

**METHUEN CITY COUNCIL REGULAR MEETING
GREAT HALL, SEARLES BUILDING
AUGUST 6 – 7:00 PM**

Vice Chair Kathleen Corey Rahme called the Regular meeting of the Methuen City Council, scheduled for August 6, 2007 to order with eight members present. Councilor Zanni was absent.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Leone seconded by Councilor Quinn to amend the agenda and take out of order TR-07-11 and TR-07-12 place it after public participation and accept the August 6, 2007 amended agenda.

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

The Pastor from the Fellowship Bible Church gave the Invocation. Everyone remained standing for the Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Cronin seconded by Councilor Quinn to waive the reading and accept the minutes of June 20, 2007 –special meeting and July 9,2007 – regular meeting.

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS

Mayor Manzi presented a citation to the parents of John Belmore Master Sergeant USAF in recognition of his courage, dedication and honorable service to our country.

Mrs. Belmore thanked the Mayor and Council for this honor for her son. He served twenty years in the Air Force now retired, is working with the Air Force as a civilian and she is very proud of her son.

Councilor Corey Rahme read correspondence from Attorney Copani relative to rezoning of Homestead Village LLC 380 Merrimack Street.

MOTION BY: Councilor Cronin seconded by Councilor Leone to forwarded the correspondence to Community Development for a joint public hearing.

UPON VOTE: UNANIMOUS

PUBLIC PARTICIPATION

Lucille Donigan 19 Somerset Street spoke of the August 2007 issue of the Methuen Life newspaper article and noted that Methuen will receive 6.5 million dollars from the Mass state lottery. This is an increase of 1.1 million dollars over last years total. Mrs. Donigan

feels the people of Methuen should benefit from this windfall and use the money to off set any increases in the water and sewer rates.

OUT OF ORDER
ORDINANCES

1. TO-07-11 Ordinance amending chapter 6 MMC. Council Employees. (EPA requested)

MOTION BY: (EPA) Councilor Cronin seconded by Councilor Leone to add an EPA

Councilor Andrew asked why the need for the EPA?

Mayor Manzi stated this is an ordinance and the employees negotiated the EPA with Chairman Zanni. This is equivalent to a contract and a contract is a one read item. That is the rationale behind both requests.

UPON VOTE: UNANIMOUS

MOTION BY: (main motion with EPA) Councilor Andrew seconded by Councilor Leone to adopt.

UPON VOTE: UNANIMOUS

2. TO-07-12 Ordinance Amending Chapter 6 MMC Department Heads (EPA requested)

MOTION BY: (EPA) Councilor Giordano seconded by Councilor Quinn to add an EPA

UPON VOTE: UNANIMOUS

MOTION BY: (main motion with EPA) Councilor Giordano seconded by Councilor Quinn to adopt with the EPA

Councilor Cronin stated the Police Chief is listed under the Department Heads. He is a department head. Councilor Cronin thought the position was paid in relation to a patrolman's contract. Twice the pay. Because of the different numbers Councilor Cronin (will not vote against this) is asking for information through the solicitor of exactly how much the Police Chief is supposed to be paid under the Mass general law that we accepted under the patrolman's contract (2 times the patrolman's pay).

Councilor Corey Rahme (acting Chair) stated she would ask the solicitor for an opinion along with the city auditor for an interpretation of the issue between the relationship of the formula and the budget issue.

Councilor Cronin stated it is not just an opinion he wants. He wants the solicitor to tell council what he (Police Chief) should be getting paid by law and implemented. He does not want to cheat him (Police Chief) or the community. He wants them to get paid what they are supposed to be getting paid under Mass general law.

Councilor Corey Rahme asked for a consensus of the council to ask the solicitor for the information.

Councilor Andrew asked if passage of this ordinance is dependent on the information requested?

Councilor Cronin stated he does not feel it would have an effect on the vote. He is asking the solicitor to set the salary as per general law. Are we tied to the number (before council) if it is not the correct number?

Councilor Andrew suggested tabling this issue tonight.

Councilor Corey Rahme referred to Mayor Manzi.

