

**METHUEN CITY COUNCIL REGULAR MEETING  
GREAT HALL, SEARLES BUILDING  
August 3, 2009 - 7:00 p.m.**

Vice Chair Jennifer Kannan called the regular meeting of the Methuen City Council, scheduled for August 3,2009 to order with eight members present. Councilor Quinn was absent.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Leone to amend the agenda to include under contracts C-10-3 seconded by Councilor Cronin. Councilor Lahey amended the agenda to include under Public Service a motion to suspend City Council Rules to include the report to the Chairperson dated July31, 2009 to order the question therein to be submitted to the voters on the ballot for the November 3,2009 election, to be effective August 5,2009 seconded by Councilor Pappalardo

UPON VOTE: (to amend) UNANIMOUS

MOTION BY: Councilor Lahey seconded by Councilor Pappalardo to accept the agenda as amended.

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

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

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Zanni seconded by Councilor Cronin to waive the reading and accept the minutes of previous meetings:

June 23,2009, Public Hearing- 7:30pm. June 23,2009 Public Hearing- 7:45pm. Special Meeting June 23,2009. July 13,2009 Regular Meeting.

UPON VOTE: UNANIMOUS

CORRESPONDENCE /PROCLAMATIONS

PUBLIC PARTICIPATION

Jack Burke, 49 Canobieola Road spoke on TR-09-54 and recommended that it be defeated. Mr. Burke referenced the minutes of September 5,2006 where it stated that Mr. Russo said repair costs would go away. The pumps will run more efficiently and will save money on electrical and repair costs. In years 2006 to 2009 there were surpluses ranging from 1.19 million to 1.244 million. Each year the Mayor has come before Council and stated that the city needs to use part of the residuals income to fund the next year and that we need to raise rates or fees or both Mr. Burke is stating the existing rate structure will support the system (as shown) by a constant surplus over the past years. If this were not true he would request an investigation as to why the costs continue to climb after twenty million dollars worth of repair and upgrade activity to the water supply. Mr. Burke is asking that the rate structure as accepted last year be left in place and Council vote no on this item.

PUBLIC SERVICE

GRANTS:

LICENSES:

CONTRACTS C-10-3 George S Coyne Chemical Co., Inc – 3015 State Road, Croydon, PA. Corrosion Inhibitor – AMT: \$130,000.00

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

Councilor Pappalardo asked if this is for one year?

Mr. Russo responded yes.

Councilor Pappalardo asked if the city is spending all of the \$130,000 dollars

Mr. Russo said it would be up to that amount.

Councilor Pappalardo said we are ordering this to protect the pipes because they are old.

Mr. Russo agreed. We do this every year. This is a new chemical.

Councilor Pappalardo said the cost is 79 cents a pound but is being delivered in liquid gallons. Her estimation is 2,000 gallons per truckload. Will it be more than 2,000 and will we be storing this.

Mr. Russo stated that we have tanks that we could be storing this for a month or two-month supply.

Councilor Pappalardo asked is it coming in increments of 2,000 gallons (not more than that)?

Mr. Russo said that we do not have tanks big enough to handle more. This is a new product and we are not that familiar with it. The other chemical was in fifty-pound bags.

Councilor Pappalardo said for every 2,000 gallons we receive her approximate figure is \$13,160.00 dollars, does that sound correct?

Mr. Russo stated he does not know what the conversion is from pounds to gallons.

METHUEN CITY COUNCIL REGULAR MEETING

Councilor Pappalardo said it will not be stored and is about nine deliveries for one year. Mr. Russo said this is part of the consortium. He was unsure of the chemical they were going to use to get DEP approval.

Councilor Pappalardo asked how much did this cost last year?

Mr. Russo stated he did not know but could get that information for her. This is a different product.

Councilor Pappalardo asked if this is zinc phosphate and is it approved?

Mr. Russo responded yes.

UPON VOTE: UNANIMOUS

CALL TO ORDER- PRELIMINARY ELECTION SEPTEMBER 15, 2009

MOTION BY: Councilor Cronin seconded by Councilor Pappalardo to adopt the order.

