

METHUEN CITY COUNCIL REGULAR MEETING
THURSDAY, SEPTEMBER 20, 2007 – 7:00 P.M.
GREAT HALL, SEARLES BUILDING

Chairman Zanni called the regular City Council meeting to order at 7:00 p.m. with all members present, with the exception of Councilor Cronin and Councilor Giordano.

ACCEPTANCE OF THE AGENDA

MOTION BY: Councilor Andrew, seconded by Councilor Corey Rahme to accept the agenda as amended. UPON VOTE: UNANIMOUS.

Invocation/Pledge of Allegiance

The Council observed a Moment of Silence and everyone remained standing for the Pledge of Allegiance.

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Corey Rahme, seconded by Councilor Lahey to waive the reading and accept the minutes of September 4, 2007, regular meeting.

PROCLAMATION/CORRESPONDENCE – None

PUBLIC PARTICIPATION:

Elizabeth Morancy, 2 Stadium Road, spoke of the water rate increase, noting that Methuen escaped increases over the years by funding from other resources that are nearly exhausted. Given the importance of a safe and reliable water system, she thinks that Methuen residents are probably accepting of the need for a rate increase. According to the media, she understands there is a tiered rate proposal and a flat rate proposal. Politically, she would not hold voting for an increase against any Council member for accepting his or her responsibility to support an increased rate plan in a timely manner. This issue is a sensitive one. But working it out and making decisions on such matters is essentially the Council's reason for being. Residents have a right to expect that their Councilors will evaluate the rate increase proposal and come to a reasonable conclusion, justify as to which method should be adopted, and vote for an appropriate solution. She believes the voters will remember if anyone declined to vote. She would hope that only a solution that's been presented to the public as mentioned earlier is voted on. Voters may take a dim view of a last minute solution they know nothing about. She said that the

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more equitable solution is the tiered rate system, which is what she wrote in her letter previously distributed to Council. She does not believe it is proper to expect the large majority of residents to subsidize the few excessive water users, which is what adopting a flat rate system would do. She is willing to pay her fair share and believes voters will be watching for a fair solution.

Jack Burke, 49 Canobieola Road spoke about the information flow between the Council and the citizens. He read a letter from the Chairman of the Council to the Mayor regarding resolutions and ordinances being posted on the city's website as back up information to the Council Agenda. Mr. Burke noted that for the past three months this information has been diminishing to the point where there is nothing on the website regarding tonight's agenda. He asked that this information be posted, in a timely manner, so that he and other residents are informed and know what the Council is discussing. He also noted that there are some agendas and minutes missing as well.

Leda Druin, 324 Forest Street, expressed her concern regarding the proposed water rate increase. She suggested establishing a reduced water rate plan for agricultural land. She is a tree farmer and used over 20,000 gallons of water this past summer to water 100 trees newly planted this year in order to continue her farming process. She did some research in the State of Massachusetts and the farm bureau brought her attention to the Hatfield Massachusetts. She is trying to see if a specific rate reduction could be given to legitimate farming organizations. Each year individual farmers must file an application in October, under 61A. Its not something that someone could just come in and fill out a form and it would affect him or her. If she did her math right, it would be a 261% increase for people who are farming. There is a limited amount of farmers in Methuen and she asked if a possible rate reduction could be considered before a vote was taken on the rates.

Councilor Quinn asked if Ms. Druin checked into grant money through the Agricultural Farm Act.

Ms. Druin said she did not.

Councilor Quinn offered to provide information to Ms. Druin on other avenues available to individuals for relief.

Councilor Andrew suggested that the Community Development Department find out how many legitimate farms and farming situations there are in Methuen and what the impact would be if there was a reduced rate for farming.

Councilor Willette noted that the farms constitute open space. If farms go out of business, the alternative could be a housing development, a 40B, a retail development, and any number of projects. The family farm in Methuen has to be protected and he willing to sit and discuss it with the farmers. Farms are an enhancement to the quality of life in that area because they preserve open space and have a product that is friendly to the environment.

Councilor Corey Rahme echoed many of the points brought up by Councilor Willette. This is an important issue and we need to protect our farms. She is willing to try to find a solution.