Mayor Manzi stated both the Police Chief and Fire Chief have asterisks next to their names and both asterisks note that they are paid in accordance with statutory provisions tied to the collective bargaining agreements. The Police Chief or Fire Chief will not be

impacted in any way by the passage of this (ordinance). They were put on because they are department heads. They are governed by the statutory provisions and the contract. Mayor Manzi would urge council not to table this.

Councilor Cronin said he does not know how the Fire Chief's pay is established. The salary of the Police Chief is established as twice the amount of the highest paid patrolman. Councilor Cronin accepts that. He does not have a problem with that.

Councilor Corey Rahme stated as acting Chair she will ask formally for an opinion of the solicitor with input from the city auditor relative to the salaries being paid.

Councilor Cronin asked if the opinion will mean anything if it is just an opinion? He wants the solicitor to establish what the salary will be and work with the auditor to establish that information.

Councilor Corey Rahme said she did have a conversation with the city auditor regarding this issue and he knows she is looking for something similar to Councilor Cronin's request. She will do as Councilor Cronin asks but this is separate from what Council is doing tonight.

UPON VOTE: UNANIMOUS

LICENSES:

Special Excavation: 28 Ayer Street Lot A – City Water/ Sewer /Gas Service

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

UPON VOTE: UNANIMOUS

Special Excavation: 68 A Cambridge Street

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

UPON VOTE: UNANIMOUS

Second Hand Dealer Application (renewal) – Methuen Senior center Activity, Inc.

(Waiver of Fees)

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

UPON VOTE: UNANIMOUS

CONTRACTS

C-08-3 Holland Company 153 Howland Avenue, Adams MA. Aluminum Sulfate. Not to Exceed \$76,842.50

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

UPON VOTE: UNANIMOUS

C-08-4 Monson Companies one Runway Road PO Box 2405. South Portland ME.

Sodium Chlorite. Not to Exceed \$58,834.24

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

UPON VOTE: UNANIMOUS

C-08-5 Borden & Remington Corp. 106 Ferry Street, Fall River MA. Potassium

Hydroxide. Not to Exceed \$111,385.34

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

UPON VOTE: UNANIMOUS

C-08-6 Agreement between the City of Methuen and Methuen Patrolmen's Association

– Effective July 1st, 2006. Expiring June 30th, 2009

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

Councilor Cronin asked the Mayor for the differences between this (present) contract and the last one?

Mayor Manzi stated he could give council a sheet detailing the differences. This is a standard 2%, 3% and 3%. There are little differences and he would have to review the contract. Is there something specific?

Councilor Cronin stated that the contract was negotiated a year ago and he had it for one day for approval.

Mayor Manzi stated there are not significant differences it is the standard contract.

Councilor Cronin is asking for a financial impact statement on what the differences are.

Mayor Manzi stated he would have the city auditor provide that information.

Councilor Cronin stated it is hard to vote on something not knowing what the differences are. Councilor Cronin would like to meet with the solicitor to establish what is in these legal contracts relative to referencing general laws.

Councilor Corey Rahme stated that council did receive the contract but cannot compare the last contract to this one because we do not have the knowledge of what the changes are between the last and the present one. There are some changes (page 8) but we cannot compare because we do not have the other one.

Councilor Lahey said in the past there was a copy of the contract but also a page attached with wording changes perks and benefits changes to compare what is new and old. It would be helpful to council to have something like that for our review.

Councilor Andrew stated he was going to vote to delay this contract because of not knowing the changes. The patrolmen have nothing to do with the cloud over Methuen regarding the police department. The patrolmen do their job and they are great cops.

Councilor Andrew will vote in favor of the contract but with the assurance that the changes in this present contract (from the last contract) will be given to council.

Councilor Willette asked if we have a binder to explain the changes within the different contracts? Is that the case on the school side?

Mayor Manzi stated as chairperson on the school committee they have not submitted any contracts. During his time on the city side this has been the standard practice for contracts. The Mayor also stated that because the prior contract has expired does not mean it is not available for public information. If anyone had asked (previous contract) he would have provided it to him or her. He is not averse to highlighting the differences and he will do it as fast as the accountant can get it out and in the future he will highlight the differences. This is the eighth collective bargaining contract provided to council and he has used the same format for all of the prior contracts.

