

METHUEN CITY COUNCIL REGULAR MEETING  
MONDAY, SEPTEMBER 15, 2008  
GREAT HALL, SEARLES BUILDING

Chairman Lahey called the regular meeting, scheduled for Monday, September 15th to order at 7:00 p.m., with all members present, with the exception of Councilor Giordano.

ACCEPTANCE OF THE AGENDA

MOTION BY: Councilor Zanni, seconded by Councilor Pappalardo to accept the agenda. UPON VOTE: UNANIMOUS.

Invocation/Pledge of Allegiance

There was no invocation. Everyone stood for the Pledge of Allegiance.

MOTION BY: Councilor Leone, seconded by Councilor Zanni to take TR-08-65 and TR-08-67 out of order (after public participation)  
UPON VOTE: UNANIMOUS.

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Zanni, seconded by Councilor Leone to waive the reading and accept the minutes of September 2, 2008 regular meeting.  
UPON VOTE: UNANIMOUS.

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CORRESPONDENCE/PROCLAMATIONS

Councilor Pappalardo read a Proclamation honoring Sebastian Beasley for his quick response and assistance in saving Mark Lajoie from drowning this past Sunday. Mayor Manzi and Councilor Pappalardo presented the proclamation to Sebastian.

MOTION BY: Councilor Cronin, seconded by Councilor Zanni to proclaim.  
UPON VOTE: UNANIMOUS.

PUBLIC PARTICIPATION – None

PUBLIC SERVICE:

Grants: None

Licenses: Extenet Systems, Inc., Petition for the Location of Telecommunications Wires Appurtenances (remove from the table)

MOTION BY: Councilor Leone, seconded by Councilor Quinn to remove from the table. UPON VOTE: UNANIMOUS.

Mayor Manzi stated that this involves a single pole location. The lawyers are in agreement that a second petition for the actual transmission will go before the proper regulatory board, which would be planning. The administration does recommend this one pole and hopes that Council sees fit to give Extenet their approval.

MOTION BY: Councilor Leone, seconded by Councilor Quinn to grant the license.

Kenneth Willette said nothing has changed in his viewpoint. It's a very limited area in the City of Methuen. There's been no commitment from the company in question to expand coverage. He sees all over the place, especially in Boston, where they have WiFi locations. Methuen has the Loop area, which would be a prime location to offer WiFi coverage for consumers. He has not seen any revision to the initial proposal or any commitment to expand the coverage area. Methuen doesn't have any coverage at this stage. He said he would vote against this. In his estimation they came forward, they answered the same questions again and don't see the necessity or any incentive to expand coverage in Methuen. Meanwhile, we're benefiting the City of Lawrence with their economic development.

Mayor Manzi said they're a contractor. They would be more than happy to do the contract work should a customer arise anywhere in Methuen. He is not quite sure who the underlying customer is.

Attorney Pare said the customer is Metro.

Councilor Zanni said he has to go before the planning board for any equipment, correct:

Mayor Manzi responded, yes.

Attorney Pare said this is only for the lines.

UPON VOTE: 6 yes, 2 no (Clr. Cronin, Clr. Willette)

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(Councilor Cronin left the room)

TR-08-65 Resolution Amending Order #4794, Resolution Providing for the Adoption of the Fiscal Year 2009 General Government Budget, Police Personal Services

MOTION BY: Councilor Leone, seconded by Councilor Kannan to adopt.  
Councilor Leone asked the Mayor to explain this resolution.

Mayor Manzi said this is a result of ongoing negotiations, prepared to recommend the re-instatement of Patrolman Shaun Cronin. On that basis, we would ask that the City Council increase the allocation of police officers by one because of the fact that we have three cadets currently in the academy. This would enable us to finance that request. The Mayor also asked for an EPA to be attached to the resolution.

MOTION BY: Councilor Leone, seconded by Councilor Kannan to adopt an EPA. UPON VOTE: UNANIMOUS.

