

**METHUEN CITY COUNCIL REGULAR MEETING
GREAT HALL, SEARLES BUILDING
July 13, 2009 - 7:00 p.m.**

Chairwoman Quinn called the Regular meeting of the Methuen City Council, scheduled for July 13,2009 to order with eight members present. Councilor Giordano was absent.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Leone to amend the agenda to take out of order TO-09-07 and TR-09-26 and place it 7A on the agenda, Councilor Kannan also asked that appointments be taken out of order and be placed after Public Participation. Seconded by Councilor Cronin, to accept the amended agenda.

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

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

ACCEPTANCE OF MINUTES

MOTION BY: Councilor seconded by Councilor to waive the reading and accept the minutes of previous meetings June 23,2009 Special Meeting and Regular Meeting June 1, 2009.

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

The City Council presented a citation to the Boys and Girls Club of Methuen for their efforts in establishing the club for the boys and girls of the City of Methuen. Kathy Ingram president of the after school project explained the program and asked that Methuen and Methuen businesses open their hearts to the hard work that is the Boys and Girls Club, to find a way to make this happen and on behalf of all members accepted the citation for the club.

On behalf of the City of Methuen Mayor William M Manzi presented citations to Emergency Management volunteers Muriel Boles, Raymond Dixon Eugene McCarthy Edward Skerritt and Jill Stacklin for their hard work, effort and service to the City of Methuen.

PUBLIC PARTICIPATION None

(Out of Order)

CONSIDERATION OF APPOINTMENTS

Public Safety – Fire Department

Steven Buote – Fire Chief

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

UPON VOTE: UNANIMOUS

Methuen Housing Authority
to Expire

Term

Joan Mannke, 22 Mystic St Apt 10, Methuen, MA

6/1/14

MOTION BY: Councilor Cronin seconded by Councilor Zanni to approve

UPON VOTE: UNANIMOUS

Board of Assessors

Thomas Hoyer 19 Atkinson St, Methuen

1/1/11

Arthur Hutton 107 Lowell St, Methuen

1/1/12

Arthur Fyfe 60 Bumpy Lane, Methuen

1/1/12

MOTION BY: Councilor Cronin seconded by Councilor Zanni to approve

UPON VOTE: UNANIMOUS

Historical Commission

Joseph Bella, 77 Ford St Methuen

12/31/12

MOTION BY: Councilor Cronin seconded by Councilor Zanni to approve

UPON VOTE: UNANIMOUS

(Out of Order)

New Business

TO-09-07 Ordinance amending the most recently adopted City of Methuen
Massachusetts Comprehensive Zoning Ordinance

MOTION BY: Councilor Leone seconded by Councilor Kannan to table to a Joint
Public Hearing with Community Development

UPON VOTE: UNANIMOUS

Old Business

TR-09-26 Resolution authorizing the Mayor to enter Into a Mutual Aid
Agreement – regional Dispatch Center (remove from the table)

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

UPON VOTE: UNANIMOUS

Mayor Manzi stated the resolution before Council is for the authorization (of the
Mayor) only and does not give final entry for Methuen into the system. Mayor
Manzi did submit a spread sheet of some of the hardware needs and feels there is
enough there to move forward with this regional dispatch.

Councilor Kannan asked if we enter into an agreement does it come before Council for full agreement?

Mayor Manzi responded no. He had a discussion with the Chair and he stated he would submit the agreement that he would be entering on behalf of the city to the Council in advance of his signing it.

Councilor Kannan asked if other communities have signed on?

Joe McGowan, superintendent with the Essex County sheriffs department stated five towns have agreed for their selectmen to enter into negotiations for regional dispatch. Middleton, Swamsott, Essex, Topsfield and Beverly. There is positive response from Gloucester.

Councilor Kannan said she does not want to have any Methuen dispatchers displaced.

Mayor Manzi stated that (with almost certainty) that each one would be placed in the new facility.

Councilor Kannan said she believes this will be a savings for the town and will support this.