Councilor Willette stated that as a part time council it would be helpful to have the differences highlighted between the old and new contracts. Having the financial impact statement and a list of changes will insure communication between the City Council and administration.

Councilor Quinn asked if council is doing this for all departments?

Councilor Willette is asking for this in all departments and to backdate (beginning of the Manzi administration) the contracts to include all departments. It is not targeting any one department and will help us as city councilors to formulate decisions.

Councilor Giordano stated that council did not receive the contract until Thursday and the Management contract on Friday. Councilor Giordano is asking that contracts be given to Council a week before a meeting in order to read and review it.

Councilor Corey Rahme stated that she received her copy on Thursday. Mayor Manzi stated that relative to the timing of the contracts he would point out that should council receive anything from the Mayor's office in a timeframe that does not allow proper deliberation (contracts) they should tell him that they did not get the contracts within a proper time frame and asked for another two weeks. He (Mayor) would then tell both unions that council deliberations would be at a later time. The Mayor provides the contracts when he is done with them and gets them to council as quickly as he can, ready for council inspection. Some changes are in shift differential, clothing allowance and vacation language.

Attorney Peter McQuillan, city solicitor added that Councilor Cronin questioned the language of the contract. The language is within the confines of chapter 150E the collective bargaining statute. For the record the language is acceptable and meets all the criteria for the statute and all subject matter and areas covered in the contract of those provided for collective bargaining in the contract. The language itself is the appropriate language under the statute. The subject matter is also appropriate in terms of form and language. The fiscal considerations are something the council has to consider and the Mayor and the city auditor can clarify the differences.

Councilor Cronin stated he was not implying the language was improper. He was implying that he does not understand all the legal terms. In order to understand he would have to speak with the solicitor to explain the terms.

UPON VOTE: UNANIMOUS

C-08-7 Collective Bargaining Agreement between the City of Methuen and Teamsters Local 49, July 1, 2006 through June 30, 2009

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

Councilor Cronin again asked for all the information relative to a financial impact report noting all the differences between the old contracts and the new (present). To establish this for all future wage and salary contracts and salary ordinances for all departments.

Councilor Andrew again stated these people are part of a great police department and do a great job. He will not hold this up as long as council gets the information requested.

Councilor Leone asked how many people are involved in this bargaining unit?

Mayor Manzi stated dispatchers are nine.

UPON VOTE: UNANIMOUS

C-08-08 Agreement between the City of Methuen and the Methuen Police Superior Officer Association Local 17. Effective July 1st, 2006. Expiring June 30th 2009

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

Councilor Cronin asked if there are any major changes?

Mayor Manzi said that they mirror the changes mentioned earlier. Vacation time for the most senior members, clothing allowance and shift differential and they piggyback onto the patrolman's contract with no increase beyond that.

Councilor Cronin said that to his knowledge there is no provision for any take home vehicles. That is not part of this contract.

Mayor Manzi stated that is not part of the contract.

Councilor Giordano noted page 23 states meal allowance should be paid for the year 2003. It should read 2007.

Councilor Giordano asked for a run down on the committee the Mayor is forming relative to an identification committee regarding the unions of police, fire, school and DPW. Is that in the patrolman's contract? And when will this happen?

Mayor Manzi said it is not in the patrolman's contract but they are aware of it and will participate in that committee and will happen as soon as possible.

Councilor Giordano asked if they would report to the Council or the Mayor with their findings?

Mayor Manzi said they will report to him but would hope to have City Council participation on the committee.

Councilor Willette said that all resolutions involving indemnification has had to garner the support of the city council. Councilor Willette asked the Mayor if that would continue under this process? Regardless of the recommendations it will still need approval by the city council.

Mayor Manzi stated yes. The intent was that because of not agreeing on the language in the collective bargaining agreement, he agreed to study the issue in conjunction with the city council. Any perspective changes (if any) would be recommended by the committee and would have to then be adopted by the city council.

Councilor Willette asked when there are resolutions on indemnification presented to the city council for approval, will the city council process continue?

Mayor Manzi stated yes.

Councilor Andrew again stated that he would not hold superior officers hostage for some of the things happening in the police department. He will vote in favor of this with the condition that council get the information regarding the financial impact statement. Our officers wear their uniform proudly; the majority of the police department does a great job in protecting the citizens of Methuen.

