

METHUEN CITY COUNCIL REGULAR MEETING  
MONDAY, APRIL 3, 2023 @ 7:00 P.M.  
GREAT HALL, SEARLES BUILDING  
41 PLEASANT STREET, METHUEN, MA

Chair Zeigler called the regular meeting to order at 7:00 p.m. Members present: Councilor Saba, Councilor Saffie, Councilor Simard, Councilor Beauregard, Councilor DiZoglio, Councilor Finocchiaro (via Zoom), Councilor McCarty, and Chair Zeigler. Mayor Perry was present via Zoom.

#### Acceptance of Agenda

MOTION BY: Councilor Simard, seconded by Councilor Saffie to accept the agenda.  
UPON ROLL CALL VOTE: 7 yes, 2 absent (Clr. DiZoglio, Clr. Faretra)

Pledge of Allegiance/Invocation/Moment of Silence  
Councilor DiZoglio joined the City Council meeting.

#### Organizational Business

##### Update on Audio System in Great Hall

Chair Zeigler announced the Council will be moving to the “push to talk system” for their next meeting on April 18<sup>th</sup>. She has a meeting set up with Community TV Studios, DPW Director, and IT Director on Friday to talk about the next steps after that. As you know we are gradually trying to improve the system, so we do not have malfunctions like we had several months ago. She will continue to keep the Council updated. If Council has any questions or anything they would like to see done differently, please let her know.

##### Reading and Acceptance of Minutes from Previous Meetings: March 20<sup>th</sup>, 2023 Regular Meeting

MOTION BY: Councilor Saffie, seconded by Councilor Simard to accept. UPON ROLL CALL VOTE: 7 yes, 1 present (Clr. Finocchiaro), 1 absent (Clr. Faretra)

Mayor Perry joined the meeting via Zoom

Proclamations/Correspondence: None

Consideration of Appointments: None

Presentations/Department Head Updates: None

#### Public Participation

Douglas Patten and his 8<sup>th</sup> grade students presented a civic project presentation. Students: Luke Salerno, president of Mr. Patten’s civics class with representatives: Vice president, Selena one of the head leaders, Darvelis Ramirez, one of the head of communications, Roy, researcher to introduce their project about road safety. They each took turns reading the presentation: *“February 15<sup>th</sup>, 2023, 3:31 p.m. this is the date and time when an MHS student got hit while crossing Pleasant Street. This, like many others, is what we are trying to prevent from our project.*

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*Our project is to install a traffic light at the entrance way at Tenney Grammar School. In the morning and afternoon, many students cross the street to get to and from school. But this process is starting to get more and more dangerous. Although this may be out of reach now that we as a community should push for car safety and this may be our first step doing that so is it really worth having other lives of children at risk? At the Tenney Grammar school there is 1,267 students and each day this process is getting very dangerous. Roy? Since 2013, the number of teens aged 12-19 killed in pedestrian accidents increased by 13%. 1 in 4 child pedestrian fatalities occur during the hours right after school ends (3 PM to 7 PM) From 2011 to 2020 there was an average for more than 1,000 fatal school transportation death per year. "More than 7,000 pedestrians were killed on our nation's road. One in 5 (20.4%) under the age of fifteen killed in crashes were pedestrians also in 2020. Every year, 67,124 children pedestrians are injured. Out of those, there were: 704 who died.*

*In case we cannot achieve this goal, we have some alternative ideas, one of them being school flashing beacon sign. This price ranges from \$3,000 to \$4,000. It is much cheaper than the traffic light. This could be beneficial to the people because it warns people that there is a school zone, and it can also tell people the speed limit. If we cannot achieve this goal now, we always have this.*

*Luke: for our second alternative idea we are planning on more frequently repainting the crosswalk at the school since it is pretty faded and difficult to see during the darker hours. Many people still come to the school during these darker hours for purposes such as their jobs, a basketball game or any other physical activities held at the Tenney. Here are some ideas that we have in mind. We are planning on using neon paint, so it is easier to contrast with the darker roads.*

*Roy: We have also incorporated coding into our app. This app is for younger audiences to learn how useful our idea could be. We also made a QR code if you want access to the app."*

Councilor Simard thanked the students for coming before Council, looking sharp, and showing respect. The teachers are doing a great job because it is a great presentation. Being a police officer, everything they said makes sense to him. He is sure the Chief was looking, the ones suggested are easy fixes. As Chair of the Public Safety Committee, along with the Committee, they will work on those changes immediately.

Chair Zeigler announced she would put the presentation up on the website so that the public can view it. The Council will take up this discussion at a future meeting

Chris Douglas, 10 Deborah Ave, said his concern is it is a dead-end street with five homes on it. There are wetlands at the end. He lives at the end and when it rains, the street water pours into the outside of his driveway. It also pools in the middle of the street. There is sewer cover that tends to be leaning now. When the plow comes down the street, the plow comes in and it pops in the air. The street is deteriorating. At the end of his driveway he must go into a pothole to get into his driveway. That is his concern. He has sent a note to [clickfix](#).

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Chair Zeigler read into the record a letter from Sid Harris, 2 Apple Blossom Way (attached)

#### Mayor's Report

Chair Zeigler noted there are two requests to the Mayor.  
Councilor DiZoglio – Req. of the CAFO for an update on the Patriot Bridge project  
Chair Zeigler (11/2022) and Councilor DiZoglio (2/2023) Financial breakdown of the condo recycling

Mayor Perry thanked everyone for their well wishes.

He reported there is a 6% jump in employment. There are plenty of jobs in the city as well as in Methuen Public Schools.

He reported the inside of the water tank will be painted. In April, the tank will be disinfected, and they will start to fill it which will take five to six days to fill the 3.8-million-gallon tank. The next step is a DEP site visit for approval just in time for Memorial Day.