Chairman Zanni suggested checking the grants available as mentioned by Councilor Quinn to help solve part of this problem.

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Leda Druin asked the Council to look into the Hatfield Commission and the residents could follow through from there.

Councilor Lahey suggested mentioning this to Frank Russo. Chairman Zanni agreed to do so.

PUBLIC SERVICE:

Grants: None

Licenses: None

Contracts: C-08-09 Commonwealth of Massachusetts Mass. Emergency Management Agency, 400 Worcester Road, Framingham, MA 01702 for FEMA – 1701 – DR-MA/April 2007 Nor’easter in the amount of \$31,277.68.

MOTION BY: Councilor Corey Rahme, seconded by Councilor Lahey to award.

Councilor Corey Rahme asked this is general relief throughout the city or is this targeted for specific damages.

Attorney McQuillan said he didn’t have that information and noted that the person who filled out the paperwork submitted for review was Mr. Russo.

UPON VOTE: UNANIMOUS.

C-08-10 Local 3699 of the American Federation of State, County and Municipal Employees, AFL-CIO Methuen Support Staff Employees Unit

MOTION BY: Councilor Corey Rahme, seconded by Councilor Lahey to award.

Councilor Lahey said he is disappointed that Council did not receive a cover sheet detailing the proposed changes in the contract.

Councilor Leone stated that Council received a breakdown this evening.

Chairman Zanni said the contract reflects the same increases 2, 3, and 3.

Councilor Lahey asked if there are any additional benefits.

Chairman Zanni said there were no other changes he is aware of.

Councilor Corey Rahme said Councilor Giordano not only wanted the contract submitted in a timely manner, he wanted it submitted to Council 10 days prior to a vote.

Councilor Lahey said the only changes he sees in the information handed to him is the increases in wages.

Chairman Zanni asked the Solicitor if he is aware of any changes in the contract.

Attorney McQuillan stated no he is not and has not reviewed the contract. He further stated that he did not participate in the negotiations.

Chairman Zanni said, in the future, he is looking towards changing the process to include members of the Council as part of the negotiating team, perhaps a sub-committee with the Mayor. Right now it comes to Council ratified by the various unions. He would like to see more participation of members in the negotiating process similar to the School Committee process.

Councilor Lahey noted that he worked on between fifteen and twenty contracts over the years and does not recall signing one contract that didn’t have some sort of language change. There were changes in language, benefits, and things taken out and added.

Chairman Zanni asked the head of union, Mr. Graziano, to come forward. He then asked if there were any changes besides the salary percentages.

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Mr. Graziano said there were some items where the language was changed. Side letters from previous contracts were written into these contracts. He was part of the negotiating team and could explain all the changes. He and a couple of other members of the union negotiated the contract with the Mayor and its pretty standard. The pay increases and longevity are the same as what everyone else was getting.

Councilor Lahey asked if he remembered past years when a cover sheet was submitted with contracts.

Mr. Graziano said he did recall a cover sheet that would go with the contract listing all the changes within the contract.

Councilor Andrew asked if the side letters included in the contract were stipends.

Mr. Graziano explained that the union doesn't control stipends and they are not included in the contract. He explained that side letters such as compensatory time, negotiated years ago as a side letter, was incorporated into the contract. The union has nothing to do with paying someone a stipend.

Councilor Andrew said the side letters could be eliminated at the will of the Mayor. Contracts do not usually go back and relinquish anything.

Mr. Graziano said there are some side letters that include sunset clauses.

Chairman Zanni said the Mayor and the Union has negotiated in good faith as has been done over the years.

Councilor Leone asked for an explanation of the term "side letter".

Attorney McQuillan explained that a side letter is what they call an adjunct. There is a basic main contract between union members and the City and if a certain member of the union can provide a service over and above the terms and conditions contained in the contract, there is a side letter. He gave an example how his secretary is a member of a union. She also provides translation services because she is Spanish. There is a side letter addressed to her specifically outside the contract and she will be paid a certain additional stipend because of the additional service she alone provides on behalf of the city.