Councilor Giordano noted page 23 of the contract section 16 and the date is 2002 and should read 2007.

Mayor Manzi agreed it is a typo

Councilor Corey Rahme stated she would ask for the same information for this contract as stated for the previous (personnel) contract.

UPON VOTE: UNANIMOUS

The acting Chair declared a five-minute recess.

Meeting resumed after a five-minute break.

Councilor Giordano asked the solicitor to draft an ordinance to state that all wage and salary contracts come to council ten (10) days before the next scheduled council meeting

with a cover letter stating the differences between the prior contract and the new contract/ordinance. It will read as a financial impact statement.

Attorney McQuillan suggested that it be put in the form of a motion.

Councilor Andrew suggested that it only pertain to personnel salary contracts and or wage and salary ordinances. Collective bargaining only.

MOTION BY: Councilor Giordano to draft an ordinance that all collective bargaining contracts for all departments and personnel ordinances be given to city council ten (10) days before the next scheduled city council meeting with an attached financial impact statement including a list of all changes from the previous contracts/ordinance pertaining to collective bargaining agreements to the new contracts/ordinance. Seconded by Councilor Andrew

UPON VOTE: UNANIMOUS

Councilor Cronin asked that a better description and explanation of contracts be put on the agenda so that residents reading the agenda can understand what it entails.

Councilor Willette suggested a cover letter from the department to explain what the contract is for

Councilor Corey Rahme said it is a matter of housekeeping within the city council office, she will suggest that to the chairman when he returns.

ORDER CALLING FOR SPECIAL STATE PRIMARY – SEPTEMBER 4,2007

Councilor Leone asked what the cost is to have the special election?

Mayor Manzi stated the special election would range between thirty and thirty-five thousand dollars. Mayor Manzi noted that on the State Senate side of the ledger there is a provision to reimburse the cities and towns. He does not know if it has been lost on the House side. The city may be getting reimbursed for it and the Mayor will be pressing our case to the Governor and the State Legislation that they should reimburse all municipalities.

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

Councilor Willette suggested a letter from the city council and the Mayor to our legislative delegations, to the House Ways and Means, Senator Baddour Representative's Campbell and L'Italien and the Speaker and Senate President would help. We are still dealing with the supplemental budget in the House and Senate.

Mayor Manzi agreed with Councilor Willette and noted that Chairman DeLeo has heard from Representative Campbell on this issue. Any additional letters or calls would be helpful.

Councilor Corey Rahme stated that council would generate a letter to send collectively.

UPON VOTE: UNANIMOUS

Proposed Election Personnel for 2007 Elections

MOTION BY: Councilor Andrew seconded by Councilor Quinn to approve.

UPON VOTE: UNANIMOUS

OTHER OFFICERS AND COMMITTEE REPORTS- None

OLD BUSINESS

RESOLUTIONS.

1. TR-07-54 Resolution Accepting a 2007 Firefighting Equipment Grant from Commonwealth of Massachusetts, Executive Office of Public Safety

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

UPON VOTE: UNANIMOUS

2. TR-07-55 Resolution Authorizing Expenditure from the Castle Fund. (effective upon passage requested).

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

UPON VOTE: UNANIMOUS

3. TR-07-56 Resolution - Re: City of Methuen Internet and Computer Policy. (Req. of Clr. Zanni)

Mayor Manzi stated there is software available to enforce this policy.

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

UPON VOTE: UNANIMOUS

4. TR-07-59 Resolution Supporting an Essex County Regional Operations center for Dispatch and 911 Calls.

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

Councilor Cronin asked if this adoption would commit the city to a regional center. This would not commit the city to join the regional center. Is this just a committee to allow Chief Gallant to attend the committee meetings and report back to us?

Mayor Manzi said it is both an expression for support of the concept for a regional call center and confirmation that Fire Chief Gallant would be Methuen's representative for Essex County studying the concept. The City could get feedback within fifteen months. The Mayor's opinion is that it does not commit the City but the report will create a consortium that would allow us to join if we choose.

Councilor Cronin asked if there would be a monetary commitment from the City?

