

Methuen City Council – Regular Meeting

Monday, May 15, 2023 – 7:00 pm
Great Hall, Searles Building, Third Floor
41 Pleasant Street, Methuen, MA 01844

Chair Zeigler called the regular meeting to order at 7:00 p.m. Members present: Clr. Faretra, Clr. Finocchiaro, Clr. McCarty, Clr. Saba, Clr. Saffie, Clr. Simard, Clr. Beauregard, Clr. DiZoglio, Chair Zeigler.

Acceptance of the Agenda

MOTION BY: Councilor DiZoglio, seconded by Councilor Faretra to accept. UPON VOTE: UNANIMOUS yes

Pledge of Allegiance/Invocation/Moment of Silence

Everyone stood for the Pledge of Allegiance and remained standing for the Invocation and a Moment of Silence for Jack O’Keefe who tragically passed away.

Organizational Business

Update on Audio System in Great Hall

Chair Zeigler reported that MCS is coordinating a meeting with our CAFO for the budget for our new system. They will not do the work before budget season. She noted the audio has been clearer the last few meetings.

Reading and Acceptance of Minutes from Previous Meetings: May 1, 2023 – Regular Meeting

MOTION BY: Councilor Saffie, seconded by Councilor Beauregard to approve.
UPON VOTE: 8 yes, 1 present (Clr. Finocchiaro)

Proclamations/Correspondence: None

Consideration of Appointments:

Catherine Zembrowski - Cultural Council

MOTION BY: Councilor Faretra, seconded by Councilor Simard to appoint. UPON VOTE: UNANIMOUS yes

Director Pat Bower – Greater Lawrence Sanitary District

MOTION BY: Councilor Faretra, seconded by Councilor DiZoglio to appoint. UPON ROLL CALL VOTE: UNANIMOUS yes

Presentations/Projects/Department Updates

Foundation Award – Fitzgerald Family – Chair Zeigler announced the Foundation Award for the Fitzgerald Family. She noted for generations, they are giving their all to the community, take pride in our community, and are deserving of the Foundation Award presented this evening.

Mr. Fitzgerald thanked the Mayor and the Council for this award, noting they have been in Methuen since 1877.

MOTION BY: Councilor Saba, seconded by Councilor Simard to declare a brief recess.
UPON VOTE: UNANIMOUS yes

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Request of Councilor Faretra – Presentation from Harvey Trash on updates relative to the trash system

Director Bower reported the representative has a coaching commitment. He will be at the next meeting to answer questions and discuss trash.

Councilor Faretra asked if the education piece is being done.

Director Bower indicated that is being done through the Mayor's office.

Councilor Faretra asked if the city is receiving fines because recycling is not clean.

Director Bower said if we took a closer look at what we would use, there is a certain contamination rate. The city has not started stickering residents. They need to do the education piece first.

Councilor Faretra asked if they are taking barrels if there is garbage in recycling. Some are filling contaminated bins. People are using their own barrels, painting old barrels.

Director Bower said Harvey is taking them.

Councilor Faretra noted that JRM gets paid for as much trash as they pick up.

Director Bower

Public Participation

Vice-Chair Faretra read an email from Judy Grelle into the record. (attached)

Mayor's Report

- Mayor Perry will discuss H2546, entitled "An Act to Exempt the Executive Director of the Municipal Police Training Committee from Earnings Limitations," which is currently pending before the Massachusetts legislature. Consideration may also be given to the drafting and dispatch of correspondence, executed by the Mayor and City Council, regarding this pending legislation.

Mayor Perry expressed his outrage on pending Bill H2546 and read it into the record (attached). He said there are a small number of exemptions to limited hours a person can work after an employee starts receiving a pension. This bill would allow the person in the investigative department to resume his position public service in the investigative department (Sean Fountain). He urged Councilors, as a group, to contact the State Legislators. Prior to the scheduling of a Public Hearing they should have the civil service report and the investigative report, like what was done with the memo regarding the investigation.