Councilor Leone said, according to Mr. Graziano, the side letter agreements were incorporated into the contract. Now that new amount is subject to the 2, 3, and 3% increase.

Attorney McQuillan said, no, because the 2, 3, and 3% is based upon the basic wages. The services provided over and above the contract will be recognized but it is independent of the body of the contract.

Councilor Leone asked if there is a list of all these side letters available.

Mr. Kelly noted that he provided that list to Councilor Andrew. He further stated that what Mr. Graziano alluded to is that there were changes in language for comp time, changes in language for mileage, maybe vacation, but not to the point that its affecting the actual wages. Mr. Kelly said he did the calculations on the wages and there's no increase on the stipends. The 2, 3, and 3% is on the base pay only.

Councilor Lahey reiterated that he is looking for a cover sheet to explain all the changes in benefits or language

Councilor Leone said he is willing to wait until Chairman Zanni brings forth his ideas for revamping this system.

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Councilor Willette noted that the full City Council passed a rule that incorporated a breathing period, mandatory announcement of the changes, and the breakdown and cost analysis. Council only received the breakdown and cost analysis, one out of three. That is unacceptable. The City Council should be fully informed.

Councilor Leone said he was under the impression that Attorney McQuillan reviewed all the contracts and was disappointed to hear that he did not.

Attorney McQuillan reiterated that he does not review them.

Chairman Zanni said he compared the new contract and the previous contract. There weren't many changes he noticed other than the 2, 3, and 3 percentages. He's looking at the fact that the Council passed every other contract in the City, and if there's no specific questions coming forth, why penalize this group by holding it off for another meeting.

MOTION BY: Councilor Willette, seconded by Councilor Andrew to table Contract C-08-10.

UPON ROLL CALL VOTE: 4 yes, 3 no (Clr. Lahey, Clr. Quinn, Clr. Zanni)

Order Calling for Special State Election – October 16, 2007

Order Calling for Municipal Election – November 6, 2007

Councilor Quinn asked why Council didn't get these together ahead of time.

Chairman Zanni said they were sent up to him from the City Clerk.

Councilor Quinn commented that someone should of thought getting the primary race and this race together. She understands there is a certain amount of time required and state is involved. We are spending unnecessary money and citizens are tired of coming out for all these elections.

Chairman Zanni agreed and noted that the Congressional race was set up from the State. The city had no control. We are putting forth our general election, which is November 6, 2007.

Councilor Corey Rahme said she was asked as well and said it was formula based. It had to with the time that Congressman Marty Meehan resigned. There was a window of time from the date of his resignation until the date of the primary election, which the outside date was the day after Labor Day. Our preliminary and regular election has nothing to do with it.

Councilor Leone said Congressman Meehan could have waited three weeks and all of this problem would have been solved and saved the city \$20,000.

Councilor Willette noted it was intentional to depress the vote.

MOTION BY: Councilor Corey Rahme, seconded by Councilor Andrew to approve both Orders Calling for a State Election, one October 16 2007 and the Municipal Election on November 6, 2007.

UPON VOTE: UNANIMOUS.

TR-07-65 Resolution Amending Traffic Rules and Regulations Worcester Street at Reservoir Street

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

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Councilor Corey Rahme said she applauds this effort and it will be a lot safer for the people in the area. UPON VOTE: UNANIMOUS.

TR-07-68 Resolution Authorizing Acceptance of Donation from Merrimack Valley Economic Development Council

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

UPON VOTE: UNANIMOUS.

TR-07-70 Resolution Authorizing Acceptance of Donation to Methuen Fire Department and Appropriation Thereof (Wal-Mart)

MOTION BY: Councilor Andrew, seconded by Councilor Willette to approve.
UPON VOTE: UNANIMOUS.

TR-07-71 Resolution Authorizing Acceptance of Statewide Emergency Telecommunications Board (SETB) Training Grant

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

Councilor Corey Rahme said this is for over time training participants and she hoped the criteria for these grants are being followed.

Councilor Leone noted that he questioned Mr. Kelly several weeks ago about the success of the grant oversight program that he and the Mayor put into place. It is working out well.