UPON VOTE: UNANIMOUS

Election of Charter Commission to be submitted to the voters and placed on the November 3,2009 election to revise the Charter of Methuen.

MOTION BY: Councilor Lahey seconded by Councilor Pappalardo to adopt the order.

UPON VOTE: UNANIMOUS

OTHER OFFICERS AND COMMITTEE REPORTS

OLD BUSINESS

RESOLUTIONS

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

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

UPON VOTE: UNANIMOUS

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

UPON VOTE: UNANIMOUS

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

MOTION BY: Councilor Zanni seconded by Councilor Cronin to adopt

UPON VOTE: UNANIMOUS

TR-09-53 Resolution Re-Authorizing School Revolving Funds Pursuant to Massachusetts General Laws Chapter 44,Section 53E ½

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

Councilor Leone stated that two weeks ago he asked for specific information from the school department and (council) have received nothing.

City Auditor Thomas Kelly referenced a memo from the Mayor and Colleen McCarthy. Councilor Leone stated the memo he received is one tenth of what he asked for. These are ongoing funds collected on an ongoing basis from a number of sources. Last year there was a surplus of \$450,000 dollar range and this year \$918,000 dollars. The school

department through these various funds collected \$500,000 dollars more than what they needed. Councilor Leone asked for two (simple) things. Tell us what was done with the money last year; tell us what you expect to raise this year and what the disposition of the funds (this year) will be. We did not get that information. Instead we have Mr. Kazanjian on television telling the city council that we are clueless because we did not enact the revolving funds. Councilor Leone wants to know what is going on with the money. He is not going to leave \$918,000 dollars sitting while there are teacher slots empty and they could transfer some of that money. Councilor Leone will vote to keep this on the table until we get answers.

Councilor Cronin asked the city solicitor Attorney McQuillan if these revolving funds are for specific reasons. We cannot take the money and transfer those funds into a general fund to put teachers back or for any other reason. This is a revolving fund for a specific purpose.

Councilor Leone said that he did check into this and if Council does not re authorize the revolving fund all of the money, minus some statutory amounts that the city auditor can calculate comes into the city's general fund. We can bring this into the city's general fund and ask the Mayor to reallocate it to the school department for a specific purpose Councilor Leone is fine with that but he will not let a \$918,000 dollar slush fund keep building up.

Councilor Cronin said his impression of these funds is for a specific purpose. Students raised some of these funds for a specific purpose and he sees no reason why those funds should come into the city to have council dispense them back to the school department. Councilor Cronin asked the City Solicitor (for the next meeting) for a legal opinion on how these funds can legally be dispersed.

Councilor Pappalardo suggested that someone from the school department be at City Council's next meeting and answer whatever questions Councilors may have.

Councilor Lahey asked if this is delayed for another month does that create any financial problems?

City Auditor Thomas Kelly said that it has to be resolved by the time school opens because there are salaries that are paid out of some of the revolving funds.

**UPON ROLL CALL: UNANIMOUS NO.** Item remains tabled.

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

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

UPON VOTE: UNANIMOUS

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

Councilor Willette asked for information from the Mayor on an update of a constituent's case. He would have this remain on the table or he will charter object until he receives the information.

Councilor Willette asked for a two-minute recess.

Councilor Pappalardo stated she would vote no on this because she feels the economy is bad, the employees took a ten per cent decrease in salary and she has received calls from constituents who do not have a job and although five dollars is not a lot of money they do not want this.

Councilor Lahey stated the rates are staying the same and he remembers last year discussing the service charge increase of five dollars. Councilor Lahey asked what is the reason for the five-dollar increase?

Mr. Russo said it is to generate the extra revenue; the city needs two hundred thousand dollars. At the fifteen dollar charge we generate ten million eight hundred eighty- eighty thousand dollars. If we keep the fifteen-dollar charge we will be two hundred and five thousand dollars in the hole at the end of the year. If we increase it to twenty dollars we will make approximately nine thousand dollars.

Councilor Lahey said he is not happy about the increase but it is not unexpected and will vote for it.