We submitted a community funding request for 3M\$ to Lori Trahan's office for drainage improvements and replacement of the culvert on Old Ferry Road. If we are awarded this amount the city will be getting 1.4 million dollars for the CIP (inaudible). He noted the other two requests are for the CAFO.

Chair Zeigler said the Mayor is correct that the requests are of the CAFO. The first one is a Request from Councilor DiZoglio for an update on the Patriot's Bridge project.

CAFO, Maggie Duprey, distributed a report on the two requests. As far as the Patriot Bridge project, we have been able to create an account for the permitting process and initiate the application process. Step one of that is, if we are approved, we must pay \$500 for the permit fee. What she attached to her memo is just the Mass DOT permitting procedure, which we are doing. She gave Council the whole reference, but we are not doing all the extensive things that are covered. We are doing is included in there. She has been told by them that we need to do a few things to add in with the application process. Part of that is getting a very detailed plan together as far as what we want to put on there. She needs to exactly what the plaques are going to say so she can submit each one of those to them as part of this. She will also be able to use that detail to get detailed bids for that because they also need the bidding documentation for that as well. The next step would be two-fold. One is that from the Memorials Committee, she would need exact wording of what needs to go on each of those plaques. There was discussion, obviously their names. There was discussion about a small blurb about each person or their likeness was potentially going to be on there as well. She needs exactly what the Memorials Committee is looking to have on each one of them to submit it as part of the application. In tandem with that is that we need to reach out to the Conservation Commission and the Historical Commission to make sure that they do not have any issues with moving forward with that. However, she would not want to go forward with that without the detail of what we are looking to do first. However, those are things that we are going to do. They may not have any issues with it but because it is in

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the Historical District and because it is over water, those two are flagged as far as needing input. The next critical piece that she really needs to get those bids done is the detail on what is going to be included on each of the plaques (the big one and individual ones).

Councilor DiZoglio said the committee is going to have to go to each family and ask what they want written on these “word for word” or can it be like “things to be remembered” its two lines of five words across, something like that.

CAFO Duprey said she is looking for two rows across, five words because that is what the companies are going to have to bid exactly what we are looking for, as much detail as possible so we can get an accurate bid.

Councilor DiZoglio we must go to Historic Commission and Conservation Commission even though it is a highway and state.

CAFO Duprey explained because it is in the Historical District and because it is over water, she must reach out to those two commissions.

Councilor DiZoglio asked “even though it is the state?”

CAFO Duprey said they (state) are the ones who are telling her that she has to do this which is why she attached that because that’s the reference “any and all federal, state and local approvals that are required as part of that”. We are just replacing something that is already existing there. She does not know if that is going to be an issue. She needs their sign off to do this.

Councilor DiZoglio asked “a letter or a memo to them directly to them on what we are doing?” CAFO responded, yes.

Councilor DiZoglio and we will submit it to your office to go to the commission? CAFO Duprey said that is her understanding. Those will be submitted as part of the application process.

Councilor McCarty asked the Solicitor about his opinion regarding the Historical District. To him, it seems like the city is doing maintenance. He asked if the city is required to seek approval from the commission for general maintenance such as replacing a bench or light that is out or a pole that is down or any type of signage.

Solicitor Rossetti said that would be his recommended course (exactly what the CAFO described to the Council). There would have to be some knowledge of what the plan is to go in to replace. The fact that you have a pre-existing fence and placards, would if instead of having rod iron fence you put in a white picket fence and instead of having the placards, would if you are going to come in with a neon placards. He is just giving examples why getting local approval is the correct course.

Councilor McCarty asked if the local requirement is listed anywhere in Methuen’s code or regulations.

Solicitor Rossetti said he was looking at the CMR that the CAFO included with her notes.

Councilor McCarty is general and says local, federal, and state. Do we have anything locally that mandates us to seek approval from the commission for this kind of thing.

CAFO Duprey said her understanding is that the Historical Commission has the regulatory powers of the alterations. This would be considered as an alteration to existing plaques.

Councilor McCarty said that is twenty years old. Usually things that are historical are 100 plus years old or approaching that. He does not see the time frame.

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CAFO Duprey said she is relaying what has been relayed to her.

Chair Zeigler noted it is in the Historic District. Anything within the Historic District, regardless of its age, still falls within that, even the businesses downtown must deal with that when they must update their facades.

Councilor McCarty said he understands the outside façade of a structure, but if a stop sign goes down or a bench breaks, do we have to go through all this to fix it. He was wondering “where do we draw the line?”

Councilor Beauregard added this issue comes down to the completeness of the application. There is a rundown regarding that. It is Section 13, 03 #3 and it refers to the completeness of the application. Subsection H refers to the various approvals that are needed. He thinks regardless of the district, that’s part of it too, it ultimately comes down to Mass DOT’s receipt of a complete application.

Chair Zeigler (11/2022) and Councilor DiZoglio (2/2023) Financial breakdown of the condo recycling

CAFO Duprey said she was very cautious putting this together. The numbers that are on here, if you read through this, she believes she used probable inaccuracies and very rough, but she was trying to give something. When we are asking about the condos for recycling, the city never tracked tonnage prior service within the city. We do not have all that data to put it together to say that she knows it is going to be about this much. With that said, recycling is up 21% to date. We are still giving out recycling carts. She would anticipate that number is going to grow more because there is going to be more recycling. This is a picture in time of a possible estimate. Have I been clear about how inaccurate this probably is? If you flip to the back of that, she tried to put together. Basically, what she did was she said “okay, we have 15,000 households, 3,000 more that are not utilizing these services. Assuming all of them would need services, she broke down what she thought it would potentially cost. She took the tonnage of where we were for last month in recycling which again, she thinks will go up but and she estimated a per household amount and allocated that to the 3,000 condos. That is where these numbers are coming from. She did something similar with the service costs as well, add those things together and multiplied by twelve. It is very straight forward. It is very rough, but she wanted to give Council something to give them an idea of the ballpark we are talking about. That is what she did here. There were a lot of Councilors that wanted to see something.