Chairman Zanni said Mr. Kelly has designated someone in his department to handle grants. Grants are available for Councilors review and/or questions in the City Auditor and Solicitor's office.

UPON VOTE: UNANIMOUS.

Ordinances: None

Consideration of Appointments: None

NEW BUSINESS:

Resolutions

TR-07-73 Resolution Establishing the "Eli Takesian Monument" Trust Fund

MOTION BY: Councilor Andrew, seconded by Councilor Corey Rahme to approve.

Chairman Zanni asked what the purpose of this monument is.

Councilor Lahey said there was a nice story in the paper about it.

Councilor Corey Rahme said he is a Veteran from our community and he's being honored on the monument. She doesn't know his military history.

Councilor Lahey explained that someone who used to work in the DPW Department Brian McCabe met this person during combat. The individual was a Chaplain, apparently Brian never saw him after that and was under the impression he was deceased, and later located him alive and here we are.

UPON VOTE: UNANIMOUS.

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TR-07-74 Resolution Accepting Miscellaneous Donations for the Purchase of a portable A.E.D. System

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

Chairman Zanni announced that \$900 is coming from the Exchange Club; \$50.00 from the Karate Association (Larry Giordano), and Subway \$50.00.

UPON VOTE: UNANIMOUS.

TR-07-75 Resolution Accepting Chapter 68 of the Acts of 2007 – An Act to Reduce the Stress on Local Property Taxes through Enhanced Pension Fund Investment (EPA Attached)

Mr. Kelly said this is a very said piece of legislation, especially for him. He's been on this Retirement Board for a long time. This summer Chapter 68 of the Acts of 2007 was passed. Basically what it was saying is retirement systems that weren't within two percent of what the PRIT Board percentage (which is governed by the state) and weren't 65% funded on the end funded liability, all assets had to be turned over to the PRIT fund. There are two options. It could be done voluntarily and in five years time the city could take out all their assets and start the whole process over again. If it is not done voluntarily, they'll take over and the municipality can't get their money out. The problem with the City of Methuen is we were in such a grey area. He said he lobbied and weighed in hard with the local legislators and emails out to everybody. The Retirement Board has met on this several times. This shouldn't be happening to the Retirement Board here in Methuen. He knows a lot of cities and towns have problems with their investments. For the past ten years, the Retirement System had a return on their investments of 9.2%. Our benchmark is 8%. Methuen is only 1.22% off of what the state said to meet that criterion. The problem with the portfolio is the unfunded liability has grown because of two early retirements that were given out, a pension holiday, and cost of livings (given by the state legislator to the administrations throughout the Commonwealth). Its put such a tremendous burden on our retirement system because the unfunded liability has to be addressed. A couple of years ago our system was 72% funded and then when the city took the legislation and enacted it here, our unfunded liability increased. The Retirement system is now only 54% funded and there's no way to reach that 65%. We talked about on the Retirement Board we were going to go out for an actuarial study and we talked to many of our investors and they said it would just not work. We could never get to that 65%. In 1992, the portfolio was worth 23 million dollars. Today, it is worth 82 million. Since 1992 it's grown 59 million dollars, with a diversified portfolio of eight segments (real estate, international, small cap, large cap, etc.). The Retirement Board has done a tremendous job in their investments. The problem is that the unfunded liability that the state legislature put on these cities and towns has hurt our system because of a percentage. There is no alternative to turning the assets of the retirement system over to the state.

Councilor Leone you said that the performance was 1.2% below the states, noting he didn't understand the down side. Earning 1.2% more on our investments is \$860,000 a year.

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Mr. Kelly said this is where they are saying they're going to help out these retirement systems because their unfunded liability has grown. The Retirement Board in Methuen has done a great job over the years and has been mentioned as one of the fastest growing systems. In thirteen years they've gone from 23 million dollars to 82 million dollars. Methuen met one out of the two criteria. He doesn't know what is going to happen unless they do a tremendous amount of investing. Also, he doesn't know what the state will charge as an administration fee.

