

**METHUEN CITY COUNCIL REGULAR MEETING
GREAT HALL, SEARLES BUILDING
August 6, 2012 - 7:00 p.m.**

Chairwoman Jennifer Kannan called the regular meeting of the Methuen City Council, scheduled for August 6,2012 to order with eight members present. Councilor Condon was absent.

ACCEPTANCE OF AGENDA

MOTION BY: Councilor Fountain seconded by Councilor Ciulla to accept the posted agenda.

UPON VOTE: UNANIMOUS

INVOCATION/PLEDGE OF ALLEGIANCE

Eagle Scouts David Marsan and Eric Smith led the Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Councilor Fountain seconded by Councilor Atkinson to waive the reading and accept the minutes of July 10,2012.

UPON VOTE: UNANIMOUS

CORRESPONDENCE/PROCLAMATIONS:

Proclamations were presented to Methuen High students Tri Chairs for the Relay for Life Allie Hawkes, Eric LaCroix and Jake Fabrizio in recognition of their community service and reaching a four-year goal of raising one million dollars.

MOTION BY: Councilor Fountain seconded by Councilor Ciulla to proclaim

UPON VOTE: UNANIMOUS

Proclamations were presented to Eagle Scouts David Marsan, Eric Smith and David Veilleux for attaining the rank of Eagle Scout, the highest rank in scouting.

Representative Linda Campbell also presented a State of Massachusetts Proclamation to the three scouts for their achievements in this accomplishment.

MOTION BY: Councilor Fountain seconded by Councilor Ciulla to proclaim.

UPON VOTE: UNANIMOUS

A Citation was presented to U.S. Army Capt. Nassar G.Jabour Jr. in recognition of his service to our country and his combat operations in Afghanistan. State Representative Linda Dean Campbell also presented Capt Jabour with a Citation from the State of Massachusetts

UPON VOTE: UNANIMOUS

PUBLIC PARTICIPATION

Jack Cronin 33 Richard Avenue spoke on the refurbishing of the cannon. The Auditor has given the committee a check for Mr. Sawyer in Jaffrey NH to refurbish the wheels. They will be returned to the Vocational school and come September the students will put the cannon back together. They had originally gone to the Castle fund for \$2800. \$2400 for the refurbished wheels and \$400 for shipping. They were able to get a different vendor out of Jaffrey NH to save the shipping and the cost was \$1312. The balance of the money can go back to the Castle fund. In September the students will put everything back together and Council will be invited to the Vocational school where the cannon will be fired off. It will then be brought back to Methuen at a designated sight for its final destination. Duerr Lumber had donated all the lumber. Everything else was donated by the Vocational school with the students doing the entire renovation.

Steven Costa spoke of a livery license approved at the last meeting at a multi use apartment complex Danbury Place. He had brought this to the attention of the Mayor and was told to come back with the condo by-laws. The problem is that this issue is not in the current by-laws it is in the master of deeds that states no business use. He does not know what the city zoning is for the usage of such livery. The gentleman who got approved for the license has all the legal documentation. The issue is the addition of two more livery cars on the property that do not belong to him (applicant). Mr. Costa is asking that the residents be warned of such license. The boards of trustees were not informed. The Mayor spoke with the management company who stated they gave permission for such vehicles. The boards of trustees have yet to make a decision on how to handle this. They were going to have the car towed last Friday. There is only one car but it may be a ring of livery services going out of Danbury Place. He does not know what to do, it is in the hands of the trustees and the management company and he is getting the run around. He is waiting for a copy of the master deed and is asking council for help.

Chairwoman Kannan stated after public participation she would ask the city attorney for her input.

Leo Sullivan of Global Companies an energy company stated he is before council to request that they allow him to make a presentation to the city regarding a community choice program. A state program developed by the department of energy to provide lower electric rates for the city.

Chair Kannan stated she would speak with the mayor and possibly set a workshop sometime in the future.

Chairperson Kannan asked if it states in the master deed no businesses and is this for a one car only parking or is it two car parking.

Mr. Costa said the newer complexes in city and towns have two parking for two bedrooms. One parking for one bedroom. The problem is Danbury was built in the seventies and it is one parking for two bedrooms and one parking for one bedroom. Management has not done anything about this. They can threaten to tow his car but by the city of Methuen he has a license that states he can park his vehicle. This is a multi family use and there should be something in the city by-laws to state what can be done in residential or commercial (zoning).