Councilor DiZoglio said, looking at this back page, on the bottom it says total very rough annual addition estimate. He asked if that is price.

CAFO Duprey explained that is how much it would cost.

Councilor DiZoglio if I look at the right side of that graph, with service costs, he sees \$245k in monthly costs but at the bottom he sees total additional service costs at \$589k he asked if he is adding these two numbers together.

CAFO Duprey responded no.

Councilor DiZoglio asked “so which numbers?”

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CAFO Duprey said so the \$245k is what we pay monthly now. What she was trying to do was use that to get a per household number, which is the \$1639 then multiplied by the 3,000 households and then multiplied it by 12.

Councilor DiZoglio asked: “We go from 245 a month to 589 a month?” “Is that what you are saying?”

CAFO Duprey responded no. It would be \$589k more a year. She was trying to show her work.

DiZoglio rounding up it would be \$600k more annually. If he looks at the bottom left number 673, is that the same number almost? It is just you did it differently.

CAFO Duprey explained the way that the city pays for their trash and recycling is we pay for a service fee for them to drive the trucks and then we pay a tonnage fee for actual tonnage that we get rid of. She broke it out into those two pieces so that Council could see what was based on tonnage and what’s based on actual service charges The total amount on the bottom almost \$625k, that’s what she is saying, very rough would be a cost range to add those for the year.

Councilor DiZoglio so what are we looking at right now with six months under our belt with this program? He asked what the city is looking at for a rebate number with trash and recycling. There is a cost in the contract if we did not spend a certain amount of money because we are paying it, if we did not get a certain number the city was going to get a rebate on it.

CAFO Duprey said she did not have those numbers in front of her. Pat Bower is saying the same thing. The CAFO said she would investigate it.

Pat Bower said he is unsure what Councilor DiZoglio means by a rebate. Are you talking about recycling?

Councilor DiZoglio said he is talking about the full contract the city council had agreed to, one of the big parts of it was a rebate coming back to the city if we didn’t meet the total tonnage or we got more recycling vs. trash.

Pat Bower said he would have to review and make a prediction on it.  
CAFO Duprey said it could be brought to the next meeting.

Councilor DiZoglio said he wants to make sure he is remembering this correctly because if there is a rebate number, he would like to know what that is. It is something that can make the city a little happier. The CAFO said she would investigate that.

Councilor Beauregard said one of the concerns that he has about the conversations of in essence going back on this new policy as it relates to providing recycling services for condo complexes is that ultimately the concern is that it damages the financial viability of the program in and of itself and this breakdown is a rough breakdown. It strongly points in that direction of being a major financial detriment. This is confirming some of the concerns that he has about the conversation about going back to the way things were.

Councilor Saba said with these condo developments included in the HOA is the financial cost of trash, recycling, if they have a pumping station, whatever it is, and maintaining the roads. Your numbers here do support his concerns, but regardless it is not our job and do favors and give deals to certain segments of the population. When these developments were built, they had special consideration as to put cluster housing you know where Methuen has two-acre zoning

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still, although we have not followed it much, throughout the city. And you put 200 units in five acres or something and the developer agrees that he will be responsible. His development will be responsible for the maintenance of that property. It is in these agreements and for us to discuss at all or waste any more energy or work from your department to try to justify given certain developments that made an agreement. the ability to now save money and put money on the cost to the city. The whole idea of this new trash program was to save the taxpayers money. But now, we are going to allow condo developments to be able to and we will pick up their recyclables will burden that cost is ludicrous in his mind. He does not think we should be spending much more time for answers to that. The question I have for you either to the CAFO or to the Mayor, there is a census that has gone out to houses that people are doing. His understanding is that census, *“was it random or was it going to every single household in Methuen?”*

Mayor Perry said it was going to every single household in Methuen.

Councilor Saba said he started filling it out and somewhere on the census it suggested that it was a randomly selected, but mandatory.

Mayor Perry said he would ask the City Clerk and get an answer at the next meeting. Councilor Saba questioned how it could be mandatory for anyone if it is not sent to everyone in the city.

Chair Zeigler passed the gavel to Councilor Simard.

Chair Zeigler said she had some residents asking what the main difference in the cost was from eliminating the eight condos in the contract if that was determined at all.

CAFO Duprey said she does not have that information because the city went from one contract that was doing one thing to another contract that is doing something different. This contract is very different. The type of tonnage is different. The city was not tracking it specifically by households either. She would not be able to get that data.

Mayor Perry explained it was not cost that caused the city to change. He does not know why the seven (not eight) condos were given recycling bins. They were never given trash bins. The city does not do trash pickups for those seven HOAs only recycling. We took a hard look at it with legal before they put this contract in place and the hard truth is we're providing it for seven we will not be able to turn to the other condos in the city some of which are very plentiful. Two examples are Toll Brothers in the east and Toll Brothers in the west. They are not the only ones that could come to the city and say well you are providing the services to these HOAs in the city. Why are you not providing the service to us?

Chair Zeigler asked whether the city in making this decision reviewed the HOA documents of the HOAs that were receiving recycling services from us prior to.

Mayor Perry responded they did not go into the HOAs because like he said they know that he HOA agreements specified trash pickup, specified snow removal, other things like that. We did not go into the seven HOAs agreements. That was the primary factor in the path they chose.