Councilor Leone said the 9% plus earned by the Retirement Board is excellent and they should feel proud, not humiliated. Members of the Retirement Board were not responsible for the two early retirement packages. If this is going to help our system get back on track, we'll give it the five years.

Mr. Kelly agreed and that is why the Retirement board took the stance they did. The Board had many meetings on it knowing they would be forced into it one way or the other. The Retirement board has done a fantastic job managing money and in a down year did not lose as much as others did. Mr. Kelly said he blames the Legislature because they are the ones that offered the cities and towns early retirements and pension holidays. It's devastating when an actuarial comes back with a number based on this information given to them. Methuen was 72% and is at 54% because of the unfunded liability. The state is telling the Retirement board to liquidate but they're not. They are giving them Methuen's portfolio. Three years ago the Board invested three million dollars and that investment is now worth thirteen million dollars. The Retirement Board has held up their fiduciary responsibility so there is a nice pension here in the city. The board voted unanimously to take the action to go in there and is asking for the Council's agreement to so do.

Councilor Lahey said he spoke to Mr. Kelly and another member of the Retirement Board briefly and is not happy about being incorporated into the State pension. We're talking about being incorporated with someone that's paying William Bulger \$200,000 a year for starters. Councilor Lahey said Mr. Kelly has proven that the Methuen Retirement Board had a pretty good track record until the time the municipality was offered the early retirement, basically to reduce the stress on local property. Now they're going to take our pension money to reduce the stress on local property. He suggested they take the health insurance too.

Mr. Kelly explained that we have to meet the criteria in the legislation. Whatever the PRIT fund earns, they'll keep our portfolio and monitor it because we're turning over 82 million dollars. That 82 million dollars wherever they invest it on behalf of the city has to meet what the entire PRIT fund is doing. If we meet that or stay within the 2% of them, the municipality can take it out. It might work out for the city. It takes that burden off of hiring money managers. As the City Auditor looking at these numbers, he doesn't know how it takes the stress off the budgets. It doesn't. The Retirement Board pays for all the money managers. The \$400,000 mentioned comes out of our investments. Years ago they used to budget the pension amount for retirees and the money managers. They did away with that in the mid 90's. Retirement Board pays for it and he doesn't see any

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savings to the general government. All he sees is the previous expense of \$400,000 could be kept in the pension fund.

Councilor Lahey said we don't know right now if there would be an administrative cost we are going to have to pay to the state.

Mr. Kelly said he doesn't know what the number is. Whatever they're paying for their money managers, they'll prorate it by the value of your portfolio.

Councilor Lahey asked if there is an appeal process.

Mr. Kelly said the municipality could file against it but then it's a long legal battle. There is an EPA on this because the state has to be notified by October 1, 2007. If you don't do it, they just come in and take it.

Councilor Lahey said to Mr. Kelly, begrudgingly you are recommending this.

Mr. Kelly said begrudgingly, yes.

Councilor Willette said it really wasn't an option. It wasn't voluntary.

Mr. Kelly said if you don't do it voluntarily, they're taking it.

Councilor Willette commended Mr. Kelly for his presentation. 9/11/01 with the recession, we rebounded really well.

Mr. Kelly said the Retirement Board, as a whole, Jim Trott, Mike Hennessey, Bob DeLuca, and Sharon Cutter have done a fantastic job, meeting with advisors from California and New York once a month. The board sits and listens to them and they'd tell us where the hot spots are. It's kind of sad that it's not going to be here anymore because it's a good thing that happened here.

Councilor Willette said there were probably other communities below benchmark that did not take advantage of the tools that the state provided.

Mr. Kelly said there are quite a few retirement systems that have to go in. Some have no choice but the City of Methuen was the gray retirement system. The municipality could fight it but how much do you want to spend in legal fees out of the retirement system?

Councilor Quinn asked if he would have any local input into their decision-making and asked if the state would continue along the same pathways as the Retirement Board.

Mr. Kelly said they have a representative, a fire fighter, that's representing the municipalities. The Retirement Board will stay and as the Chairman he will attend the state's retirement board meetings. He could report back under other business on the agenda.

Councilor Leone out of our 117 million dollar budget this year, how much of that is retirement costs.