Councilor Zanni stated that senior citizens are exempt from the additional charge. The question is if we do not vote the increase there is a two hundred thousand dollar deficit. If we do not make up the difference what will happen?

Mr. Russo said that somehow he has to make up that difference of \$205,000.

Councilor Zanni asked if that would mean lay offs of employees?

Mr. Russo said there might be loss of some programs

Councilor Giordano said that we heard that last year about lay offs if we do not get the money. Councilor Giordano asked what happened to the proposal Council sent to the Mayor regarding the agricultural rate. Was that discussed? It was over six months ago.

Mr. Russo said there were brief discussions and it was the recommendation not to include an agricultural rate.

Councilor Leone said that when Council sets the new water rates one year ago Council was told that to make the system revenue neutral, in return of the administration's promise not to seek a rate increase (this year) there would be a five dollar service fee increase. Council agreed to this. If there were a problem the time to address this would have been in June when the budget was discussed. There are things in the budget he does not like he was the only one concerned about this in June. He must vote to provide the revenue that city council approved in the June budget.

UPON ROLL CALL: **Failed** 4-yes 3-no (Clr Cronin, Clr Giordano Clr Pappalardo) 1-present (Clr Willette)

#### 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 Pappalardo to adopt.

Councilor Zanni stated that he has received calls regarding the signs to be taken down Councilor Pappalardo said that when a citizen goes to the city clerk to obtain a permit it should read that the signs must be taken down within a 24-48 hour time frame or they will not be issued another permit. She does not mind people having four flea markets as long as they respect the neighborhoods and take down the signs.

MOTION BY: Councilor Pappalardo to amend the ordinance to state in the application for permit that all signs must be taken down within 24-48 hours or they will not be issued a second permit. Seconded by Councilor Giordano.

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Zanni seconded by Councilor Giordano to adopt as amended.

UPON VOTE: UNANIMOUS

CONSIDERATION OF APPOINTMENTS

Proposed Election personnel for 2009 Election Attached

MOTION BY: Councilor Giordano seconded by Councilor Leone to approve

UPON VOTE: UNANIMOUS

NEW BUSINESS

RESOLUTIONS

1. TR-09-55 Resolution Authorizing Acceptance of Fiscal Year 2010 Statewide Emergency Telecommunications Board (SETB) Training Grant (EPA REQUESTED)

MOTION BY: (EPA) Councilor Cronin seconded by Councilor Leone to attach the EPA

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

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

Councilor Pappalardo asked Chief Lavigne if this has anything to do with the regional 911 agreements?

Chief Lavigne said this is separate. This is training that will go on with our present dispatchers. The regional center will not take effect for a while and we need to continue to train our dispatchers.

Councilor Pappalardo asked how many dispatchers, supervisors are included?

Chief Lavigne said there are eight dispatchers. It depends on the necessary training for the supervisor if they need it. This is not regular training that the supervisors will be receiving.

Councilor Pappalardo asked auditor Tom Kelly if any money is coming from matching funds? Is this \$17,000 dollars for the training?

Mr. Kelly stated no matching funds, \$17,000 dollars for the training.

UPON VOTE: UNANIMOUS

2 TR-09-56 Resolution Amending Traffic Rules and Regulations of the City of Methuen Prohibited Parking, Alton Road

MOTION BY: Councilor Zanni seconded by Councilor Giordano to table for a public hearing.

UPON VOTE: UNANIMOUS

3. TR-09-57 Resolution Amending Traffic Rules and Regulations of the City of Methuen Lippold Street at Arthur Street

MOTION BY: Councilor Zanni seconded by Councilor Cronin to table for a public hearing.

UPON VOTE: UNANIMOUS

4. TR-09-58 Resolution Amending Traffic Rules and Regulations of the City of Methuen – Limited Parking, High Street

MOTION BY: Councilor Zanni seconded by Councilor Cronin to table for a public hearing.