The Mayor requested a Motion to direct Solicitor and Mayor to collaborate and for Council to join the Mayor sending a call to the Legislators and State delegation. They should know all the details in the investigative report and civil service report prior to taking a vote on H2546.

Councilor Saba said he is fully supportive of this joint effort. The city lost an ally on the Boston Globe. It was a big mistake getting rid of Angela Esty.

Councilor Faretra said there is going to be a push to make sure this issue never sees daylight. He is not sure whether this will pass.

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Solicitor Rossetti said the state could schedule for a hearing any time. The item was referred to committee for public serve. It is not on the docket for May. He is waiting to hear on this.

Councilor Faretra asked if there are any other state department that have something similar or able to earn. Chapter 32, Section 91, says all retired employees can work X number of hours. The exemption group includes retired Judges/jury service there is no cap and no cap on a retired police officer, Supreme Court Justices, etc.

Mayor Perry reiterated he is outraged at this and wants the citizens of Methuen to know we will not be silenced. He is going to call everyone of our Legislators to urge them to vote “no” or table it until the court order expires. They need to something that should have been done quite some time ago.

Councilor Simard said he works with retired police officers who are limited to what they can make. A retired Police Chief could make \$150,000 per year. Methuen should continue to fight this political move.

MOTION BY: Councilor Simard, seconded by Councilor Saba to support a letter to the proper authorities to thwart this effort and direct the Solicitor to draft a letter to go to our Legislators.

Councilor Finocchiaro suggested an amendment to include the Joint Committee of the House and Senate.

Solicitor Rosetti said the reach of legislation would be applicable to UPTC when law becomes effective. These are the people who would benefit.

Councilor Saba said the person holding this position must know this issue has been buried.

Chief McNamara said he became aware of the legislation and shares the same concerns. It is important for the decision makers to have all the information, including the report and the affidavit. He feels the vote will come to pass before the impoundment is released. This should be a “no” vote.

Councilor Simard said the main sponsor is the City of Woburn.

Councilor DiZoglio said a copy should be sent to the Chair of the Woburn City Council.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to accept the amendment and add the Commonwealth on Public Safety, the leadership of the House and Senator. Amendment accepted by Councilor Saba.

UPON VOTE: UNANIMOUS yes

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

UPON VOTE: UNANIMOUS yes

Mayor Perry commented he knows Council shares his outrage and will stand firm until this is prosecuted.

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Mayor Perry reported that Methuen received \$268,000 from the state for individuals housed on Pelham Street attending Methuen Public Schools from October to March. There may be subsequent payments.

Requests of Councilors

Request of Councilor McCarty – Update on Pleasant Street Property

Councilor McCarty said he is unsure if Council received information that he received. The city issued a Cease and Desist. The property owner is under the impression he can no longer do any work on his property. The goal is to make it safe for the public.

Chair Zeigler noted there is no one present to speak on this.

In response to Councilor McCarty’s question about circulating information, Solicitor Rossetti recommended circulating to the Council Clerk to make sure all members receive information.

Request of Unaccepted Ways Task Force – Request for the City to provide an updated street list(s) for the following: Accepted, Unaccepted, and private. Private should include all private street, including private developments, unless an additional list with those will also be provided. **Update furnished at the May 15th meeting-** Chair Zeigler noted Council could take this up at the first meeting in June for review.

Councilor Saffie requested that the updated list is in line with what the state has.

Request of Councilor Faretra – update from the CAFO and Director Bower where we are in the process of the purchase of the packer truck and the schedule for spring yard waste cleanup.

Director Bower reported the city solicited estimates from vendors. He hopes to get a vendor for spring. We have prices in. it is very expensive for eight weeks. He does not see the city purchasing a truck during that time.

Councilor Faretra noted the Council does not meet until June 6th. Two weeks is too long to wait.

Director Bower said Harvey is working on a schedule which could be a regular weekly schedule. they are working out labor and a truck to do during the week.

Chair Zeigler said if a special meeting is required to let her know.

