

METHUEN CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, MAY 25, 2023 @ 6:00 P.M.

GREAT HALL, SEARLES BUILDING

Chair Zeigler called the Special Meeting to order at 6:00 p.m. Members present: Clr. Finocchiaro, McCarty, Saba, Saffie, Beauregard, DiZoglio, Faretra and Chair Zeigler. Councilor Simard was absent.

AGENDA:

Discussion: Yard Waste Pickup
C-23-89 Amendment – Service Charge Directive by and Between the City of Methuen and E.L. Harvey & Sons \$100,000

MOTION BY: Councilor Saffie, seconded by Councilor Beauregard to accept the agenda.
UPON VOTE: UNANIMOUS.

Discussion: Yard Waste Pickup

Director Bower spoke about the city's previous endeavor earlier in the year to purchase a packer truck that we were renting. The city tried to end that lease with a purchase and could not come to terms. The company that we were leasing the truck from is in Ohio. We are subject to Massachusetts procurement laws and could not get the negotiations to match. What they required in their contract and what we required in ours, we could not come to terms on it. The city was forced to give up that truck. There is still funding available for a truck, but it is going to take some time to do the purchase. We looked at renting a different truck and it was not going to be available until the end of June which would not go over well with our residents who are used to having the pickup now. He is sure Councilors have gotten calls. DPW gets calls every single day asking when it is going to start. They spoke to a few different trash providers, trash haulers in the area, on who might be able to do leaf pickup and spoke with Harvey. They were able to reach an agreement with Harvey. That is what is presented to Council tonight.

Councilor Faretra said Harvey was the only vendor that decided to bid on this process, correct?

Mr. Bower responded, yes.

Councilor Saba, to the CAFO, he realizes that last year's budget last had \$100,000 but the Mayor removed it from leaf pickup. He asked how much is left, budgeted for leaf pickup.

CAFO Duprey said she believes it was \$100,000 prior. This year nothing because we had a packer truck that we were going to purchase.

Councilor Saba said when we purchase the packer truck, we should have assumed we would have drivers and people to work that truck, correct? CAFO response, yes. Councilor Saba asked if we budgeted anything specifically for leaf pickup. We had to run the truck.

CAFO Duprey believed the city was going to use the current staffing.

Councilor Saba asked how much was budgeted for the truck.

Director Bower explained the packer truck was in the CIP. They had originally funded \$150,000 for it. when they went out to bid, they find out the trucks are \$350,000. He had several different trucks in his CIP. A ten-wheeler was \$185,000 and a couple of pickup trucks. They decided they were going to supplement that \$150,000 budgeted for the packer with some of the funds made available with some of those other trucks.

Councilor Saba we had \$150,000 in the 2023 budget.

CAFO Duprey explained there is \$150,000 in the CIP budget which does not end. We have bonded for that.

Councilor Saba asked if any of that money was moved into the operating budget. CAFO Duprey responded, no.

Councilor Saba said this is an eight-week contract requiring \$100,000 but we have one month left for the current budget. "Can we assume we are going to spend \$50,000 in this current year?" When we get into the next item to transfer \$100,000 from Free Cash to fund this, we really do not need \$100,000, correct?

CAFO Duprey explained \$100,000 is needed to fund the contract. We would need \$75,000 May through the end of June, five weeks.

Mr. Bower indicated the vendor is ready to start on Tuesday.

Councilor Saba said the question is we are going to be starting next week working on a budget, shouldn't the remaining amount be calculated into the 2024 budget which takes effect July 1st?

CAFO Duprey explained it has not been because this was all happening in tandem. We can make that change before our budget workshop starts on Tuesday.

Councilor Saba noted that if Council approves this, it goes away at the end of June. If Council approves \$100,000 but spend \$60,000 of it, the remaining \$40,000 goes back into Free Cash. "Why are we not just transferring what we are going to use for five weeks out of the eight-week contract?"

CAFO Duprey said they were going to request an end of the year transfer to move the difference to the revolving fund to pay the remainder from there. It could be done this way as well, to increase the difference.

Councilor Saba said you are going to have to anyway, if we have three weeks left on this contract starting July 1st, then we are going to have to budget three weeks-worth into next year's budget. "Are going to have to add that to the budget before Council votes on it?"

