3699 of the American Federation of State, County and Municipal Employees, AFL-CIO Methuen Inspectors Employees Unit. July 1,2006 to June 30,2009

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

UPON VOTE: UNANIMOUS

(out of order)

TR-07-49 Resolution: Amended Lease Between the City of Methuen and the Trustees of the Oakland Avenue School Trust.

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

Councilor Giordano asked for a history regarding the lease.

Mayor Manzi stated the lease was entered into six years ago. There was an extensive input from the neighbors to enter into the lease. The Mosque (school) has been an exceptional neighbor but had to make extensive capital improvements to the property. They (at the time) were willing to do so and the city was willing to give them an additional few years on the lease to guarantee a level of security to justify the large sums of money they needed to spend by the terms of the lease. The city has worked with them on a number of issues, they have been great neighbors and he is pleased to make this recommendation for them. Ten years with a renewal of an additional ten years.

Councilor Giordano said they have some major improvements to make but the city still owns the building.

Mayor Manzi stated yes. A lot of work has happened on the property. From the city's perspective it is not always dollars and cents. We have had a valuable contribution in many different ways by their presents at Oakland Avenue. In dollar and cents terms they are making great improvements and he highly recommends that council approve the extended lease. Nothing has changed in the lease; the neighbor's will continue to play in the playground. That playground will remain open to the public. After ten years they will have the ability to renew at that time at \$100.00 dollars per year.

Councilor Corey Rahme stated she has had the opportunity to visit the school and the Mosque and they have always been open for the neighbors to come over. They are an asset to our city. There is a burden lifted from our (city) classrooms and they provide a service much like St. Monica's. There are options and the diversity of options for both St. Monica's and the Islamic Academy are consumed well by several citizens and releases the burden on our public classrooms. Going down Oakland or Ashland Avenues we can see the grounds are well sculptured, it's a wonderful community and they take ownership and pride in their homes. It did not look like that ten years ago. Councilor Corey Rahme hopes to be re-invited back to the picnic they have every year. They have a community outreach that invites the whole neighborhood and streets. Councilor Corey Rahme will support this resolution.

Councilor Lahey said he appreciates all the work they are putting into the building but also feels it is a great deal for \$100.00 dollars a year. Do they have any intentions of buying the building after the ten-year lease is up?

Mayor Manzi stated there have been some discussions on that issue. He does not want to speak for the Academy but it is fair to say that if they should have the financial ability at any point, they would be interested in approaching us.

Councilor Lahey stated he would like to see them purchase the building as opposed to leasing it for ten years and then another ten and so forth.

Mayor Manzi stated we (city) are open to the idea but in fairness these costs can be astronomical and the financial ability to buy would not be easy. It would not be easy for the city to transition out because of the location of the building. It is situated in the middle of a residential neighborhood. It has always been a school. As a city councilor he

voted for the original lease because it has been a great fit for the neighborhood and he still feels that way. With the existing lease this is the best that he as Mayor and the City Council could do to alleviate the over expenditure. We are doing the maximum that we are allowed to do under the law to make them more comfortable given the fact they have to spend all of this money.

Councilor Quinn thanked the Academy for the picnic. She would hope more people in our community would take the time to understand their background. We were all welcomed and she looks forward to going back again.

Councilor Andrew asked if the playground is a co- community playground. Are there any restrictions for the ball fields?

Mayor Manzi said there are no restrictions to the ball field.

Councilor Andrew said he disagrees with Councilor Lahey to sell. Councilor Andrew does not want to sell city assets it is not for council to make that decision tonight because that is ten years or twenty years from now when the lease is up. We have done that in the past and it has hurt the city. This is a good deal for both parties we still own the building and they only pay \$100.00 dollars a year for the lease.

Councilor Zanni said he has toured the school and was very impressed. He believes this is good for both sides.

UPON VOTE: UNANIMOUS

Chairman Zanni stated council has not received a budget as of this date. The workshop budget meeting scheduled for June 6,2007 will be changed to Monday June 11,2007 at 5:30 pm.

Councilor Giordano requested that departments heads be in attendance at the (workshop) meetings because he wants a line item budget hearing and wants to hear from the department heads.

Councilor Willette asked the Mayor how we are doing with the one-time revenues?

Mayor Manzi said that would be discussed in the budget. We have the same difficulties that most municipalities have. The fixed cost continues to be there, with renewed commitment to education at the local level. It is a difficult budget and we continue to (try) gather one-time revenues but we need to be in balance. We can discuss this further when we have a delivered budget.

Councilor Andrew note the improvements at Grey Court Park and the cameras will be an asset and can we have the police patrol the area (sporadically) three nights a week on their bikes. Grey Court is a State Park and is there a reason the gates are not open on a regular time basis? One day the gate is open and the next day it's closed. Not many people in town realize there is a walkway behind the Gatehouse. For security the more people that use the park the less the teenagers will hang around. That may deter the graffiti. Perhaps open at 10:am and lock the gates at dusk.