Councilor Simard returned the gavel to Chair Zeigler.

Councilor DiZoglio said he does not want to scare the community with words like “financial burden”. We saved the city money by going into this contract, which by the way the

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original agreement that we had with that other supplier had these seven or eight in that area already being picked up. His argument is three months is a quick turn around and he knows the Mayor did a lot of work to make that work for the people of those homes. But that is some quick turnaround time. All he is saying here is he would like to look at those HOAs that had agreements with the city or the contracts that those HOAs have with their residents because again, being sold something is actually different than being given the truth. That is all he is saying. And he gets that we do not want to open the door. He is not looking for a long-term solution here. He is looking for a short-term patch to fix this so these families are not footing a bill now to add recycling. Again, we are not saying let us add trash. But again, we went with this contract to be cheaper on trash and increase recycling in the city. Getting rid of 3,000 homes for recycling, it seems like it defeats the purpose. They were in the original contract that we had back in the day. Even though if they were getting it great. If not, they were adding to it, which brings that number down if you think about when we look at the whole facts that we used to get on our current recycling at the time.

Mayor Perry responded by saying when we sent the letters out to the condos, we did not just give them three months. He specifically told each of the seven HOAs and met with one of them, that we would be happy to meet with them. We would be happy to extend the recycling pickup for a short period of time. Most of those seven HOAs did not advantage of that. We only met with one and explained why we did what we did and he thinks while the meeting was, while they were legitimately upset when they first came in he thinks they left with a better understanding why we did what we did. He also told each of the seven HOAs that he would personally help them negotiate with any of the recycling companies because literally he goes back to what he said earlier. We do not do trash pickup at any of the seven HOAs. We are talking about recycling and as far as your comment on recycling, our recycling is already up 23% for the city. And that is with some of our residents mixing trash with recycles, etc. and that comes out with contamination before you score it. The program is working. There is still kinks to be worked out, but the program is starting to work. And he thinks we did give each of the seven HOAs a fair amount of time and the ability to extend if they needed it to give them time to find another provider for their recycling, which in some cases might even be Harvey.

Chair Zeigler noted that the response that the CAFO provided to the Council, she will be emailing it to the Council Clerk and will be adding it as part of the agenda as part of the response.

### Request of Councilors

Councilor Faretra – Req. of the Memorials Committee for an update on TR-22-70 from the committee on any other memorials. Response Given during March 20<sup>th</sup> Meeting. A copy of that response is part of Council agenda.



TR-22-70 .pdf



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"Councilor Finocchiaro - Request of DPW Director Patrick Bower, Superintendent of Water Treatment Tom Lannan, and CAFO Maggie Duprey for any updates on how the U.S. Environmental Protection Agency (EPA) and Massachusetts guidelines regarding Perfluoroalkyl or Polyfluoroalkyl substances (PFAS) will impact the City of Methuen in terms of any changes needed (including most recent Methuen test results MCL parts per trillion) and any relevant information regarding anticipated future costs, and whether or not there have been any changes since Methuen was last ineligible for state grants since our water tested too far below legal limits in 2019 MassDEP pilot study"



PFAS-Interagency-Task-Force-Report.pc

Chair Zeigler noted that the backup the Superintendent provided is part of the Council agenda.

Councilor Finocchiaro noted the response Councilor received today was great and she knows that was great that they put that on the city's website stating where the city is at and where they anticipate they will be going in future years and she knows this is important because the residents are always concerned about contaminants and other issues that we're having from the report that we got. It is significantly well below the contaminants level and parts per trillion that are being spoken about. But it is still something for us to be concerned about and to be knowledgeable about. In response she had said that she thought that information presented was great and a future Council meeting if they could provide a summary for the residents to get an explanation of that report, she thinks that would be helpful. There is also some information listed on this agenda if people are interested in learning about the EPA's strategic road maps and the direction that they are going with it.

Request of Councilor Saba – Discussion on TO-13-2. Councilor Saba said in anticipation of a legal contract coming up next, he wanted to share this information with the Council. It is TO-13-2 and basically what this does, it states that any outside legal counsel that the city brings in must be approved by the Council. And he does not think that has been followed in the past several years. We had an issue with an employee at the Fire Department that nobody even knew there was an attorney covering it. That should have come before the Council to be pre-approved. There are other examples. He wanted to point out as Council looks at these items and make sure that everyone on the Council is aware that we do have the responsibility and authority to approve any outside legal counsel whatsoever. We need to make clear that this is our right and our responsibility to do.

Mayor Perry said the only thing he wanted to point out to you is the specific example that the Councilor references is an example that happened in the prior administration and the lawyer was hired for that Fire Department issue. That was done out of the Jajuga administration before this administration came into office. He believes he has faithfully followed it.

Councilor Saba said he meant to clarify it was before Mayor Perry's administration. He is just pointing out for the Council, in general, that as we have other legal issues and he is sure –

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he spoke with the Solicitor about it and he is going to make sure that he does go to the Council prior to hiring any outside legal services.

Solicitor Rossetti - just to repeat what I have said at previous meetings, he is committed to transparency in keeping this Council informed of litigation developments and that goes hand in glove with what Councilor Saba brought up tonight for purposes of discussion.

Contracts:

C-23-74 KP Law 101 Arch Street Boston MA 02110 \$30,000 KP Law (remove from the table) MOTION BY: Councilor Saffie, seconded by Councilor Simard to remove from the table. UPON ROLL CALL VOTE: 7 yes, 1 no (Clr. McCarty), 1 absent (Clr. Faretra)

Council received an amended version of this contract.

MOTION BY: Councilor Simard, seconded by Councilor Saffie to approve amended agreement between KP Law and City of Methuen.