VOTE: (main motion) UNANIMOUS

Councilor Cronin returned to the room.

TR-08-67 Resolution Authorizing Priority Development Site Designation –  
M.G. L. Chapter 43D (EPA REQUESTED)

MOTION BY: Councilor Zanni, seconded by Councilor Kannan to adopt.

Karen Sawyer, Director of Community Development and Planning, stated that in 2006 the State developed this new initiative which some have called the expedited permitting legislation. It's really a tool for economic development in places where cities want to target benefits. In addition to agreeing to the expedited permitting that the State says a 180 days to grant a decision is expedited permitting, this will avail us of some technical assistance grant money for a whole host of planning and permitting software needs. Its really a two fold request, looking to designate two sites as priority development sites and to be a priority development site you need to have 50,000 square feet of developable commercial land and you already have to be zoned for commercial and industrial use. The two sites put forth meet those criteria. The first site contains four parcels that comprise the Valley Office Park on Branch Street, known as 1, 5, 9 and 13 Branch. The others were looking to designate is the city DPW yard in the event that we can use the money to study a build out analysis and clean up and potential future use. The city's allowed to designate as many of these sites as we'd like. We could submit additional sites in the future. The owner of Brooks office park requested this designation and with that the city's submitting the grant application to look into a number of planning tools. We can review our rules and regulations and pay for permitting software and we're going to file that application based on authorization from the Council.

Councilor Leone asked if the uses allowed in these sites are in accordance with the zoning ordinance and would not allow any side stepping the ordinance at all.

Karen Sawyer responded, yes and it doesn't rank higher than the zoning in any regard.

Councilor Cronin asked how long the application process would take.

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Karen Sawyer it explains somewhat the request for the emergency preamble. We can assemble that application very quickly looking to get the October funding around for the state with the thought being there are forty four communities that have sought this funding already. We're looking for the max, which is a \$100,000. We'd like to make sure we are in the queue to receive that. We don't want them to run out of money. We don't think that they will but if Council grants the emergency preamble we can make their October meeting date.

Councilor Kannan said she did go on the website and noticed North Andover, Haverhill, North Reading are part of the forty-four. She asked if the abutters of the property would still be notified when a business wants to come in (it said biotech) as they would if any other regular business comes in.

Karen Sawyer said the abutters would be notified. This will in no way change what individuals have to do know in terms of zoning, permitting, or planning. This would allow Brooks Properties to get their site as a priority development site and with this designation, we're able to get other sources or grant funds. Brooks office park is looking for this designation so they can become a bio-ready site with the Mass Bio-tech Council. They get more points and we get more points if they're designated as a priority development site.

Councilor Kannan said it says sites must be approved by local government authority and because we are the city council we are only approving the sites today, the Branch street and the Lindbergh. She asked once that approval is granted, who approves the businesses.

Karen Sawyer stated they would go through the same vetting process that exists now in zoning. They will provide Council with all the information that comes as a result of the grant monies and all the analysis that they are generating.

Mayor Manzi said what's important to realize is what is allowed today would be allowed tomorrow but nothing more. For example, if a certain category of business that would not be allowed by zoning today at these locations, this would not change the zoning at all. It provides some tools to get an approval in a little bit of a faster fashion but none of those regulations governing the process that would occur today are changed in so far as abutter notification, etc. It would allow us to move it a little bit faster, hence the term expedited permitting.

Councilor Pappalardo said she would like to see Council hold a Workshop/Public Hearing on this rather than rush through this tonight.

Councilor Willette asked the Mayor to describe the Lindbergh Avenue site and if it is near residential homes. He knows off of Howe Street, there is a station on Huntington Avenue.