Mayor Manzi stated he would not enter into an agreement before he sends a package to the City Council.

Councilor Pappalardo asked if Methuen is the largest of the cities that have signed on?

Mr. McGowan responded yes 44,000 based on the census. The other five towns make up around 40,000 populations. Andover has expressed interest and they are under 30,000.

Councilor Pappalardo asked how much money are we saving?

Mayor Manzi stated that as he looks at this we were close to getting to the number that we would be assessed under the new system on personnel alone. With the new add on's in terms of computer software he sited \$619,000. We could save three to four hundred thousand dollars. He will do further analysis on this with police and fire and as he goes forward and will submit to Council data that may correlate with the costs for Methuen.

Councilor Cronin asked when do they expect to get approval from other communities in order to move forward?

Mr. McGowan said they are actively pursuing the communities and is optimistic they will achieve the full population. The grant was awarded March 11. Some of the towns were in a position to put in on their agendas and five communities have accepted this. Beverly has approved and hopefully Methuen will follow.

Councilor Cronin asked when would they go forward with the building, acquiring all permits and when will they be online?

Mr. McGowan stated they are actively pursuing the project. The political part of getting the communities on is an ongoing effort. The division of capitol asset management in Boston is actively involved with an architect and engineer to design the project. They hope to be operational within eighteen months.

Councilor Leone said if the \$16.26 per charge is all communities that are participating and this will be online six or eight months before the 2010 census is completed; if the region shows an increase in population will there be a decrease in the \$16.26 charge?

Mr. Mc Gowan stated the reason for the federal census is because that is what the department of revenue recognizes.

Councilor Leone asked if the member communities (overall) show an increase in population on the next census that the Department of revenue uses will the rate go down for all communities?

Mr. McGowan said he does not know the rate but they feel comfortable with the \$16.26. If a city grew by two hundred people their costs may go up. He does not think the rate of \$16.26 will go down.

Mayor Manzi said if there were a distinct number change in the census that would change the overall budget for the vehicle higher because of an increase in population, the answer would be no change in the \$16.26. The budget would not automatically go up by the amount of increased population. Yes it would be adjusted depending what the budget was for the vehicle. The answer is that it would not change because of a population spike. It would be adjusted like a tax rate would be adjusted in the case of value switch. The oversight board would not allow it because of a spike in population and they do not anticipation one.

Councilor Lahey will not vote this tonight because he still has problems with it. There are surrounding communities that do not show a lot of interest. He does not like the fact that when positions were posted (last time) it was top heavy administratively. Councilor Lahey is leery of having a State run agency and does not have the confidence in anything run by the State at this time. The concept of a regional 911 is fantastic but he does not trust the State.

Mayor Manzi stated that as Mayor he has been overall upset with the State this year but there are advantages to this. Under this scenario an important part to make this work (dollar wise) is that the State will pick up all pension and health costs of the employees. For Methuen that is a substantial savings. There are (large) grants that will help with infrastructure. There are distinct advantages to Methuen for being in the first round including the potential employment of our people in dispatch. Should we join a year after the consortium is up and running the guarantee on employment will no longer be operative and we would lose that opportunity. They would have to staff their facility with other people. Giving the Mayor the authority to negotiate does not put Methuen in. It only enables the Mayor to negotiate. Mayor Manzi is only asking for the authorizing to negotiate. Councilor Quinn stated this is no cost to Methuen at this time.

Councilor Lahey asked if this is voted tonight, the Mayor negotiates and comes to an agreement and the Mayor comes back to Council and they do not like the proposal is it dead?

Mayor Manzi stated that they will reach an agreement and he will send it to Council. The legal mechanism does not give Council the opportunity to formally reject it but Mayor Manzi stated that if Council does not like what they see he will not enter into the agreement. He will come back have a workshop with Council. If there is a majority of the City Council that says we read it we don't like it, he will not be inclined to do this. His commitment is to give Council the package; they can examine it and go from there, as he hopefully will enter into an agreement with the consortium.