Councilor Beauregard welcomed the Mayor back. He shared a brief disclosure. He consulted with the Solicitor and the Massachusetts State Ethics Commission regarding his ability to vote on this contract and any other contracts that are on the agenda simply because he had previously signed them in the capacity of Acting Mayor. He received the okay from the Ethics Commission to vote on these contracts. They said there is not a requirement to provide that disclosure but for the sake of transparency he wanted to make that known at the outset. He will be voting on these contracts. There had been an article in the paper about it and he had not shared his take on the proposed agreement. Using pop culture as a tie in, he said this past weekend the movie Jaws was on TV and there is a scene in that movie where Chief Brodie sees this great white shark off the back of the boat. He sees it for the first time and all sudden he steps back and there is this classic line in that movie. He says, "we're going to need a bigger boat". He just looks at the issues that the Solicitor, our Assistant Solicitor, are dealing with today and will be dealing with in the future and frankly our legal department they are going to need that figuratively speaking "bigger boat". This will allow us to do that. He had not shared that take before and wanted to get that out there now.

Councilor Saba asked the Solicitor to review the amendments. Solicitor Rossetti said there are two amendments in comparison to the earlier version. One to address Councilor Saffie's question from the meeting on March 6<sup>th</sup>. The City Council has specifically noted as part of the client circle within the letter. There was a concern that Councilor Saffie had raised about whether she or any other members of the Council could just pick up the phone and speak to one of the attorneys at KP Law if for example there were a disagreement with an opinion issued by the legal department here and she correctly pointed out that in the prior version there was reference to the Mayor and the City Solicitor. City Council has been added to make it explicit that you are absolutely this body and its members are absolutely part of the clients' circle should this be amended. There was also a change to specifically reference the recently filed litigation regarding Colchester properties when this body took up the original version on March 6<sup>th</sup>, the city had not been properly served with process in a second Colchester suit. On March 22<sup>nd</sup>, the city was served with process in that suit so now this is a matter of litigation and it is a matter that both Assistant City Solicitor McQuillan and he are conflicted out of. They must go to outside

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Counsel anyway for legal assistance with respect to the second Colchester litigation. The final revision to the agreement concerns added language to the third paragraph of the agreement whereby essentially if the money in the amendment is exhausted then KP is making it clear that while KP will continue to we'll make sure our rights are protected, that KP Law is going to stop working. This helps to address concerns that some Councilors have expressed that when these agreements get amended and outside firms do work for the city, is the meter going to run continually and indefinitely? This language helps clear that point up, that in fact the meter is going to stop, unless and until a successor agreement is approved by the body. Those are the changes.

Councilor Saba in the spirit of the ordinance he just mentioned TO-13-2, this goes a little more beyond that where we bring in KP Law and he would like to be assured that if a new issue comes before KP Law, technically Council has approved this contract. But, as a Council, we should be notified that a new lawsuit or a new case has been assigned to KP Law.

Solicitor Rossetti responded absolutely.

Councilor Saba and you are willing to just update the Council on that.

Solicitor Rossetti responded absolutely.

Councilor McCarty said he elaborated on his opinion during first read. He reminded the Council that he doesn't disagree with the need for a "bigger boat" and from time to time needing to go out for outside counsel, especially in a situation such as this. He believes that there are plenty of attorneys out there. His issues with this firm, KP Law, his experience with them because he believes they are lousy, and he believes that the community deserves better. That is why he is voting "no".

Solicitor Rossetti pointed out for the record that KP Law did represent the city in the labor arbitration involving the Superior Officers' union in which the arbitrator ruled in favor of the city and the ruling in favor did save the city millions in potential financial exposure. KP Law also recently represented the city in the eminent domain acquisition of 9 Branch Street. There are highlights to the representation that he wants to make sure the viewing public is aware of.

Councilor McCarty said he would like to make a Point of Information that if we would have taken the advice of KP Law prior to the arbitration, this city would have had triple the liability.

Councilor Finocchiaro asked the Mayor if he read the contract and if he is okay with what is currently written in the updated version.

Mayor Perry said he has and is okay with the contract.

Councilor Finocchiaro said with regards to some of the issues discussed, she does have further concerns. However, she feels it is best handled through our best practices, in her opinion, or for anything that would be for legal assistance whether it be for August, there needs to be a certain time period that we enhance, maybe more often that we go out whether it be through an RFP process. We need to have those conversations, but based off of the information from our current city solicitor and the concerns that he has with regard to a number of lawsuits that are currently being handled by that law firm and his belief that things are going in their favor and that they get things done. For all those reasons she is willing to be on board with this current contract as is. The updated version is slightly better. She does not think that the updated version

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addresses all the concerns that Council had at the last city council meeting. But it is better and she is sure that all Councilors will ask for updates if there are new suits that are coming forward and our goal is that for us to just be maintaining lawsuits as opposed to adding additional ones for the time being.

Councilor Simard agreed with Councilor Finocchiaro as far as the Mayor's approval. He trusts his judgment and our two seasoned attorneys with their judgement to the law firm they want supplementing the work they do here in the city. Both the Solicitor and the Assistant have been very transparent. He is a "yes" vote for the updated version.

Councilor DiZoglio agreed with what Councilor Finocchiaro and Councilor Simard stated. He is not a big fan of the law firm but at the same time he is a big fan of what you are you are doing in your office. He emphasized with the talking of big boats and growth he wants to make sure that legal' budget reflects that in the upcoming budget hearings of an additional line item professional services for another lawyer. It is time to lean away. He thinks it is time to discuss that as a city council and put Methuen at the top of the class with legal counsel.

Solicitor Rossetti said that is the plan. He appreciates the support stated by members of the body.