Mayor Manzi said this site is actually the town yard. It is right off of Mystic Street and abuts residential Mystic Street and residential Edgewood Avenue. Relative to this, the town yard is the one that is of particular concern. He understands and respects the request of what Council would like to do and the administration is happy to do it. That zoning exists today would remain; keep in mind that the City would have to be willing to sell the yard in order for a project to move forward. It wouldn't be private to private but it would have to be public to private in the sense that the city would have to be willing to sell the parcel. There is another safeguard and protection there as well that we had not discussed.

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Councilor Willette said he was just trying to find the linkage between Branch Street and Lindbergh Avenue on this. He understands the expedited permitting and agrees with that. He also agrees that we should be catering to biotech firms and it's a great location for Branch Street. He realizes that it would not circumvent the local authority on this. Branch Street you're driving into a location that's already ready made. That was the concern he had with Lindbergh Avenue. He doesn't have a problem approving this tonight (Branch Street) and attaching an EPA. He has a concern about Lindbergh Avenue and in the correspondence that he received

Mayor Manzi said if Council would like to exclude Lindbergh Avenue and move forward with Branch Street, with an EPA, they could hold a Workshop/Public Hearing and add Lindbergh Avenue at a later date. It would allow the city to move forward to try to obtain some of expedited permitting money on Branch Street.

Councilor Pappalardo asked if the Council is voting tonight to get this grant expedited.

Mayor Manzi responded, yes. He'd be willing at this point and we're listing for the state two sites but he's saying, based on what he's hearing, we'll list one with the initial application which would be Branch Street, not Lindbergh and then they would ask Council to add Lindbergh, maybe in a couple of weeks. For now, it would allow us to meet our goal of getting in for the money and then dealing with Lindbergh and we'll have a public hearing or workshop on Lindbergh.

Mayor Manzi responded, yes.

Councilor Leone said Lindbergh Avenue is currently zoned conservancy, which is what all of the city owned property is.

Karen Sawyer said the property is zoned IL, limited industrial.

Councilor Kannan said she noticed on the website that some of the cities did have a number two in parenthesis, maybe that means there's two sites.

Karen Sawyer, yes, a couple of communities have more than two. She believes the Town of Lee has three. She has the list.

Councilor Kannan said being close to Rt 93, Branch Street could attract more businesses. She then asked what the process would be regarding Lindbergh Avenue once the Council holds the public hearing.

Karen Sawyer said she thinks the grant money is a one-time request. If Methuen is given the \$100,000 they can spread that out for whatever is needed and designate, at any time, as many priority development sites as we would like.

Councilor Pappalardo asked if all the abutters on Branch Street would be notified once this business comes in.

Mayor Manzi said none of the requirements would change. For the purposes of legislation before council, the Mayor withdrew Lindbergh Avenue (until we have a Workshop/Public Hearing). The one site before Council would be Branch Street.

MOTION BY: Councilor Leone, seconded by Councilor Zanni to delete Lindbergh Avenue site. UPON VOTE: UNANIMOUS.

UPON VOTE: (EPA) UNANIMOUS.

Councilor Cronin said he wants to make sure there will be a Public Hearing for the second site.

Chairman Lahey said the Public Hearing would be held.

Mayor Manzi said they would have a public hearing on both, as Council sees fit.

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MOTION BY: Councilor Zanni, seconded by Councilor Leone to adopt, as amended. UPON VOTE: UNANIMOUS.

Councilor Pappalardo asked if Mr. Brooks would be willing to come in and speak at the public hearing.

Karen Sawyer told Mr. Brooks that all she was requesting tonight was the authorization of an application to be submitted to the state. At the point in time, when they (Brooks) have information, they'd be happy to come.

Special Excavation – 6 Kimball (for gas service)

MOTION BY: Councilor Cronin, seconded by Councilor Zanni to approve.  
UPON VOTE: UNANIMOUS.

Contracts: C-09-07 Neptune, Inc., 360 Washington Street, Haverhill, for Police Uniforms in the amount of \$72,900.00 annually for a period of three years.