Councilor Lahey asked if this is binding (now)? This is public everybody knows what the Mayor has said.

Mayor Manzi stated he would submit the agreement to Council unsigned and if he has a majority that does not agree to it he would not be inclined to move forward.

Councilor Zanni stated one of the key benefits is that regionalization will benefit the community and afford us savings for the community. Councilor Zanni asked for the opinions of the newly appointed Fire Chief Buote and Police Chief Lavigne.

Chief Buote stated that he does support the concept and sees a lot of benefits for Methuen. The previous Chief Gallant was in favor of this and he believes the system will have the funding and staffing that the department could not provide through City finances. Chief Buote would like to further research this and possibly visit a facility that has been using the system. This would allow more flexibility compared to what we have now. Chief Buote does see a lot of positives. Police Chief Lavigne stated she is in favor of the regional dispatch. She did travel to Pennsylvania and saw the operation, brought through the training process and thought the project is exceptional. The equipment brought in will be state of the art. Eighty per cent of the workers at the center will be line dispatchers. This is the future and it would be wise to go in this direction.

Councilor Zanni asked how many dispatchers does Methuen have at this time? Would they all be transferred over?

Mayor Manzi responded eight and a supervisor.

Tom Dubois, director of emergency services in Scranton Pennsylvania, hired as a consultant of project manager said the biggest resource we have in a project like this is the knowledge of having people who currently work in the field to take advantage of the people who work for the municipality. These people would be the first to be offered positions. There will be a higher education level of certification levels. Mr. Dubois cannot see at this time that any of the Methuen people would not be able to attain the certifications. They would be required to reach the association of professional communication officials (APCO). The requirement would be that everyone passes the APCO certification courses before they are offered the employment. The people employed by Methuen will be given every opportunity to reach the certifications levels.

Councilor Zanni asked if this were to be tabled to the August 3rd meeting would this hurt the program in any way?

Mr. Dubois said there is a funding release that has to occur from the 911 people to the DECAM people so DECAM can officially be locked in to guarantee engineers and architects and personnel needed are on board. Too wait would be delaying the entire project. If the vote were positive he would hope that tomorrow the state 911 would release the funds immediately.

Councilor Zanni asked if once Methuen is on board is there enough money available for the financing?

Mayor Manzi stated that the administration is in favor of this project.

Councilor Willette appreciates the information of cost break down. Councilor Willette is hoping the \$619,000 dollars in annual cost savings will trickle back into the public safety apparatus. Every year we have a capitol proposal for fire trucks, police cruisers and equipment for police and fire. We no longer have the

ability to purchase that equipment. He sees this as a tremendous cost savings. The dispatchers currently will be given the opportunity to train and work at the new facility. In terms of public safety and the threat of a dispatch center shutting down or having technical glitches/downgrades (short term or long term) that could compromise the system but in a regionalized system there is a backup mechanism in place. The school department has reverse 911, citywide we do not have that capability or able to give medical instructions to someone on the scene while inputting data.

Mr. Dubois explained the call taker dispatcher format. Currently dispatchers answer the phone and call fire or police and that is how it is handled. The new system utilize the “call taker” to answer the call and while they have the person on the phone they are typing into a computer aided dispatch and tells them what fire or police units to send and at the same time the information is sent to another person who is dispatching. They are giving medical instructions to the person while typing in information, address, municipality and nature of call while sending it to a dispatcher who would send fire and EMS to the scene. Police would already have all of the information in his report because it was dispatched to him. This is a time saving situation. They are hoping that the reverse 911 that the school system currently pays for may be included in the whole package with a savings.

Councilor Willette stated he appreciates the input, has spoken to people about the public safety features, done a lot of research on this, the Mayor presented a detailed breakdown of the savings and Councilor Willette is in full support of this and would hope that fellow city councilors will support this project.

Councilor Leone said that in this area when we dial 911 we get the State Police barracks. Will that change?