CAFO, Maggie Duprey, said she has not had a chance to speak Jessica about this but will do so in the morning.

Request of Councilor Faretra - Update from the CAFO and Superintendent Steve Angelo on the Tennis Courts

Councilor Faretra asked where we stand with the RFPs.

The CAFO reported they are still working on putting specifications together for 2024.

Request of Councilor Finocchiaro – Request that CAFO Maggie Duprey provide update on “Other Post Employment Benefits” (OPEB) liability for the City and any available forecasting for the direction of this liability – including 1) unfunded OPEB actuarial accrued liability, fiduciary net position, funded ration, net OPEB liability, and current funding plan.

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2) Does the City continue to be in compliance with OPEB related GASB statements, particularly regarding enhanced transparency reporting and other best practices? 3) Also seeking the current OPEB plan's fiduciary net position as a healthcare cost trend rate, and rate of investment return. 4) Additionally, requesting that the Council receive copies of the trust agreement, any investment policies, as well as any plans on a tentative projected year that OPEB will be fully funded. 5) Request that a new "OPEB" section of the City's website be added, and that the above documents be uploaded and retained in that section of the City's website. The CAFO anticipates providing a response.

CAFO, Maggie Duprey, said she sent an email to Council this evening providing the information. They are doing the actuarially evaluation now. This is an off year, and they are working to get it updated. She noted the financial statements are posted on the website as well as foot notes. The OPEB policies will provide answers. They are following the financial statement audit. She will provide future guesstimates of what the trends are. Policies are in there. IT has rolled out a new website. She will add re-evaluation to that. There is a lot of information for Council to review and digest. Once Council has reviewed this, they could discuss further.

Chair Zeigler indicated this item will be kept on the agenda.

Councilor Finocchiaro said she would like to have a presentation from the CAFO after budget season.

Request of Councilor DiZoglio Mayor Perry and DPW Director Pat Bower Full Aerial View Audit of Fields

Director Bower reported he meets once a week with consultant. They are developing a scope. Phase I is the citywide mapping of the fields. Included in that, he asked for a proposal that shows everything the Council wants it to show.

Councilor DiZoglio noted that this has nothing to do with what the DPW team/staff is doing.

Request of Councilor DiZoglio Superintendent Steve Angelo for an update on the hut at the stadium

Councilor DiZoglio said the paint is peeling at hut at the stadium.

Director Bower said he is surprised to hear that and will follow up with Steve Angelo in the morning and make sure it gets taken care of.

The CAFO said she and the Mayor had a meeting with the Superintendent to discuss all the projects going on right now.

Councilor Simard noted he was at a game and half of the lights were out. He asked about replacements when they are broken.

Director Bower said the city solicited quotes. There is a contractor. The city is waiting for the contract to come back.

Councilor Simard said he does not know if there is money to do LED lighting. There were only working in the stands.

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Director Bower got a quote to replace with LED. The city would be able work on it which would remove the annual headaches.

Councilor Simard suggested adding it to our ARPA funding before the deadline.

CAFO Duprey noted they could absolutely talk about it.

General Requests

Councilor Faretra said he would email Director Angelo after the meeting.

Councilor McCarty said at the last meeting, he asked for an update of the letter to the state. Mayor Perry indicated he would get the second letter out to them.

Councilor Saba mentioned getting the Burnham Road lighting repaired.

Director Bower said the vendor is ready to replace all lights that are out. But it is more than just light bulbs. The city is going right to Musko. The fastest way is to get the vendor to do it.

Public Service

a. Grants: None

b. Licenses: Vehicle for Hire License - AAA & K Limo LLC, 11 Ashland Place, Apt. #304, Methuen, MA Councilor Finocchiaro suggested amending to add language Requested of Mayor Perry and City Clerk

Councilor Beauregard said Council is voting on license not the agenda. He asked if title amendments should be done during acceptance of the agenda.

Solicitor Rossetti said discussion of the subject matter does not preclude the Council from making amendments.