Chair Kannan said there are people that signed off on the previous license. Her concerns are with this new license we do not want to be adding to the problem. Is this the

applicant's own vehicle? Council does not just issue a license, building inspector, Chief of police, and others have to sign off on this. If a person has a spot (parking) and that is his car, what is the issue?

Mr. Costa said this person has a driver who also has a car and are they going to apply for a license.

Chair Kannan asked Attorney Randazzo if there is a limit for livery licenses?

Mayor Zanni stated this issue is between the board of directors and Mr. Costa. Mr. Costa should go before the board and see if there is something in the by-laws to omit having a livery business.

Attorney Randazzo stated the issue becomes one of what is allowed at Danbury Place. If there is an issue with the owners, Mr. Costa needs to go through the proper channels and address those issues. . She is not familiar with the process but building inspections has to sign off and there may be some investigation as to the applicant by the police. The real issue has to do with the condo association, the residents and owners of the condo. Chair Kannan suggested that council (could) require a sign off by the condo association before issuing any livery licenses.

Councilor Fountain stated the condo by-laws should have specifics included for parking with certain restrictions. It's a good idea to have the association sign off because most associations would not sign off on them. We could make it part of the criteria for these livery applications.

Chief Solomon stated he had questions regarding this license. The place of business is not Danbury Drive the primary housing of the vehicle is. There is no ordinance to prohibit a livery vehicle parked at a house he cannot prevent the vehicle from parking there. Chief Solomon will check the license but it may be that he does dispatch out of a Lawrence location. He cannot do anything unless there is a city ordinance to enforce. This may need some legal work to figure out how that can be done.

OTHER OFFICERS AND COMMITTEE REPORTS

Councilor Marsan stated the building committee is still working on various items for the high school project The inside of the building will be complete by the third week of August. The goal is to keep everything on budget and on schedule and they are doing that.

Councilor Fountain stated the Task Force is looking into more demo orders. Bill Buckley has taken the lead and will look into revamping some ordinances. There are ten target properties to be dealt with and twenty more to be addressed. The police have been policing these properties because of complaints of squatters. He is looking at adopting ordinances to have more enforcement.

Councilor Atkinson stated he had a Finance committee meeting. They discussed the Moody's Investor Report. The city stayed at an A-1 rating but kept the negative outlook. We will be working on a finance plan that will propose an increase to the reserve fund. The meals tax and ambulance fees (after the 1.2 million) will be put in the stabilization fund

Chair Kannan stated there is a consolidation committee established the mayor has appointed two people from the school committee. Chair Kannan is appointing Councilor Ciulla and if any other councilor would like to be on that committee let her know. She would like to have two councilors on that committee.

Chair Kannan gave an update on the IT sub committee (Clrs Atkinson, Marsan, Kannan) relative to the RFP. There were six proposals and they narrowed them down to four. They met with two (today) and will meet with two on Thursday. From there they will bring in two or more to present to the council. They will vote on that as a group and the committee will give their recommendation.

MAYOR'S REPORT

Mayor Zanni stated the paving of Pleasant and East streets will begin and all the residents have been notified. Jackson Street will be completed by August 16th. There were eight other homes that had to be tied in, and some crews were taken off the project to go to a Lawrence project and that was the reason for the delay with our project. We will be done on the 16th and will be doing paving but the majority will be done in the spring. Everything will be taken care of after the 16th of August.

The mayor updated council on the A-1 bond rating with a negative outlook. They are looking at (this will never happen again) what we did last year when we took 1.8 million dollars, if that is done again we will loose our bond rating and jeopardize the high school project. Auditor Tom Kelly did an excellent job (Moody report) and pointed out all of the appropriate things we are doing for the city and made a good case as to why we should keep the A-1 rating. The two things that helped were the ambulance fees and the meals tax and how it will be diverted into the stabilization and reserve fund. We got a good rating on the 15 million dollars we are borrowing for future projects that helped with the bond ratings. The city is in good shape. The future is for the city to increase the stabilization and reserve fund.