Mr. Dubois said that is because Massachusetts has 250 odd answering points for 911 calls. To direct a specific call to a specific town would be very costly. Once online the State can then send to them the 911 calls. Mr. Dubois said that they would be working with the State Police and will be able to provide the same or better technology.

Councilor Cronin stated that based on the commitment of the Mayor to come back to Council and run this by Council he will support this tonight. Councilor Cronin asked Solicitor McQuillan if the Mayor cannot sign a contract over fifty thousand dollars, are we abdicating that with this vote.

Peter McQuillan stated Council is authorizing to negotiate a contract by this vote. The Mayor will come back with an integrated document. The representation has been made that the document does not require City Council approval. The statute itself does not address that question. Attorney McQuillan cannot give a definitive answer tonight but if it meets our standards under our ordinance for a consideration as provided in the ordinance we may be stepping over the threshold where some confirmation may be required. We will not know that until we have the document before us. There is that possibility.

MOTION BY: Councilor Willette seconded by Councilor Kannan to adopt

UPON VOTE: 7-yes 1-no (Clr Pappalardo)

PUBLIC SERVICE

GRANTS: None

LICENSES: None

CONTRACTS

C-09-19A Sealcoating Inc 120 Industrial Ave Hingham MA- Pavement recycling/Road Sealing AMT: \$1,810,200.00

MOTION BY: Councilor Zanni seconded by Councilor Kannan to **remove from the table**

UPON VOTE: 7 – yes 1 – no (Clr Lahey)

MOTION BY: (main motion) Councilor Zanni seconded by Councilor Kannan to approve

Councilor Lahey said the reason he had this tabled previously was because he was supposed to get a list of streets that were proposed to be seal coated. He has not received that list. Councilor Lahey has a problem with seal coating this year. The money we could use in DPW is going to be wasted for painting roads that do not hold the surface. We have been using this process on East Street for eight years and it does not hold. Councilor Lahey is not voting this contract because he did not get the list of the streets and because he feels there is more of a need for equipment and materials that we cannot afford to put in the budget that we can take from chapter 90 and use.

Councilor Willette said that Councilor Lahey raises valid points about the micro surfacing (he is not a fan of this) is that considered seal coating?

Mayor Manzi said he does not think it is the same thing; he would refer to DPW. He thinks this is done every year. Mayor Manzi apologized to Councilor Lahey for not having the list (streets) and will get it to him tomorrow.

Councilor Willette said there are potholes that could be filled differently. If this were something that we can retire such as the micro surfacing he would be in favor of that. Councilor Willette does not see a big difference between the micro surfacing and the repainting and it is not solving the issue. Councilor Willette does not want to jeopardize the funding but thinks we should take a different course on this.

Mayor Manzi stated that micro surfacing, as a tool does not apply to each street. It is helpful in many instances and the point is that we are not always able to do it in a traditional way.

Councilor Lahey said that it is not “life or death” if we miss one year of seal coating and the money could be put towards what could be used for the DPW for a longer term value. Councilor Lahey is only asking for this for one year only.

Mayor Manzi stated he thinks Council should vote to approve this. The amount is the upper limit that is voted every year and gives him the authority to do this and he will take into consideration these issues as he goes forward. The Mayor will provide Council with a full list of streets tomorrow and Council can look at it to see if the list is too extensive and if the roads to be done are something the Council does not agree with.

Councilor Pappalardo questioned Chapter 90 money. Before we fell into these tough economic times there were issues on Haverhill Street signs. Councilor Pappalardo was wondering if the city could finish that project. It is not a lot of

money (\$700.00) and could that money be taken out of the Chapter 90 money to finish off Haverhill Street with signs.

Mayor Manzi stated he does not think that is Chapter 90 eligible but he will check into that issue. There is a type definition of what can be used and he believes that would not fall into that definition. Whether it is Chapter 90 or not he is aware of Haverhill Street and will try and complete that project. Councilor Pappalardo asked if he was sure that would not fall under Chapter 90 money.

Mayor Manzi stated he was sure it would not.