Councilor Saba said the agenda are getting longer and longer with all the transparency. He is not sure if it is necessary to put sponsor on licensees and contracts.

Councilor Finocchiaro mentioned Council passed a law that says we are going to do this. She is asking Council Clerk, Linda Gagnon, to co-ordinance with the Mayor titles to the agenda, putting things on the agenda. Council could vote on these items. The information should be done before the agenda went out.

MOTION BY: Councilor Faretra, seconded by Councilor Saba to approve. **UPON VOTE:** UNANIMOUS yes.

c. Contracts:

C-23-82 First American Equipment Finance, 211 High Point Drive, Victor, NY 14564 for Financing for 1500 HP Education Edition Chromebooks & Licenses MHEC State Contract MC14-F19 (Master Leasing & Financing) Amount: Annual Payment \$98,940.20, Lease Term: 48 Months, Lease Rate Factor: .026928, Lease Type: Tax-Exempt Lease, Payment Frequency: Annual

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MOTION BY: Councilor DiZoglio, seconded by Councilor Beauregard to approve.
UPON VOTE: UNANIMOUS yes.

C-23-83 Apple Financial Services, 8377 East Hartford Drive, Suite 115, Scottsdale, AZ 85255 for Class of 2027 – Purchase and Financing of 550 10.2-inch Ipads, 550 Duo Cases, AppleCare Plus & Apple Plus & Apple Professional Learning Days – Amount: Annual Payment: \$78,968.13, Lease Term: 48 Months, Lease Rate Factor: 0%, Payment Frequency: Annual

MOTION BY: Councilor Finocchiaro, seconded by Councilor McCarty to add Requested by Methuen Public Schools. UPON VOTE: UNANIMOUS yes.

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

Councilor Faretra asked if the equipment could be purchased by students after four years.

Superintendent Kwong said they are not moving to that point at this time. They are kept for a four-year cycle. They do not have the option for the students to buy. The equipment is kept within the school system.

UPON VOTE: UNANIMOUS yes.

C-23-84 Flowpoint Environmental Systems, Inc., 191 University BLVD, #467, Denver, CO 80206-4613 for Stand Alone Bulk Water Fill Station in the Amount of \$48,835.29

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to add Requested by Mayor Perry and Director Bower. UPON VOTE: UNANIMOUS yes.

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

Councilor Faretra referred to how the tax was not included in the cost of \$50,000.

CAFO Duprey said \$50,000 was an estimate of what it would be. The approval is up to \$50,000. It is approximately \$48,000. The city is tax exempt.

UPON VOTE: UNANIMOUS yes.

C-23-85 Woodard and Curran, 40 Shattuck Rd., Suite 110, Andover, MA 01810 for Engineering Services Proposal Scada System – Methuen Wastewater System in the Amount of \$1,500,000

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

Councilor Finocchiaro commended the Mayor and everyone involved. This is going to allow for all that to be monitored. It will save a lot of money.

UPON VOTE: UNANIMOUS yes

C-23-86- First American Equipment – Leasing for all instructional book software - \$308,288.32

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

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CAFO Maggie Duprey said she will update the financial impact statement as she was looking at the wrong document.

UPON VOTE: UNANIMOUS yes.

C-23-87- Corolla Contracting Inc.- \$2,564,778.00- Tenney School Roof.

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

Councilor DiZoglio asked if this repair was for the storm damage this year.

Superintendent Kwong said this contract is to repair the roof blown off December 23rd in conjunction with the other parts of the roof. It must be fixed. They will do the whole project at once. It must start on June 19th and end on August 31st for the school to be open on time.

Councilor DiZoglio questioned insurance.

CAFO Maggie Duprey said they had to get creative with this and they are waiting to see how much insurance money will come in. \$600,000 is from the insurer and she is working with them, that would be the minimum. The school department had a million dollars in FY23 CIP. There is a request to repurpose the one million dollars from the Marsh to this project to get the project done. Funding would come from insurance/AARP/repurposing resolution. If the repurposing resolution does not pass, the city cannot afford to do this.