Mr. Kelly responded 5 million, a little over 5 million.

Councilor Leone asked if the savings, 1.4 million minus administration fee (state) would go toward decreasing the unfunded liability.

Mr. Kelly yes, its not going to affect your appropriation.

Councilor Leone said the appropriation wouldn't change until the unfunded liability is zero. He then asked if a portion of the 5 million was for the unfunded liability.

Mr. Kelly yes it is. As it goes down, when we do an actuarial, our appropriation will hopefully go down because what we are trying to do is fully fund the system.

Chairman Zanni asked if Mr. Kelly would be reporting to the Council periodically or waits a year regarding how that money and the interest rates are working for Methuen.

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Mr. Kelly said the state would be contacted by October 1st to tell them we're coming in. They're probably not going to take our money until after January because the board has a lot of things to clean up and then the following January you'll start to see how it's progressed. He will attend meetings, gauge it and report back to Council.

MOTION BY: Councilor Leone, seconded by Councilor Willette to adopt an EPA for the good and welfare of the community. UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Quinn, seconded by Councilor Willette to adopt resolution TR-07-75. UPON VOTE: UNANIMOUS.

TR-07-76 Resolution Authorizing a Transfer of Funds to the Unpaid Bills Account, Human Resources Department.

MOTION BY: Councilor Quinn, seconded by Councilor Corey Rahme to adopt. UPON VOTE: UNANIMOUS.

TR-07-77 Resolution Authorizing Expenditures from the Castle Fund

MOTION BY: Councilor Corey Rahme, seconded by Councilor Willette to adopt.

Councilor Corey Rahme noted that she was one of the co-chairs with Joe Bella and thoroughly enjoyed the Victorian Outing. She thanked those involved with the Edwin J. Castle Fund, in particular Sandra Perrault. It is a wonderful way to subsidize the endeavors in our city that meet the criteria.

Chairman Zanni concurred and thanked DPW and his entire staff. Greycourt is a great venue for people of Methuen to go to and enjoy.

Councilor Corey Rahme thanked the Methuen Youth Corp for providing the set up of all the tables and chairs on Friday and Saturday and their help cleaning up on Sunday.

UPON VOTE: UNANIMOUS.

TO-07-15 Ordinance Amending Wage and Salary Classification Plan, Schedule G-Unaffiliated (EPA REQUESTED)

MOTION BY: Councilor Willette, seconded by Councilor Lahey to adopt.

MOTION BY: Councilor Willette, seconded by Councilor Lahey to adopt an EPA for the good and welfare of the community.

Councilor Leone questioned the need for an EPA.

Attorney McQuillan said it's his understanding that the contract supplemental to this ordinance was effective July 1st of this year. It would be prudent to allow the EPA because the contract itself technically has an effective date of July 1st.

Councilor Corey Rahme asked if she is to understand that this position is not going to be funded from the monies collected under the handicap and the disabilities line item and has become a regular job in the city.

Attorney McQuillan said it is part of the wage and salary classification.

Councilor Corey Rahme said she was aware of that but wanted it stated for the record. She also wanted to re-iterate what she said last year when this was first brought

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forward which is that she finds it to be bureaucratic layering. Since the Americans with Disabilities Act that was enacted sometime early 1991, she thinks that it would be part of the package when someone is building, and that contractors, engineers, and the like are building things correctly. She gave an example of the Nevins Library, the slope/pitch of the ramp, anything that's been built after 1991 should naturally, in her mind, be part of the Americans with Disabilities Act. Having an additional co-ordinator in our city, whether it is paid from the coffers from fines that are accumulated or put forward to the citizens of Methuen, it has to do with bureaucratic layering. Why pay contractors, architects, engineers, and all of these highly educated people to put in buildings, and they do not comply with ADA? She referred to the memo dated 9/21/06 where the Access Co-ordinator had some problems with the CVS on Broadway. That's a relatively new building, not something that was built in the late 90's when they were less informed. It has to do with her wanting people to have a work ethic, doing the job that they are suppose to be doing, in compliance with the 1991 Americans with Disabilities Act without our help to do the job that they are paid for.