Councilor Kannan asked if the 1.8.million for seal coating, is there a way to negotiate the contract?

Councilor Lahey (point of information) asked Tom Kelley the total of the Chapter 90 funds?

Tom Kelly responded \$ 800,000 dollars

Councilor Lahey stated that we have contracts for over one million.

Tom Kelly stated that is because of the way they are written.

Mayor Manzi said on the back page (15) the unit price, they are allowed to bid up to that amount but he does not anticipate they will use that amount.

Councilor Kannan Said DPW has done a wonderful job but she would agree if a lot of the seal coating could be put off for one year to have that money for equipment and materials for the up coming winter

UPON VOTE: 7- yes 1 – no (Clr Lahey)

C-10-1 Holland Company Inc 153 Howland Ave Adams MA – Aluminum Sulfate Water Treatment Plant. AMT: \$422.73/Per Dry Ton Not to Exceed \$96,497.00

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

UPON VOTE: UNANIMOUS

C-10-2 Borden & Remington Corp 106 Ferry St Fall River MA – Sodium Hydroxide Water Treatment Plant – AMT: \$1.32.06/Per Gallon not to exceed

\$95,083.32

MOTION BY: Councilor Zanni seconded by Councilor Cronin to approve

UPON VOTE: UNANIMOUS

OTHER OFFICERS AND COMMITTEE REPORTS

OLD BUSINESS

RESOLUTIONS

TR-09-33 Resolution Allowing for Creation of a Reserve Fund at the Greater Lawrence regional Vocational Technical High School (remove from the table)

MOTION BY: Councilor Zanni seconded by Councilor Pappalardo to **remove from the table**

UPON VOTE: 7-yes 2-no (Clr Lahey Clr Leone).

MOTION BY: Councilor Zanni seconded by Councilor Kannan to adopt

UPON ROLL CALL: 6 – yes 2- no (Clr Lahey, Clr Leone) 1 – present (Clr Willette)

TR-09-39 Resolution establishing a Robert A. Norman Estate Cemetery Perpetual Care Trust Fund

MOTION BY: Councilor Zanni seconded by Councilor Kannan to adopt
Councilor Pappalardo asked the city auditor if this is going into a separate account?

City Auditor Thomas Kelly responded yes

UPON VOTE: UNANIMOUS

TR-09-40 Resolution accepting a Gift for the Purchase of Breathalyzers for the Methuen Police Department

MOTION BY: Councilor Zanni seconded by Councilor Pappalardo to adopt

UPON VOTE: UNANIMOUS

TR-09-41 Resolution Accepting a Fire Department Private Grant from 3M Touch Systems.

MOTION BY: Councilor Zanni seconded by Councilor Cronin to adopt

UPON VOTE: UNANIMOUS

TR-09-46 Resolution Providing for a Full Waiver of Fees as Contained in Chapter 8 of the Methuen Municipal Code (amended)

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

UPON VOTE: UNANIMOUS

ORDINANCES : None

NEW BUSINESS

RESOLUTIONS

1. TR-09-49 Resolution Amending Traffic Rules and Regulations of the City of Methuen – Limited Parking, Conduit Street

MOTION BY: Councilor Zanni seconded by Councilor Kannan to table to a Public Hearing

UPON VOTE: UNANIMOUS

2. TR-09-50 Resolution Accepting a Gift for the City of Methuen's Police Department from the Commonwealth of Massachusetts

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

UPON VOTE: UNANIMOUS

3. TR-09-51 Resolution Authorizing Acceptance of a Research inventory Grant from Mass Humanities (EPA requested)

MOTION BY: Councilor Zanni seconded by Councilor Cronin to adopt an **EPA**

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Zanni seconded by Councilor Cronin to adopt the main motion with the **EPA**

UPON VOTE: UNANIMOUS

4. TR-09-52 Resolution Accepting 2009 Emergency Management Performance Grant (EMPG) from the Massachusetts Emergency management Agency (EPA requested)

MOTION BY: Councilor Kannan seconded by Councilor Willette to attach an **EPA**

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Kannan seconded by Councilor Willette to adopt with the **EPA**

Councilor Pappalardo asked if this was a matching grant for the City (\$2500)

Auditor Tom Kelly stated no matching

UPON VOTE: UNANIMOUS

5. TR-09-53 Resolution Re-Authorizing School Revolving Funds Pursuant to Massachusetts general Laws Chapter 44 section 53E1/2

MOTION BY: Councilor Zanni seconded by Councilor Cronin for first read.