UPON ROLL CALL VOTE: 7 yes, 1 no (Clr. McCarty) 1 absent (Clr. Faretra)

C-23-75 Neptune Uniforms & Equipment, Inc., 630 Washington Street, Haverhill, MA - 01832 for Police Uniforms in the Amount of FY23-24 \$140,000.00 – budgeted amount (2<sup>nd</sup> ext. and last ext. of original contract)

MOTION BY: Councilor DiZoglio, seconded by Councilor Saffie to approve.

Councilor McCarty said the amount is for both FY'23 and FY'24. He is having a hard time making sense of it. He asked the CAFO for an explanation.

CAFO Duprey explained this is the last year of an existing contract and the contract has always been split between fiscal years for whatever reason that originally occurred. She would like to fix that going forward as this is already in the last year, so we will have to work that into the next contract. There is currently about \$82,000 left for uniforms in this fiscal year for budgeted uniforms. They will not be able to spend more than that in this fiscal year and then take into consideration the remaining amount that has not been spent for the following fiscal year. The contract is \$140,000, up to that amount for a period. We have got to manage that contract from perspective and from the budget perspective. We are doing that. What it is basically saying they have \$82,000 remaining this year and whatever is left over they would be able to use in the next year.

Councilor McCarty referred to the contract on page 32, it gives the total option for year one and two. He is seeing total option year one and two which he assumes is the second extension on the option years is \$307,000.00.

CAFO Duprey said the sheet is wrong that says year one is 34,000. It should be \$354,000

Councilor McCarty said it says \$354K. It looks like it reflects the three- year million-dollar deal.

CAFO Duprey explained the city only agreed to the \$140,000.

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Councilor McCarty asked if it was okay to table this to figure that out.

MOTION BY: Councilor McCarty, seconded by Councilor Simard to table. UPON  
ROLL CALL VOTE: 8 yes, 1 absent (Clr. Faretra)

C-23-76 McGovern Municipal HQ, 1200 Worcester Road, Framingham, MA 01702 for  
(1) 2023 Ford Super Duty F-350 DRW (X3H) XL 45WD Ext. Cab) in the Amount of \$84,069.15

MOTION BY: Councilor Simard, seconded by Councilor Saffie to approve.

UPON ROLL CALL VOTE: 8 yes, 1 absent (Clr. Faretra)

C-23-77 Shannon Chemical Cor., P.O. Box 376, Malvern, PA 19355 for Corrosion  
Inhibitor – Amount 1<sup>st</sup> Year Up to \$136,250.00 2<sup>nd</sup> Year Up to \$148,750.00  
3<sup>rd</sup> Year Up to \$161,250.00 Total Projected 3 years \$446,250.00

MOTION BY: UPON ROLL CALL VOTE: 8 yes, 1 absent (Clr. Faretra)

#### Unfinished Business

##### Resolutions:

TR-23-13 Resolution Authorizing Acceptance of the Massachusetts Department of  
Transportation Winter Recovery Assistance Program Grant (in the amount of \$582,865.93)

MOTION BY: Councilor Simard, seconded by Councilor DiZoglio to approve.

Councilor Beauregard disclosed he signed off on the acceptance of the grant. But now  
even though he is in a different capacity, there is no conflict there. He can vote.

Councilor Saffie left the room and abstained from discussion and vote.

UPON ROLL CALL VOTE: 7 yes, 1 out of room (Clr. Saffie) 1 absent (Clr. Faretra)

Ordinances: None

#### New Business

##### Resolutions

TR-23-14 Resolution to Require all Titles to All City Council Agenda Items to Note Any  
Line Item for Transfers, Funding Sources, Revenues, Expenditures, Recipients, Origination, and  
Summary of Purpose as Applicable and Available (Req. of Clr. Finocchiaro and Councilor  
Saffie)

MOTION BY: Councilor Simard, seconded by Councilor Saba to approve.

Councilor Finocchiaro explained what this resolution does is makes it so we have clearer  
titles on our agendas so that both the Councilors and the residents will have a clearer  
understanding of the background and how it will affect them.

Councilor Saffie returned to the room.

Councilor McCarty asked the sponsor to explain what she thinks would result in as far as  
the length of the agendas where council has had agendas that have had four plus pages with just a  
simple sentence on a grand total, bottom line dollar amount. It looks like most of the  
information requested appear in the form of a title is all in the backup information. That is the

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point of the backup information. He asked if there is a need to do this. His concern is obviously is duplication and if council had that four-page agenda of just sentence long titles, would that turn into a packet in itself? He gets all the information for the Council meeting in the form of a packet where all the information is in there, all the backup that he would want (in most cases). He is wondering what her thought process was.

Councilor Finocchiaro said this is helpful for anyone who is reading the agenda. The reason why is because often there is very key information that is not shared in a way that she believes it should be shared. For example, who originated the resolution and is putting it forward. That is something that the cityside and the council side are both guilty of at times, not having that information. This is something we can all come together on and say “look whether it’s the actual dollar amount for how much something is, the folks who are going to be a party to whatever the agenda item is and a general brief summary of what the actual agenda item is” will make this much more readable for residents who are balancing all of their regular life with their families and do want to be able to just scroll through the agenda and be able to click on back up items for the items that do interest them. Unfortunately, not all residents have the time to be able to go through hundreds upon hundreds of pages, sometimes thousands, of backup documents. Not everybody can watch Council meetings. This list of information for the titles was built with a general understanding of what can we do to make ourselves both more transparent and clearer. If you are asking could this make the literal length of the pages of our agenda longer, then absolutely “yes”. But not the actual length of our meetings or the discussion of the agenda itself. In fact, this will help clear up some items that we generally end up asking these questions or want to clarify for the record because it was not specifically noted. She spoke to the CAFO about this, to clarify, because her original version had a bit more limited scope and after discussion with her is what made more sense to apply this to everything. If you note in the title it says, “as applicable and available”. For example, if there is information that is requested to be in here in the title that is not available, then it does not need to be in there. It is as applicable and is also a good faith effort. It serves as a we agree as a city council and together as a city government that we are going to put our best foot forward on making these titles explain what is in here. Like one of the items here is a summary of the purpose. Sometimes we have agenda items that people do not actually know, it does not say in the title what it is for. She does not think that is okay. We can do better. Her hope is that this is something that we have all seen as an issue.