Councilor Lahey said he supported this last year. After reading the report submitted by the Access Co-ordinator he is proud that he did support it. A bureaucrat to him is someone that doesn't do a lot. If you look at this, at the things he's been doing, look at the co-operation he's had with other members of departments, i.e., Frank Russo, the Building Inspector, School Department, look at the cooperation and the dialogue with the contractors on newer structures and him being able to make sure that they did follow the procedure that was suppose to be followed, this individual is saving the contractors money and saving the town headaches down the road. If not for him, contractors may have had some problems with the City of Methuen and had to do things again. It is a good thing and he hopes for it to continue.

Councilor Leone said when Council first approved this last year the funding was provided by the commissions' funds. He asked why it is being transferred.

Councilor Willette said he no longer serves on the commission and doesn't have the answer.

Councilor Leone said we are in a fiscal year where we are facing massive water rate increases and are going to face a tax increase. He doesn't see why Council would want to add a position, no matter how valuable the position is, when we already have a funding mechanism for it. His comfort level is not where it needs to be especially on an emergency basis, until he has an answer to that question.

Councilor Willette suggested Mr. Harris could explain. As the Chair of the commission, they'd receive monthly reports as to the amount for that account.

Councilor Quinn said she did not vote for this position last time but having seen his work, she was wrong. Mr. Harris has done a commendable and the constituent services that he provided are great. She said she works very closely with the seniors. They call her all the time and let her know when they go to different places in the city. If they call Mr. Harris with a problem, he goes out and addresses it immediately and he always calls them back. He does provide a service and she would like to see this position stay but she has problem with the way it is funded and needs more information.

Chairman Zanni asked Mr. Harris to come to the podium to clarify the funding mechanism.

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Mr. Harris said he was under the impression that the Disabilities Commission is going to continue to fund the position. He was surprised to hear that the City is going to fund it. There is more than enough money in that account right now. They are presently working with the School Administration to put automatic door openers in all the schools. That's a big project. The Disabilities Commission has and always will continue to pay for this out of their funds. They don't want this to become burden to the taxpayers.

Councilor Willette asked if this is the same contract provided last year. There is nothing in this that says it is going to be funded by the City. It's identical to the last.

Attorney McQuillan said that is correct.

Councilor Willette said he doesn't know what the confusion is on this. He thought it would be continuously funded through the commission, noting that Mr. Harris has done a great job as well as the parking officer to build up that account.

Mr. Kelly explained that the reason it is on the Wage and Salary schedule is because it is unaffiliated. It has no contracts or anything. The Mayor is changing it but it is still going to be paid out of Disabilities' Commission. The title has to be on the Wage and Salary. The Mayor can't arbitrarily change a title that's on the Wage and Salary. It has to come in front of Council. The position is still going to be funded as it was.

Councilor Willette said he served with Mr. Harris for many years. Unfortunately, there are contractors, on occasion, that are not fully knowledgeable about the ADA and sometimes there are clear deficiencies in new construction. He is fully supportive of having someone in a proactive basis that can reach out to private contractors in new construction, the existing public buildings that undergo upgrades, etc. It can be done on a reasonable basis. Also, he is appreciative of the clarification that this position will be paid out of the Disabilities' Commission account so as not to burden the taxpayers.

Chairman Zanni concurred with the majority of the Councilors. Last year, individuals came before Council asking for some safety measures for the disabled. Sid has taken that responsibility. Council received a document detailing the various meetings he attended, showing various things that have changed. He commended Mr. Harris for his efforts. It is a worthwhile effort and appreciated.

UPON VOTE: (EPA) 6 yes, 1 no.

UPON VOTE: (Main Motion) 6 yes, 1 no.

Councilor Quinn announced that the Nevins Library is having a book sale this weekend, Saturday, Sunday and Monday from 9:00 a.m. to 5:00 p.m.

MOTION BY: Councilor Andrew, seconded by Councilor Corey Rahme to adjourn. UPON VOTE: UNANIMOUS.

The meeting adjourned at 8:30 p.m.

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 October 1, 2007.

COUNCIL CLERK