UPON VOTE: UNANIMOUS

#### ORDINANCES

1.TO-09-08 Ordinance Amending Chapter 7, Municipal Contract Ordinance, Section 7-3 of Chapter 7 (Req of Clr Lahey, Clr Pappalardo)

MOTION BY: Councilor Lahey seconded by Councilor Pappalardo to adopt for first read

Councilor Lahey said this pertains to the ordinance where the Mayor can spend any amount of money as long as it does not reach fifty thousand. Councilor Lahey does not have a problem with that. The problem has been over the years with stipends, side letters and consultants. All councilors did bring this issue up during the budget hearings. Council was always told that it is contractual. We all had visions of eliminating some of the stipends but did not pursue it because the employees all took a ten percent cut and to pursue it (at that time) would make the contracts null and void and there would have been layoffs. Councilors had no choice but to accept the budget without the cuts. What Councilor Lahey is trying to do is to have Councilors do their job. There are a lot of stipends, side letters, and consultants under the fifty thousand-dollar limits that are basically bonuses to reward personnel. Two superintendents in DPW have retired. One position was eliminated. The other position is being replaced (by the individual who has retired) as a consultant. This individual is getting \$900.00 dollars a week for six months total \$45,000 dollars and will work two days a week. Councilor Lahey thought this was not correct. After speaking with city auditor Tom Kelly, Councilor Lahey was told that this person worked half the calendar year and is entitled to make the money deemed in the contract that is under fifty thousand dollars and Council has no authority. While all city employees are taking a ten percent cut this individual is going to get an increase of three to four hundred dollars a week for working two days a week. Why should he not retire? This is contractual and is done but it should not happen in the future. Councilor Lahey is proposing that if there are extra perks to employees, consultants, side letters, stipends any kind of monetary benefits, Council should know about it and should approve it and decide. Councilor Lahey worked in the town for many years and as his duties increased yearly he did not get a stipend he worked the same hours with increased responsibilities. Council cannot do anything about what has happened in the past but this is to make sure it does not happen in the future. He is not trying to micro manage it should be up to the Council because every Councilor complained about stipends in contracts (at budget time) this will give Council a “say” on whether it goes forward or not.

Councilor Pappalardo stated that Councilor Lahey had asked her to sign onto this legislation and she absolutely wanted to because last year (at the budget) she brought up stipends, side letters and spoke with the Mayor outside the Council floor and he would say to her it is “contractual”. As of June 30<sup>th</sup> all contracts are basically null and void. Councilor Pappalardo is hoping when the Mayor starts to negotiate new contracts for the unions, this is not going to be a collective bargaining tool for him. Council needs to take

out all stipends, side letters, except for the ones that are required by State (i.e. City Treasure for schooling). She is speaking of things that are like a bonus. In this day and age, the economy is not good, the employees came across for the Mayor and took a 10% decrease, (that was the only reason why she voted for the budget) and there are a lot of things in the budget that she does not agree with. Council needs to put a lid on spending. Under professional services is where a lot of money for stipends and side letters is hidden. What has happened has happened but she did not realize at the Saturday morning budget hearing the city was hiring a consultant for six months. Did not know who it was (found out a few weeks ago) this is nothing personal for the gentleman that retired and is back making \$45,000 dollars for six months. Councilor Pappalardo stated that this is thumbing the nose at the rest of the city employees who took the 10% cut. We were ready to lose people, lay offs, lose police and fire and Councilor Pappalardo thinks this is wrong. She is in favor of this (amendment) and is not trying to take away any power from the Mayor, all she wants (in this ordinance) is anything over one thousand dollars as it states comes before council and let the Council vote. Maybe it will go through maybe it will not but Council needs to have the opportunity to know who is getting stipends, side letters and who is going to be hired back as a consultant. This is wrong and she has been dealing with the Mayor on this issue. We should reign in the horses because they are running wild.

Councilor Cronin said that he has discussed this issue with Councilors Lahey and Pappalardo and agrees with their opinion regarding the side letters. This should be dealt with at budget time. The way the ordinance is worded “all contracts for personal services or professional services” that does not just speak of stipends; this will stifle government on a day-to-day working basis. No matter what the Mayor does i.e. buy a pick-up truck or hire an attorney on a specialization issue, the Mayor would not be able to do that without the approval of the Council because that is professional services. Councilor Cronin is concerned that the wording goes beyond stipends part. Councilor Cronin feels the same as Councilor Lahey but thinks the timing is wrong, we should do this at budget time.