UPON VOTE: UNANIMOUS yes.

C-23-88 Merrimack Valley Planning Commission (MVPC) 160 Main Street, Haverhill, MA 01830

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to add Requested by Mayor Perry and Director Wilson.

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

UPON VOTE: UNANIMOUS.

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

Joe Cosgrove explained Phase I - that identify, Phase II site borings and ground water monitoring for contamination.

Councilor Beauregard noted that the city is responsible for \$125,000 payment.

Councilor Saba said he thought it would include a study of the DPW building.

Mr. Cosgrove said this is a preferred site unless there is astronomical cost for cleanup.

Councilor Saba said it is going to have to get done.

CAFO Maggie Duprey said they are updating feasibility studies that were done two years ago.

Joe Cosgrove said September was a goal. The report should be done by early Fall.

Other Officers and Committee Reports - None

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Unfinished Business

Resolutions:

TR-23-22 Resolution to Require Collective Bargaining Agreements (CBAS) posted on the City Website 10 Days in Advance for Public Review with Tracked Changes, and Required Report by the Chief Administrative and Financial Officer (CAFO) or Designee, Prior to the First Vote on Said CBA (Req. of Clr. Finocchiaro, Co-sponsors Clr. Saba, Clr. Simard, and Clr. James McCarty)

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

Councilor Saba noted this is another step for CBAs. In 2017 they were rushed through. Now these will get posted on website early. This will further avoid what happened in 2017. He thanked Councilor Finocchiaro who took charge on this.

Councilor Beauregard said all Councilors are cognizant of this. He thanked the sponsors.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to amend page 2, definition of ten day, have everything “excluding weekends and holidays”.

Solicitor Rossetti explained the definition of “days” as defined under the Charter Section 9-12B states when a time is seven days or less it refers to business day. If greater than seven days, it is considered calendar days. Consider what is in the Charter. A resolution was passed years ago that have this difference. That is something that needs to be sorted out.

Councilor McCarty said Council is taking on the duty to make sure what happened does not happen again. With CBAs any changes compounds over time. This Council spent a lot of time on a mistake that was made previously. Council needs to take steps, from previous Councils, so future Councils are fully informed when making decisions. He thanked Councilor Finocchiaro and other co-sponsors.

Councilor Finocchiaro withdrew her motion to amend.

UPON VOTE: UNANIMOUS yes.

Ordinances: None

New Business

Resolutions:

TR-23-23 Resolution Authorizing Transfer from Free Cash of \$85,000 for the funding of the pay as you go portion of the FY23 Capital Improvement Plan

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

UPON ROLL CALL VOTE: 8 yes, 1 out of the room (Clr. Simard)

TR-23-24 Resolution Authorizing Transfer of \$25,000 from Police Other Expense to be transferred to Police Personal Service Expense to fund approved training from the correct expense budget line

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

UPON ROLL CALL VOTE: 8 yes, 1 out of the room (Clr. Simard)

TR-23-25 Resolution to Abandon Balance of the FY23 Capital Improvement Plan related to the Marsh Cooling Tower and Chiller project, and Transfer \$1,000,000 of Remaining Funds Borrowed for Such Project to Pay Costs of the Tenney Grammar School roof replacement project

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MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to add: Requested by Mayor Perry/CAFO/Methuen Public Schools

UPON ROLL CALL VOTE: UNANIMOUS yes.

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

UPON VOTE: UNANIMOUS yes

TR-23-26 Resolution Authorizing Transfer \$538,149 from Free Cash, to be transferred to DPW Other Expenses to fund the Snow & Ice expenditures deficit

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

UPON ROLL CALL VOTE: UNANIMOUS yes.

Ordinances:

TO-23- 4 An Ordinance Amending Wage and Salary Reclassification Department Heads

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

Councilor Faretra expressed concern with the discrepancies. The gap is huge where the gap on others do not seem to change much minimum is 105, max is 121. IT is 103 max is 107,509.