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

Councilor Leone said this is to provide all of the uniforms in the police department. Mr. Kelly agreed. Councilor Leone said there is also clothing allowances in the police budget.

Mr. Kelly explained that this is for police uniform replacement. They also get a clothing allowance to maintain their uniforms.

Councilor Pappalardo asked why there are two line items for uniforms.

Mayor Manzi explained it is part of collective bargaining.

Councilor Pappalardo asked if any bids were obtained for this contract.

Mr. Kelly said usually there is and it should be attached. Mayor Manzi said it has to be a bid process.

Councilor Pappalardo questioned why the other bids were not included. Mayor Manzi said he would provide the bids.

Councilor Pappalardo said the \$72,900 is for every year for three years.

Mayor Manzi agreed. Councilor Pappalardo said there is a clause that states we could give them an additional two years. She asked the Mayor if he had to come before Council for the additional two years.

Attorney McQuillan responded, no, because it's contemplated in the contract. There is a way to trigger the extension by the terms of the contract.

Councilor Pappalardo asked if the \$72,900 figure stays for that additional two years or is that price going to go up.

Attorney McQuillan said he didn't have the contract before him and could get a response to Councilor Pappalardo on Tuesday. He reviewed it for the purposes of it satisfying form, which it does. He will provide a memo regarding the extension tomorrow. Normally an extension means the same terms.

UPON VOTE: UNANIMOUS.

OTHER OFFICERS AND COMMITTEE REPORTS - None

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OLD BUSINESS

Resolutions:

TR-08-50 Resolution Providing for the Office of the City’s Auditor to Submit to the City Council quarterly Budget Projections (Req. of Clr. Zanni)

MOTION BY: Councilor Kannan, seconded by Councilor Quinn to adopt.

Councilor Zanni said this would allow this City Council, and future Councils, the opportunity to receive quarterly reports and to see the expenditures and the revenues taken in on the spreadsheet. Mr. Kelly is agreeable to do this. It also helps in our bond rating as well because we become transparent in terms of how money is being dispersed.

UPON VOTE: UNANIMOUS.

TR-08-51 Resolution Amending Standing Departmental Policy department of Public Works Water and Sewer service Policy No. 2002-01 (Req. of Clr. Cronin, Clr. Kannan, Clr. Pappalardo, Clr. Quinn)

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

Councilor Cronin said, as we know this is long overdue. He wants to make sure the wording is correct as far as who is responsible for what. In the last paragraph on the first page, the last sentence, “the city shall be responsible from the curb cock”, that means including the curb cock, which is the shut off valve. He asked that the language specifically state “including the curb cock”.

Chairman Lahey said he is a huge supporter of this policy and has been for quite some time. He thinks all of the Council agrees that the policy they had previous to this was a bad policy. The problem is it was an inconsistent policy. It wasn’t followed. The water department fixed some services, no charge, some they would charge, the water department would maybe not have time and hand it over to a contractor and these poor people would get clobbered. Two years ago, when he went through this with Councilor Zanni and DPW, they kept telling him that every community charges for the entire service. Citizens pay for it. Now he looks at a policy and is looking at the list of services provided and many got a free ride so many that got minimal charge, and others that were referred to contractors. This was a policy based on preferential treatment, very inconsistent, and nobody’s been held responsible for it. He’s going to support this amended policy. It’s the way it used to be and it shouldn’t have been changed in the first place. What’s happened here is wrong. He apologized and reiterated that the policy previous to this was inconsistent 1) no charge, 2) minimal charge, and 3) referred to a contractor (costing a large amount of money). He views this as preferential treatment.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Zanni, seconded by Councilor Quinn to remove TR-08-52 through 64 from the table. UPON VOTE: UNANIMOUS.