Councilor McCarty said he disagrees with the Councilor’s point where if somebody wanted to go down the agenda and see C-23-77 on the website, they would have the vendor, the dollar amount and if they click view backup they get brought right to the executive summary that the Councilor is referring to. So, there is a place for it. it does exist.

He gets the point that Councilor Finocchiaro is trying to get across here and doesn’t disagree that there are sometimes that the agenda has a few errors. He does not fault that on anyone, but he does think the majority of this is already provided. He agrees with Councilor McCarty on this. The CAFO puts together a financial impact statement every meeting which covers, a, b, c, and d of this already. He is not sure if the CAFO does that, does it negate her from doing the impact statement. The impact statement is more important than putting that

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information on the agenda because the statement is public record too and this is a memo directly from the CAFO. He is thinking this is dual roles, dual work, and probably more administrative work for our secretary.

Councilor Saffie thanked Councilor Finocchiaro for bringing this forward. She thought it was a good idea. She has seen a couple of resolutions come in front of Council that do not even name who is requesting and Council approved it without asking. Things are overlooked. This is a best effort resolution. It is just saying that we can do better. We should do better. In her opinion, although she agrees a lot of the information is repetitive, it is meant to be. It is meant to be a quick synopsis, so they do not have to go through the contract and do not have to flip through pages on pages. It is meant to be so that they can solely look at the agenda and get the gist of the meeting and then if they feel from that like “that seems off” or “I’m going to look into it more” then they can look into it more. She cannot imagine it adds much more work to anyone’s position because it is essentially copying and pasting from what they were going to put as the agenda title or the CAFO’s report that she gives us.

Councilor Saba said he appreciates the attempt on this and the need to have more transparency but sometimes too much transparency has the opposite effect when there are just too many words. But to help us to understand this perhaps an option might be that we table this tonight and ask the Chair, since she was also a co-sponsor, for the next meeting present Council with the regular agenda and then a sample, the agenda as it would be if Council approved this at the next meeting. Council could get a better idea of what the result of this is before Council makes it final.

Councilor Simard said he likes the idea from Councilor Saba but before Council does that he would like to – when Councilor Finocchiaro called him, his first concern was the same as Councilor McCarty when we have that with the backup. He spoke to the CAFO and would like to see what the burden would be to her. More of the burden would be on the CAFO and not the council clerk.

CAFO Duprey said the original version of this put more on her because it was to determine whether it should have a longer title or not. Her concern with that was that she does not get the agenda until everybody else does. She cannot use her financial impact statement to use the wording on the agenda. She cannot determine whether there is a financial impact until the agenda comes out. Her concern was the timing of it. She does think it is redundant with the backup that is provided and the financial impact statement that is provided. What she had asked the Councilor was to make it less difficult to decide when to use it and when not to, to make it standard, so that everybody needed to use the same formula because she thinks that was going to create an issue as far as do we need it longer, do we not need it longer now there’s questions. “Are we doing it wrong?” This is a better version than originally proposed. Personally, a directive of can you include who is presenting it or can you make sure it has this, this, and this would go just as far as the resolution would. But as far as time goes, we will do whatever Council needs them to do. They are doing the work as far as all that information. Her concern is when you are doing a resolution and you put all the information at the top, you are going to repeat all the information in the bottom of it as well. It is going to be repetitive.

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Councilor Beauregard agreed with some of the sentiments that have been shared. The information that the resolution calls for is existing in two places, the financial impact statement and in the body of whatever backup documentation is posted. At the end of the day, we need to aim for more efficiency in local government vs. more redundancy. That is his concern with this.

Chair Zeigler passed the gavel to Councilor Simard. This was presented to her by Councilor Finocchiaro and Councilor Saffie who worked on the language. She does not see any issue with it. she is perplexed by some of the comments made during this meeting as to too much transparency and us having too much information on the agenda. We understand that the members of the community that want to be informed have limited time. They must be able to quickly look at our agenda as Council Saffie said and be able to assess is this something that is going to be pertinent to me. We've had times that we've had things on the agenda that didn't have the amount on it, that didn't have the street in which the services were going to be provided, that didn't have the full information in the title itself and therefore members of public per which that item most directly affected didn't know about it and then months later they would say "*oh, you voted on this item and I had no idea about it*", even though it was posted. They saw it and they assumed it had nothing to do with them. this is just, maybe it adds three more minutes or however many more minutes to putting together the titles but as the process works, the CAFO sends over titles to the Council office. we incorporate it as part of the agenda. She does not see it as super labor intensive at all. This is good government to make sure that people can look and see and say, "*this is something I need to tune into*". "*I think this is important or not*". She disagrees with most of the comments that were made tonight because whether our agenda is two pages or four pages or what have you, people need to be able to look at this and understand what Council is talking about and feel like they are part of the conversation. She is in favor of this. It is something good that Council should do.