CAFO Maggie Duprey explained Step III and maximum is enormous. This ordinance is trying to smooth that out. It is not taking maximum away from people. It is a change going forward.

Councilor Finocchiaro expressed concern and is not supportive of this proposal. She spoke of increases that took place when she first became a Councilor with increases of positions in the Mayor's office. Council did not receive truthful information on the impact statement at that time. It would make a difference if the positions were separate. HR could go higher.

CAFO Duprey said there is a misunderstanding of what they are trying to do here. The first piece is to increase the HR Director and C/D Director. HR needs to be at that level to get a person who is qualified. The current Director of C/D is already at maximum with a gap from step III to maximum which is impactful. Instead of \$16,000 increase they are spreading out increases and does not affect budget. the intent is to smooth out the positions, so they do have a \$15,000 gap. That is what they are trying to accomplish, adjust to be where they should be and smooth out the steps.

Mayor Perry explained this is not an attempt to give individuals more money. It is smoothing out the steps. He does want to address the HR Director position. Most of Methuen's legal issues are HR related, typically leads us to litigation. He manages a 200-million-dollar business (City of Methuen) and understands what we need in the positions.

Councilor McCarty asked the Solicitor if there are any issues changing the salary after posting the position.

Solicitor Rossetti said he does not see anything problematic adjusting the salary. It is being done in public.

Councilor McCarty as if there was a salary advertised.

CAFO Duprey explained this is effective July 1st. They added a salary range to posting. Some of the range falls in the lower portion of the scale. Changes would be made in July.

Councilor McCarty suggested a new posting to attract candidates if we do not have a candidate.

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Councilor DiZoglio commented the ordinance is a step in the right direction (along with the right job description). It doesn't mean we are going to the maximum step. This is leveling the steps.

CAFO Duprey said, on a bigger scale, something that they wanted to do was make sure that there are not other areas where steps are spiking.

Councilor Finocchiaro commented there is no technical method to break this into three votes. If these were three different votes, she would still have questions about the hiring process. She expressed frustration putting group positions together in one vote. She does not agree with all of them or the way this is laid out having multiple amendments all at once. She suggested a wage and salary ordinance be done one position at a time.

UPON ROLL CALL VOTE: 8 yes, 1 no (Clr. Finocchiaro)

TO-23- 5 An Ordinance Establishing Section 7-18 of the Methuen Municipal Code to Address the Issue of PFAS Chemicals in Firefighter Turnout Gear (Request of Councilors Beauregard, McCarty, and Simard, Mayor Perry, and Chief Sheehy)

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

Councilor Beauregard explained this was inspired by Legislation passed by other states to purchase firefighters turnout gear whether it contains chemicals or not. This is an opportunity for us to get out in front and take initiative as it relates to this issue and use alternative to those chemicals. Exposing our public service in purchasing gear in the future. It is a low bar but very meaningful especially in the Commonwealth as it relates to this issue.

Any Other Business for the Good and Welfare of the Community

Councilor Beauregard announced Community cleanup is June 3rd from 10:00 a.m. to noon. Refreshments will be served.

Councilor Faretra announced the Veterans' ceremony is this weekend.

Mayor Perry announced today is Police Memorial Day. We extend our best wishes to those who put their lives on the line every day.

Chair Zeigler announced Restaurant Week is 5/22 to 5/26 with nineteen restaurants participating. She encouraged everyone to support local businesses.

Chair Zeigler announced the Memorial Day Parade is May 29th starting at 0:00 a.m. on Broadway.

Adjourn

MOTION BY: Councilor Faretra, seconded by Councilor Saffie to adjourn.

UPON VOTE: UNANIMOUS.

I do hereby certify at a meeting of which a quorum was present the foregoing minutes were adopted by the Methuen City Council by an 8 yes, 1 present (Clr. Finocchiaro) vote on June 5, 2023.

Linda Gagnon
COUNCIL CLERK

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