City Auditor Tom Kelly explained this is a revolving fund the school has on the books 1.5 million for school age child care Pleasant Valley Pre School, school athletic, ice rink (there is a list attached). Every year we re- authorize their revolving funds so they can continue to use it. If we do not do this it would revert back to the general fund with the exception of a dollar amount.

Councilor Kannan asked with the budget just passed and the funding that went into it was this money appropriated.

Mr. Kelly stated this (money) is outside their budget. This has nothing to do with the budget just passed.

Councilor Leone stated as he looks at the spreadsheet, are all of the expenditures related to the nature of the collections and is there a budget that exists within the school department for how they intend to spend the unexpended balance plus this years' collections?

Mr. Kelly stated he is not aware of it, they may have one but he does not see it at that level.

Councilor Leone said this is a lot of money in receipts and 1 million dollars surplus. Before Councilor Leone votes this he would like to know what the school department intends to do with the funding. Councilor Leone motioned to table this until the school department can show council more detail.

MOTION BY: Councilor Leone to table this item seconded by Councilor Willette.

UPON VOTE: UNANIMOUS

6. TR-09-54 Resolution establishing Fiscal Year 2010 Water Charges as Proposed by the Department of Public Works

MOTION BY: Councilor Cronin seconded by Councilor Kannan to table to a Public Hearing.

Councilor Cronin asked what changes would there be

Chair Quinn said that she was told it is a five-dollar service charge per household.

UPON VOTE: UNANIMOUS

ORDINANCES

TO-09-06 Ordinance Amending Section 13-30 Subsection O (c) of the Methuen Municipal Code – Flea Markets (Req of Clr Giordano)

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

UPON VOTE: UNANIMOUS

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Leone noted that many councilors have gotten complaints regarding the parking situation on High Street and asked what is the procedure to undo what was done.

Attorney McQuillian stated that Council could motion to rescind the vote it requires a 2/3 vote that would put it on the floor for consideration and discussion.

Councilor Leone asked that High Street be put on the next Council agenda.

Councilor Cronin stated he was going to put that motion on the floor for this agenda. He understood there was a meeting with the business owners that got canceled. Councilor Cronin thought there was another meeting in the Mayor's office.

Mayor Manzi said there wan no meetings. He went out to High Street (along with Clr. Zanni) to look and based on that he was hoping to have it ready for tonight but he will have a proposed re-write for the next meeting. There are no meetings scheduled.

Councilor Cronin received a phone call from a resident on Howe Street regarding the renovations of the bridge. There are ties from the telephone poles that were put in the handicap right of way. This resident uses a scooter to get to the Loop area and cannot maneuver down. Councilor Cronin said the State is doing the Howe Street Bridge.

Mayor Manzi stated that some of the work was the cities some was the State. He will look into the situation and get back.

Councilor Pappalardo asked Chairwoman Quinn if she has established the committee for the take home vehicles and is Councilor Giordano on the committee. He was the one who initiated the idea and stated that he wanted to be on that committee.

Chair Quinn said she did set up that committee and the memo is in the councilors folders. She was unaware that Councilor Giordano wanted to be included. She will add him to the committee.

REQUEST OF COUNCIL

ADJOURN: Chairwoman Quinn entertained a motion to adjourn.

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:45 pm

Diane Lasonde/Council Secretary

I do hereby certify that at a meeting of the Methuen City Council of which a quorum was present the foregoing minutes were approved by a unanimous vote on August 3,2009

METHUEN CITY COUNCIL REGULAR MEETING