Mayor Manzi said he would get a regular schedule regarding this issue. Mayor Manzi thanked the Methuen Police Department. After the last incident there was an arrest made.

He has discussed this with the Chief of Police and it was determined the police will not always access the park through the front gate. Whether by bike or other means people will not always see them coming. With the cameras working it will help the police in surveillance of the area.

Chairman Zanni asked to be brought up to date regarding the Weed and Seed and the direction the inquiry is taking?

Mayor Manzi stated the story in the paper was unfortunate and did not come from his office; he did address it after the fact. It was a letter of inquiry asking for additional documentation. The letter did not specify anything beyond asking for additional documentation. He has spoken to the sender of the letter and he clarified some of the nebulous nature of the letter. The letter was a routine letter that he received as Mayor, nothing to be alarmed about and nothing he found to be out of the ordinary. It was addressed to Mayor Manzi he has made the contact back and will provide the additional documentation. He did not feel the need for a report because he does this frequently. If anything (additional) comes out of this he will let the city council know.

Councilor Cronin asked the Mayor for a copy of the letter. The Tribune has a copy.

Mayor Manzi stated the Tribune does not have a copy of the letter. The Tribune quoted from the letter but they do not have a copy of the letter. The Solicitor has it and council members can read the letter if the solicitor sees fit to release it. The letter was addressed to Mayor Manzi and when he leaves the office of Mayor he would hope the prerogative of the office is kept. He does not as a rule share correspondence with anyone. It was addressed to him asking for an administrative response and he provided it. For some reason it has gotten out, he does not mind sharing it because there is nothing to it. He will leave it up to the solicitor's discretion as to the release. Mayor Manzi does not have a problem with Councilor Cronin (or council members) reading the letter.

Chairman Zanni said if council members want to go to the solicitor's office they could read the letter.

Peter McQuillan, city solicitor stated absolutely yes.

Councilor Corey Rahme asked how the information got to the Eagle Tribune?

Mayor Manzi stated the letter was addressed to him and delivered to him. He did not have a copy of the letter made. No one except himself had a copy of the letter. The truth is he does not know.

Councilor Corey Rahme stated that she was sorry the privacy in his (Mayor's) office was compromised. That is not acceptable. It put the city council in a weird place when they read it (today) in the newspaper. Stephanie Chelf the Tribune reporter for Methuen called Councilor Corey Rahme asking if she had a copy of it (letter) and she did not. Councilor Corey Rahme had received an anonymous phone call and had a tip this was coming and thought that is not going to happen because we did not get the letter of the

inquiry from the Federal government. She does not like when there is a breach of confidentiality. She feels badly for the city of Methuen, for the Mayor's office and the City Council office in this regard.

Mayor Manzi again stated the letter was sent to him and was not copied. He will leave it to the city council to make a determination as to how that happened. He does not know.

OLD BUSINESS

RESOLUTIONS.

TR-07-41 Resolution Authorizing Expenditure from Castle Fund

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

UPON VOTE: 8 yes. 1 no (Clr. Cronin).

ORDINANCES None

CONSIDERATION OF APPOINTMENTS None

NEW BUSINESS

RESOLUTIONS

Resolutions:

1. TR-07-47 Resolution Amending Traffic Rules and Regulations of the City of Methuen-Prohibited Parking, Memorial Drive

MOTION BY: Councilor Willette to adopt for first read and set a public hearing.

Seconded by Councilor Corey Rahme.

UPON VOTE: UNANIMOUS

2 TR-07-48 Resolution Authorizing Acceptance of Student Awareness of Fire Education (SAFE) Grant, Commonwealth of MA, Executive Office of Public Safety, fiscal year 2007

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

UPON VOTE UNANIMOUS

ORDINANCES

TO-07-08 Special Ordinance Changing the Meeting Date from July 2,2007 to July 9, 2007.

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

UPON VOTE: UNANIMOUS

TO-07-09 Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen Massachusetts Section V-K – Parking of Business Vehicles.

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

Councilor Lahey amended the ordinance to add:

One bus per employee to be parked on the property and the vehicles (bus) parked on the property where they are out of the public way.

Seconded by Councilor Willette.

Councilor Corey Rahme commended the people who spoke regarding this issue. They were impressive and they contribute to the safety of our children. These are working people trying to get by. Councilor Corey Rahme has a neighbor who parks a bus next door to her and Councilor Corey Rahme does not have a problem with this issue. The redundancy of the trips back and forth does not make sense and they will have her support when this comes forward.

Councilor Willette stated we are not talking commercial vehicles or a fleet of vehicles. We are talking about people working hard who have never had complaints. It will save the town money and will save the drivers money. We should not penalize the whole group because of one neighborhood dispute. We should not use laws against people we should use laws to benefit people. We need to change this comprehensive zoning ordinance and this is the process.

Councilor Leone said it is important that all of the people who park buses in their yards be identified before we have the public hearing and their neighbors should be notified of the public hearing. We should not make laws to use against people but we cannot make a law that will inconvenience 25 or 30 neighbors who live next door to the situation. When we make this change and allow this there will be more instances of it. There will be neighbors impacted who never thought there would be a school bus parked in a driveway next door. Councilor Leone wants the locations identified before the public hearing and the abutters notified.