Mayor Manzi stated all the details will be worked out when the committee comes back with a final report. If we choose as a City to join then we would find out what the financial ramifications are. It is still being worked out, he does not know what parts of the package it will be; it has not been determined yet.

Councilor Cronin is concerned that if this is voted tonight the City is committed to join this regional center if the committee decides to form the center.

Attorney McQuillan said this is a study only. There will be a regional collaborative and formal contract between all participating communities. This resolution is for the purpose for determining if a regional 911 system would be beneficial to any of the participating communities. There is no commitment now. At some point if it is determined that it would benefit the respective municipalities, there would have to be a formal agreement if Methuen was to participate. Our participation would have to be approved by the City Council for the purposes of entering into the contract.

Councilor Cronin wants to make sure that council has the opportunity to review the study when it comes out and at that time make a determination to join. He does not want the vote tonight to commit council to this operation.

Attorney McQuillan stated this vote tonight would not commit the city to any collaborative at this time.

Councilor Corey Rahme asked the solicitor if the committee comes back with a favorable finding and the Mayor along with the City decide to do this given any financial implications this issue will come before City Council in the form of a contract or agreement and council will at that point vote it up or down.

Attorney McQuillan stated that was correct.

UPON VOTE: UNANIMOUS

5.TR-07-60 Resolution Authorizing Acceptance of Donations to City of Methuen and Appropriation Thereof.

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

UPON VOTE: UNANIMOUS

6.TR-07-61 Resolution Amending the Fiscal year 2008 Municipal Operating Budget – Human Resources

MOTION BY: Councilor Cronin seconded by councilor Quinn to adopt.

UPON VOTE: 7-yes 1-no(Clr Corey Rahme)

ORDINANCES None

CONSIDERATION OF APPOINTMENTS

Joint Human Resource Director

Colleen M. McCarthy, 51 Osgood St., T505, Methuen MA 01844

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

UPON VOTE: 7-yes 1-no(Clr Corey Rahme)

Historic District Commission

Term to

Expire

Walter Winn 40 Elmore St., Methuen MA 01844

09/17/08

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

UPON VOTE: UNANIMOUS

NEW BUSINESS

RESOLUTIONS

1.TR-07-62 Resolution Authorizing Acceptance of Donations to Methuen Fire Department and Appropriation Thereof (“Red Hat Society” of Nevins Nursing Home)

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

UPON VOTE: UNANIMOUS

2. TR-07-63 Resolution Re-Authorizing School Revolving Funds Pursuant to Mass. General Laws Chapter 44,Section 53-E 1/2.

MOTION BY: Councilor Giordano seconded by Councilor Andrew for first read.

UPON VOTE: UNANIMOUS

3. TR-07-64 Resolution Submitting a Home Rule Petition for the Purpose of Waiving Certain Provisions of Mass. General Laws Chapter 53. (Effective upon passage). (Req of Clr. Cronin)

Because of timing issues Councilor Cronin withdrew the Home Rule Petition Resolution.

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

Councilor Lahey recognized resident Dorothy Kalil from the audience. She asked council for a special distinctly different ballot at the same time as the Congressional race. This has been done before and will save the town money.

Mayor Manzi stated that the charter governs the city. The solicitor agreed with the Mayor, the charter would preclude this but said he would research that issue.

Mayor Manzi wants to save the city money but in his opinion it is a terrible day for voter turnout. It was designed to depress voter turnout.

Councilor Willette requested through the Mayor or even the City Clerk a regional comparison report including Lawrence, Haverhill, Methuen and Lowell.

Mayor Manzi announced that he would be forming a committee to search for a new Veterans Director with Ed Curran as the Chairman. He will include the veteran's community in that search process and he will announce the committee members within ten days.

Councilor Corey Rahme announced the groundbreaking at the Tenney Street Community Center August 7 at 3:00 pm. Also "National Night Out" August 7, the Eagle Tribune have listed all of the participating neighborhoods. There will be a joint public hearing August 8 at 6:30pm dealing with the parking of the school buses

REQUEST OF COUNCIL

ADJOURN

MOTION BY: Councilor Willette seconded by Councilor Andrew to adjourn

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:30 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 September 4, 2007

METHUEN CITY COUNCIL REGULAR MEETING