Councilor Lahey requested a point of information; Councilor Cronin is not reading this quite right. It states “city personal”

Councilor Cronin said that prior to that it states, “All contracts for personal services or professional services totaling more than one thousand dollars.

City Solicitor Peter McQuillan stated Councilor Lahey provided the language and it is his understanding the contracts and side letters and agreements contemplated in this measure apply to benefits going to city employees or former city employees. The solicitor said it could be qualified with more clear language. “All contracts for personal service or consultant services as provided by city personal or former city personal.”

Councilor Lahey said that was his intent and he will amend this for a second read.

Councilor Cronin said he does agree with Councilor Lahey if an employee is working the same eight-hour workday there is no reason for that employee to be given a stipend.

Eight hours work for eight hours pay is the way it should be no matter how many different duties they may have, if someone works a ten-hour day then he/she gets paid for ten hours. Councilor Cronin feels this will stifle government in a different way and this should be done at budget time.

Councilor Pappalardo said for the past two budgets she has brought this forth (at budget time) and was always told it is contractual. Council cannot do anything at budget time because the Mayor has the authority to deal with the unions and collective bargaining. The next budget time is coming in eight months and this will stop any more side letters or stipends unless it comes before Council.

Councilor Lahey said that he would have the solicitor clarify that this pertains strictly to city employees past and present. He is not trying to take the Mayor's job or stifle government. What he is saying is that if there are perks to be handed out and the Mayor has the legal right to do this under fifty thousand he can do it. If this consultant had been brought before Council at budget time, would Council have voted for it? Councilor Lahey thinks no one on Council would have voted this person as a consultant.

Councilor Zanni stated that if the language were made clear for the next meeting he would support this legislation.

Councilor Willette said that for the past six years the contract authority issue has fluxuated. Councilor Willette would like to hear from the Mayor on this issue and would ask (city auditor) Mr. Kelly to give council a breakdown of the history of the contract authority. Councilor Willette will vote this for first read.

Councilor Kannan said she is in favor of amending this, will vote for a first read, she does not want to stifle government but she does want to make sure that in these economic times we watch where the money goes.

UPON VOTE: UNANIMOUS

2. TO-09-09 Anti-Idling Ordinance (Req. of Clr. Zanni, Clr. Kannan, Clr. Leone) (EPA REQUESTED)

MOTION BY: Councilor Zanni seconded by Councilor Pappalardo to attach an EPA for the good and welfare of the community.

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Zanni seconded by Councilor Pappalardo to adopt the main motion with the EPA attached.

Councilor Zanni stated that the residents, police department and the owner of Heavenly Donuts have all seen this legislation and are in agreement with its language. Hopefully this will stop the problem. This will take effect as long as the signage is up. Councilor Zanni thanked the neighbors and Councilors Kannan and Leone for meeting with the neighbors, the concerns were met and all parties are pleased with the results.

UPON VOTE: UNANIMOUS

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Pappalardo asked if the Auditor has heard anything on the MTBE court case and the money awarded.

Mr. Kelly said the city has received some small checks and they have been put in the stabilization fund.

City Solicitor McQuillan said that his office receives the checks sporadically in small entities and hopefully in sixty days the matter will be closed.

Councilor Pappalardo asked Mr. Kelly for information (amount) regarding this matter.

Mr. Kelly said he would get her the history on this case.

METHUEN CITY COUNCIL REGULAR MEETING

Councilor Lahey thanked the members of Citizens for Better Government for their hard work in acquiring all of the certified signatures needed for their petition to go on the ballot for the November 3,2009 election and all of the citizens who signed the petition

REQUEST OF COUNCIL

ADJOURN

MOTION BY: Councilor Leone seconded by Councilor Zanni to adjourn

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:05 pm

I do hereby certify that at a meeting of which a quorum was present, the forgoing minutes were adopted by the Methuen City Council by a unanimous vote on September 8,2009.

Diane Lasonde/Council Secretary