Auditor Kelly stated the Moody's investors were impressed by the meals tax and streamlining it directly into the stabilization fund to build it up. Also the city raised its ambulance fees and anything-over 1.2 million the finance committee will recommend to council what will be done with those funds. (Possibly stabilization/ capital improvements fund for equipment). Moody's also liked the fact that the city dealt internally with the health deficit back in 2010. We were at 3.3 million (in the hole) and today we are 2.7 million in the black. It showed the city was aware of the situation and rather than tax people and affect the employees we worked on it internally. There was a lot about the city they liked. We do have a negative outlook (have had for some time) but we do maintain that A-1 bond rating along with the MIG 1 rating, the highest we can achieve. The only outstanding issue is the negative outlook that are the diminishing reserves that we have been taking away from our free cash. Mr. Kelly distributed the Official statement Moody's Report to council and (relative to the negative outlook) read a passage as to what would help in making the ratings go up. The negative outlook is not what the city wants but over the next months with a plan in place we will work together and work on that negative outlook.

Mayor Zanni said the rotary on 93 that has been funded for 60 million dollars (starting in the Fall) and completed in 2016 is creating a lot of interest especially on Route 110 with parcels of land for sale creating businesses.

The new ambulance is up and running at the Central fire station. The new pumper truck will arrive in September. The mayor has gotten recommendations regarding auditing companies. The company we presently use Melanson & Heath is at \$54,000 others were

at \$63,000 and up so for this year we will stay with Melanson & Heath but in the future we will put this out to bid.

PUBLIC SERVICE

Grants: None

LICENSES:

1) Special License – Street Opening- 356 Howe Street for gas service.

The excavation license that originated from the DPW department had a discrepancy with the address. After discussion council motioned to table the item for clarification of the correct address.

MOTION BY: Councilor Pappalardo seconded by Councilor Fountain to table

UPON VOTE: UNANIMOUS

2) Vehicle for Hire License (new). Vettriano Livery Service Inc- 176 east Street 312B, Methuen

MOTION BY: Councilor Fountain seconded by Councilor Atkinson to table because of parking concerns with the vehicle.

Councilor Pappalardo noted the second page states a zoning clearance form has been issued to applicant stating see attached zoning clearance. There is no date and no one has signed off on this. There should be a signature from the building commissioner (we have no signature) regardless of the clearance of zoning certificate. Councilor Pappalardo agrees with tabling this item.

UPON VOTE UNANIMOUS

3) Second Hand Dealer- George & Mary Simionian dba Lockhaven Antiques- 512 Merrimack street (renewal)

MOTION BY: Councilor Campagnone seconded by Councilor Ciulla to approve.

UPON VOTE: UNANIMOUS

CONTRACTS

C-13-1 UNIVAR USA Inc 175 Terminal Road Providence RI. Provide Water Treatment Plant with Caustic Soda (Sodium Hydroxide). AMT: \$75,000.

MOTION BY; Councilor Campagnone seconded by Councilor Atkinson to approve Councilor Pappalardo is concerned with the amount of sodium used in the lines.

People drink the water and have high blood pressure. Is this anything that can hurt them? She asked what the content is that the city is using?

Mayor Zanni said this has been used in the past and strict guidelines have to be followed. Councilor Pappalardo can get that information from the DPW director.

Councilor Pappalardo stated other cities and towns are going to a different chemical because of this concern.

UPON VOTE: UNANIMOUS

C-13-2 Holland Company Inc. 153 Howland Avenue Adams MA. Provide Water Treatment Plant with Aluminum Sulfate. AMT: \$95,000.

MOTION BY; Councilor Campagnone seconded by Councilor Ferry to approve

UPON VOTE; UNANIMOUS

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C-13-3 Monson Companies Inc. One Runway Road South Portland Me. Provide Water Treatment Plant with Sodium Chlorite. AMT: \$60,000

MOTION BY: Councilor Campagnone seconded by Councilor Ciulla to approve.
UPON VOTE; UNANIMOUS

C-13-4 MHQ Municipal Vehicles 401 Elm Street Marlborough MA. For 2- 2012 Ford F350 Cab/ Chassis 4x. AMT: \$97,250,00 Lump Sum.

Mayor Zanni stated this is Chapter 90 money.

MOTION BY: Councilor Campagnone seconded by Councilor Ciulla to approve.
UPON VOTE: UNANIMOUS

C-13-5 MHQ Municipal Vehicles 401 Elm Street Marlborough MA.

1- 2013 Ford F350 DRW Cab/Chassis 4x2 \$58,120.00

2- 2011 Ford F350 Cab/Chassis 4x4. \$44,600.00 x (2) = \$89,200.00

1- 2012 Stainless Steel Sand Spreader AMT: \$ 17,187.00

AMT: \$164,507.00 LUMP SUM

Mayor Zanni stated this is the remaining of the bond we had applied for. (Capital Projects Expense)

MOTION BY: Councilor Atkinson seconded by Councilor Campagnone to approve. Councilor Pappalardo asked how much money is left in the bond? Does it cover this fully?