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MOTION BY: Councilor Leone, seconded Councilor Zanni to adopt the following:

TR-08-52 Resolution Amending Traffic Rules and Regulations – Official  
Acceptance/Renaming of Hampshire Street Access Road

TR-08-53 Resolution Amending Traffic Rules and Regulations – Hampshire Street  
at Hampshire Street Extension

TR-08-54 Resolution Amending Traffic Rules and Regulations – Kimball Street at  
Hampshire Street

TR-08-55 Resolution Amending Traffic Rules and Regulations – Gaywood Circle at  
Hampshire Street

TR-08-56 Resolution Amending Traffic Rules and Regulations – Bartlett Road at  
Hampshire Street

TR-08-57 Resolution Amending Traffic Rules and Regulations – Melissa Circle @  
Hampshire Street

TR-08-58 Resolution Amending Traffic Rules and Regulations – Hampshire Street  
Extension

TR-08-59 Resolution Amending Traffic Rules and Regulations – Webb Street

TR-08-60 Resolution Amending Traffic Rules and Regulations – Pelham Street  
(remove from the table)

TR-08-61 Resolution Amending Traffic Rules and Regulations – Camden Street  
(remove Order #4699)

TR-08-62 Resolution Amending Traffic Rules and Regulations – Lawrence Street

TR-08-63 Resolution Amending Traffic Rules and Regulations – Calumet Road

TR-08-64 Resolution Amending Traffic Rules and Regulations – Union Street

UPON VOTE: UNANIMOUS.

Ordinances: None

Consideration of Appointments: None

NEW BUSINESS

Resolutions:

TR-08-66 Resolution Submitting a Home Rule Petition for the Purposes of  
Exempting Certain Positions in the City of Methuen from Civil Service Law (Req. of Clr.  
Leone) **WITHDRAWN**

Ordinances:

TO-08-06 An Ordinance Amending the Methuen Municipal Code, Dog Regulations -  
Chapter 23, Section 23-28C Advisory Committee (Req. of Clr. Zanni, Clr. Lahey)

MOTION BY: Councilor Quinn, seconded Councilor Zanni to adopt for first read.

Councilor Zanni said he and Councilor Lahey met with Sgt Havey, along with  
individuals from the MSPCA and from the State, Lisa Camuso, and others. In the event  
the city or anyone has to go to court, they'd be better off eliminating the committee.  
Council could appoint another advisory committee could come up at any time. There  
was a good workshop and it was in the committee's best interest to take this out of the  
ordinance

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Chairman Lahey said, in the future, if there were a need for the committee to convene for one thing or another, it would be done the same way as it was done in the past.

UPON VOTE: UNANIMOUS.

ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE  
COMMUNITY - None

REQUEST OF COUNCILORS

Councilor Cronin requested, through the Chair from the City Solicitor, a copy of all transcripts regarding the disciplinary hearing regarding the former police chief. He said he believes they are public records and they've already been given to the tribune.

Chairman Lahey said the Clerk would make the request in the morning.

Councilor Cronin said he's been asked by Mr. Leone to include the independent audit that was done.

Councilor Pappalardo said she'd like to have an update regarding the post office and what has taken place, if anything.

Chairman Lahey said the Clerk would make the request in the morning.

Councilor Zanni said the cease and desist on Anderson Drive didn't do very much. He asked what could be done. His understanding is that the situation is ongoing.

Attorney McQuillan reported that the cease and desist order was issued by the Building Department. He's been in contact with the property owner's attorney. There is an agreement that the excess dogs will be removed within fourteen days of last Wednesday. And they're going to address the other issues after that. The main concern was the number of dogs and Counsel has agreed to that issue.

Councilor Zanni asked about the actual building that was put on that site and it was of course granted, was it constructed as a garage, an additional building. That was one of the questions residents asked him.

Attorney McQuillan said he would be meeting with the residents Wednesday morning and hopefully have all the answers to their questions.

ADJOURN

MOTION BY: Councilor Zanni, seconded by Councilor Pappalardo to adjourn.

The meeting adjourned at 7:50 p.m.

COUNCIL CLERK