Councilor Finocchiaro explained on the backup documentation for the item is a list of examples. On that list of examples includes recent examples of items on our agenda, including items on the agenda today. It would be updated in a manner that she feels would befitting the office of the City Council and Office of the Mayor. She is hoping that most folks can see that and look at that. Its on the agenda. It just makes it clear what something is for and its not overly long and from the historical context she wrote the resolution for the financial impact statement. When she first brought it forward, people said it was crazy. It had too much, and we should not do it. Now we realize it as a pivotal part of our information. To her, she does not think it conflicts in any way with the financial impact statement. In fact, our financial impact statement from today says that there is no financial impact statement because obviously it only takes a couple of seconds to say a contract from ABC Company for \$500,000 vs. the same thing but for XYZ park and coming from this line item. It is really substantives for residents who are looking at our agenda, helps make us clearer, and more professional. But she really appreciates her fellow councilors concerns in wanting to take another look at it and ask more questions. She is not opposed to tabling this.

**MOTION BY:** Councilor Saba (to give the Chair a chance to show Council a sample agenda), seconded by Councilor Simard. to table.

**UPON ROLL CALL VOTE:** 8 yes, 1 absent (Clr. Faretra)



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TR-23-15 Resolution Authorizing Transfer of \$450,000 from Water Sewer Enterprise Greater Lawrence Sanitary District Expense budget line to Water Sewer Enterprise Other Expenses budget line due to unanticipated price increases and unexpected repairs

MOTION BY: Councilor Simard, seconded by Councilor Saffie to approve.  
UPON ROLL CALL VOTE: 8 yes, 1 absent (Clr. Faretra)

TR-23-16 Resolution Adopting the Fourth Paragraph of MGL Chapter 40, Section 5B, to Allow a Dedicated Stabilization Fund for the City's National Opioid Settlement Proceeds

MOTION BY: Councilor Simard, seconded by Councilor DiZoglio to approve.

At the request of Councilor Beauregard, CAFO Duprey explained Methuen has been awarded 1.650M\$ over the course of now through fiscal year 39. We are going to be getting money every year for this. There are very specific purposes that you can use it for. It is not just we can use it as a revenue source and support our budget. One way of doing that is to reserve it in our general fund and roll it year to year. However, we have been in the practice of the last few years of setting up Stabilization Funds with specific purposes as we can do per Mass General Law. This is one of the things that they are allowing us to do that for with the fact that it is over so many years and some of us, none of us, might be here for that. It is prudent to set up a standard Stabilization Fund where this money gets deposited automatically so it goes directly into it. there are very specific uses that can be used for these funds, which she provided, over the course of that tenure. It is the cleanest way to make sure that these funds are being used for the appropriate purpose for the mental health and substance abuse. It is also going to make sure that the recording and uses are all segregated and easily traceable to have it in that Stabilization Fund. It would work similar to our Public Safety Stabilization Fund that we have. We also have the Parks and Recs where we have all the billboards going into. That is set up similar, so it is going to work the same way. It is the most prudent way to handle these funds. If this does get approved, she would have to bring forward a resolution to transfer this year's amount. Methuen has already received \$316,000 in FY23 so before FY23 closes she wants to transfer that money over if the Council approves it.

Councilor Finocchiaro noted this is exactly what she wanted to see put together. The CAFO mentioned she was working on it and we were waiting to see it. It is very firm and very clear. Officials can't use these funds in any other way than what was intended for prevention and treatment of substance misuse and funds will be comingled as required so future Council can follow funding clearly and understand what has been taken in and out in a very clear way. This is a job very well done.

UPON ROLL CALL VOTE: 8 yes, 1 absent (Clr. Faretra)

Ordinances: None

Any Other Business for the Good and Welfare of the Community

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Councilor DiZoglio mentioned the Mayor's annual Easter egg hunt this weekend, April 8<sup>th</sup> at 11:00 a.m. He looks forward to attending.

Councilor Finocchiaro reminded residents there is a Joint Meeting with School Committee and City Council on Monday, at 5:30 p.m. at Methuen High and wanted make sure that everyone was aware there is an opportunity to learn history on Veteran hero for the late Andrew Aldine and that is an event Thursday, April 27, at 6:00 p.m. at Methuen High and supported by many members of the Methuen Veterans Committee members. There is a flag replacement event on Saturday, May 20<sup>th</sup> 8:30 a.m. to 12:00 p.m. They are looking for volunteers to help. The city announced that the Riverside Drive ramp is now open.

Chair Zeigler announced at the beginning of this meeting we had over twenty Methuen public school students here who presented a very well put together presentation around transportation safety, and they presented to Council some of their ideas around how we can make certain intersections around our city safer. She will bring this back to the Council for consideration. She hopes everyone could reach out to students and thank them and encourage them. this is how we encourage future leaders of our community. It took a lot of courage and preparation for them to come up here. She is very proud of them, very impressed and so hopefully we can work together with them in partnership and get some of their ideas put forward so that they come to fruition.

## EXECUTIVE SESSION

Chair Zeigler read the notice below:

The Methuen City Council will vote to enter into Executive Session with the Mayor (who will appear remotely), the Chief of Police of the City of Methuen, Methuen's Chief Administrative and Financial Officer, and the City Solicitor for the City of Methuen, in accordance with Exemption 5 (Massachusetts General Laws Chapter 30A, Section 21(a)(5)), in order to investigate charges of criminal misconduct or to consider the filing of criminal complaints.

**Following the conclusion of the Executive Session, the City Council will adjourn and not reconvene in open session.**

MOTION BY: Councilor DiZoglio, seconded by Councilor Saffie to Enter into Executive Session UPON ROLL CALL VOTE: 8 yes, 1 absent

I do hereby certify at a meeting of which a quorum was present the foregoing minutes were approved by the Methuen City Council by a 7 yes, 1 present vote on April 18, 2023.

*Linda Gagnon*  
COUNCIL CLERK