Mr. Kelly stated it does cover this. There is a little over \$200,000 remaining of that the DPW will get \$150,000. \$50,000 remaining but we need to upgrade some equipment in the treasure tax collector office for software. We will move it in that direction.

Councilor Pappalardo thought that would be used from the cablevision account.

Mr. Kelly said this is tax software that needs to be upgraded. This is separate and outside of what we were doing with the cable money.

Councilor Pappalardo asked would the \$50,000 dollars be used for that (software)?

Mr. Kelly replied yes.

UPON VOTE: UNANIMOUS

10. OLD BUSINESS

Resolutions:

1. TR-12-31 Resolution Authorizing Expenditures from the Castle Fund

MOTION BY: Councilor Fountain seconded by Councilor Ciulla to adopt.

UPON VOTE: UNANIMOUS

2. TR-12-32 Resolution Re-Authorizing School Revolving Fund Pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½

MOTION BY: Councilor Fountain seconded by Councilor Atkinson to adopt

UPON VOTE: UNANIMOUS

Ordinances: None

Consideration of Appointments

Proposed List of Election Personnel for 2012 Elections

MOTION BY; Councilor Campagnone seconded by Councilor Ciulla to appoint.

UPON VOTE; UNANIMOUS

11. NEW BUSINESS

Resolutions:

TR-12-33 Resolution Accepting a Police Department Private Grant from 3M Touch Systems, Inc. AMT: \$2,000

MOTION BY: Councilor Fountain seconded by Councilor Campagnone to adopt 1st read.

Councilor Pappalardo asked if the city is adding to this? This is for forty-seven kits and comes to \$3,995. The grant is for \$2,000

Chief Solomon said that they are taking the difference out of their first aid money but is also looking at one of the JAG grants to offset this. It will come out of the first aid budget or a JAG grant. Until he gets a final answer on JAG he did not want to commit city money.

UPON VOTE: UNANIMOUS

TR-12-34 Resolution Amending Traffic Rules and Regulations of the City of Methuen-Park Street Northbound at Pleasant Street- No Left Turn

MOTION BY: Councilor Fountain to adopt first read and table to a Public Hearing.

Second by Councilor Atkinson.

UPON VOTE: UNANIMOUS

TR-12-35 Resolution Amending Traffic Rules and regulations of the City of Methuen-Hunter Ave- Eastbound and Westbound at the intersection with Thornton Ave. – Obedience to Stop Sign.

MOTION BY: Councilor Fountain to adopt for first read and table to a Public Hearing.

Second by Councilor Pappalardo

UPON VOTE: UNANIMOUS

TR-12-36 Resolution Calling for the Proposal and Ratification of an Amendment to the United States Constitution.

MOTION BY (EPA) Councilor Ferry seconded by Councilor Atkinson to add an EPA

UPON VOTE; UNANIMOUS

MOTION BY: Councilor Campagnone seconded by Councilor Ferry (main motion EPA attached)

UPON VOTE: UNANIMOUS

Ordinances: None

Councilor Pappalardo noted that Linda Gagnon, Council Clerk, is in the hospital and as a city council she asked that they all pray for her speedy recovery.

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Reconsideration

Mayor Zanni said he received a call from DPW Director DiFiore who stated the correct address for the excavation is 356 Howe Street. Mayor Zanni asked that Council reconsider the license

Street Opening- 356 Howe Street- Excavation – Gas Service

MOTION BY: Councilor Fountain seconded by Councilor Campagnone to reconsider.

UPON VOTE: UNANIMOUS

MOTION BY: Councilor Campagnone seconded by Councilor Ferry to approve the special excavation.

UPON VOTE: UNANIMOUS

12. REQUEST OF COUNCILORS

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13. ANY OTHER BUSINESS FOR THE GOOD AND WELFARE OF THE COMMUNITY

ADJOURN

MOTION BY: Councilor Atkinson seconded by Councilor Ciulla to adjourn.

UPON VOTE: UNANIMOUS

Meeting was adjourned at 8:30 p.m.

I do hereby certify that at a meeting of the Methuen City Council of which a quorum was present the foregoing minutes were approved by a unanimous vote on September 4,2012

Diane Lasonde/Council Secretary