Councilor Willette stated many of the abutters are in the audience. He is open to discussion, open notification and open public hearing with community development. We have a first read, a public hearing and then a seconded read.

Councilor Andrew asked how do we find out who has a school bus on their property.

Councilor Leone said the bus company should know. We only notified direct abutters. Next door and across the street.

Councilor Andrew wants to make sure we have a public hearing and a second read before the children go back to school in September.

Councilor Quinn appreciates the bus drivers and she does see both sides. She looks forward to the public hearing to hear more discussion. Councilor Quinn has received complaints that the buses were parked on the street. She has the name of the street and the person and would invite her to the public hearing. She has also had complaints that the smaller buses are being used for food shopping and that does not save gas for the city. There are things in question that have to be asked. She looks forward to the public hearing.

Councilor Corey Rahme asked the solicitor if he would help to establish the interested parties if this does not follow the zoning requirements for public notification.

City Solicitor, Attorney Peter McQuillan said it is a vote of the council on how to affect notice and to whom notice is going to be sent to.

Councilor Corey Rahme asked the solicitor if this should be done tonight in anticipation of the public hearing?

City Solicitor McQuillan stated that we should determine who would be bringing the buses home and parking them on the property. There should be a specific list identifying those individuals and the locations. He would then defer to the discretion of the council regarding the abutters and how to notify them relative to those specific people and where they live. It is not prudent at this time to give a general policy for the purpose of notifications. It would be wiser to determine who the people are operating these buses and where they live before council generate any notice.

Councilor Corey Rahme asked how would we determine the interested parties? Would we go by the zoning ordinance for an abutter to an abutter within 300 feet, or street by street or if they can see the bus in their sight? How will we determine this and when should we do this in a timely manner?

Attorney McQuillan stated she is asking him to substitute his judgment for this council. However the council wants to effect notice whether it is an immediate abutter or an abutter directly across the street, he would defer to the council. He will not advise to comply with the zoning statute as it applies to people applying to the zoning board of appeals for relief under a statute. We are talking about a notice regarding an amendment to the zoning ordinance, which is not a relief. It is a change in the local law. If you feel certain individuals are entitled to notice and are directly affected by the law, he cannot make that call for the council. That should be done by the majority of this council.

Chairman Zanni stated there is a meeting in July. We can have that information, sit down with the solicitor get the language we need along with the information of where the buses are before the public hearing.

Councilor Leone stated the State law does not address what he is asking for. Council does not have to notify abutters. Councilor Leone would like Council to notify abutters so Council can set the ground rules for the notification. It can be as simple as putting all of the addresses in one newspaper advertisement so the people living next door will know. Council can go a step further and make the permission for parking a bus at a specific property a special permit that would need a separate application and those abutters notified in accordance with the zoning by-law. It does not have to be a blanket permission it can be by special permit showing a hardship. Councilor Leone knows of one case only where the driver has no other means of transportation to and from Trombly. A special permit might be warranted in that case.

Councilor Andrew suggested that council send a letter to Trombly, get a list of drivers who take the bus home and then get a list from the zoning board of abutters across the street and next door and send them a notice of the public hearing. That would eliminate anyone not being heard and encompass everyone who has a bus now. Trombly would then have to notify council of any new hire bringing a bus home. That would be a one-time notification to the neighbors. That would solve the problems now and in the future. Councilor Lahey said this was not supposed to get too complicated. He is willing to simplify this by making it all right for the current drivers. We can then have (similar to a livery application) a new hire come before council with an application, that would eliminate a large exodus of drivers invading the city because they can park their bus in the driveway. Councilor Lahey agrees to have a public hearing but with a notification stating the issue and the people decide whether to come or not. We should address these

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individuals (tonight) and help them with their problem and work out a solution down the road

MOTION BY: Councilor Willette to amend the motion to include the following, seconded by Councilor Andrew.

Not to exceed more than 1 or 2 vehicles (buses) per property per family member. Vehicles shall be parked on the said property away from the public way.

UPON VOTE: (amendment) UNANIMOUS

MOTION BY: Councilor Cronin seconded by Councilor Corey Rahme to adopt the motion for first read as amended and forward to Community Development for a joint public hearing.

UPON VOTE: UNANIMOUS

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Quinn announced a fundraiser in support of the skate borders at Burnham Road on June 11 at the McDonalds on Pleasant Valley Street from 5pm to 7pm and the proceeds will go to the restoration of the Burnham Road skateboard park.

Councilor Corey Rahme thanked the Methuen Police Department, DPW department and the Tree Department for removing a 35 ft. branch that fell off a city tree on East Street blocking the east bound traffic. It happened on Memorial Day and she thanks them all.

REQUEST OF COUNCIL

ADJOURN

MOTION BY: Councilor Cronin seconded by Councilor Willette to adjourn

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8: 10 pm.

Diane Lasonde
Council Secretary

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 July 9,2007.