CAFO Duprey explained the way they did this was so they would get the \$100,000 and then in our end of year transfers that they request of Council, to move the difference from Solid Waste to we have the Solid Waste Revolving Fund. That revolves and does not end. The money would be able to stay there.

Councilor Saba said we would not go to next year's budget then and just use the revolving fund (CAFO agreed). What Council will expect to see is roughly \$40,000 moved into the revolving fund by the end of the fiscal year.

CAFO said yes, from Solid Waste. That was the plan.

C-23-89 Amendment – Service Charge Directive by and Between the City of Methuen and E.L. Harvey & Sons \$100,000

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

Councilor McCarty asked if the plan is to pursue a truck or if we are going to have a contract for that service.

Director Bower said the plan and the goal is to purchase the truck as originally planned. We have already started that process now and it is difficult to find it and it takes quite a bit of time. The goal is to get that inhouse and maintain it.

CAFO Duprey explained the city went out to bid once already for a used truck and learned from that and had to go back out to bid and open it up to used and new because we have to cast a wider net just because the access to this stuff really isn't out there right now so we've got to cast a wider net to hopefully get something. That is in the CIP that has already been bonded for. It will not touch the 2024 budget.

Councilor Finocchiaro said the amendment (service change directive) has some very specific rules within 30B. It is a little bit tricky and it is something that we do not do very often. She wanted to confirm that the CAFO feels comfortable with what her office has put forward and that the bidding process went as expected and that you feel confident that the city is adhering to all of the variety of different rules that are different when we are doing an amendment.

CAFO Duprey said Clr. Finocchiaro is correct. There is a certain percentage that you can go over the original contract without having to go back out to bid. This is well within that. It has been reviewed by her office and the legal office and she does confirm those things.

Councilor Finocchiaro asked the Solicitor if he feels comfortable with the process. Solicitor Rossetti responded, yes.

Councilor Finocchiaro said the CIP is a continued funding source that makes sense for next year for that truck. Because Council is voting on an amendment to a contract, this contract itself is something that she was not supportive of, with some of the language. She wanted to clarify that this specific vote is just on the amendment and on the language of the amendment. She will be supporting just a referendum on what they are talking about today. She understands all the context of the narrative of Council needing to be here today and not having had leaf pickup services. But this is not the first time this has happened over the past half dozen years and her concern would be that we have a timeline now for every year. Let us set a deadline, if we do not have a truck by next month, then we are automatically going out to bid because there are people who had leaf pickup outside for a month or two. She received calls in late winter asking her about leaf pickup. This has been hard for residents. Next year if

the city does not have a truck, let us just start this process earlier. That will solve a lot of headaches.

Councilor Saba commented they seem to be having the same conversation every year. It seems like this is the third year, at least, where we heard that we were supposed to have a truck in place, but it fell through at the last minute. Now we are scrambling, and leaf pickup gets delayed and then we will have the same conversation in the Fall. “Are we just dropping the ball in procurement?” “Are we not starting this process early enough?” The process should begin this week and if it is a three-month period and it falls through you pick it up again and you go again. He cannot believe that for three or four years, and we have always talked about, remember we had these conversations “maybe leaf pickup could be all summer”. We have the same conversations, too. Something is wrong. He does not think it is DPW. He does not go out and look for the trucks. “Who is it that actually does the search for this?” “Is it the procurement department?”

CAFO Duprey explained it is a mix between DPW and the procurement office. DPW is involved in it. They know what they need and who may have such vendors that we need people to reach out to. We put the bid out to as many people as we can with input from DPW. We either do not get responses back because trucks are not available, or we are getting them back and they cannot meet terms on the contract. She agreed this has not been a smooth process for multiple years. It is not a procurement situation. It is something we should be starting sooner. We’ve talked about casting a wider net going with new and used to see what we can get and start that process now so that we know mid-summer whether or not we are going to have an issue in the Fall.

Councilor Saba noted they are making trucks. Someone is buying these trucks. He can see a six-month delay or something, but we have had this conversation and he feels we are going to have same conversation next spring or in the Fall. He hopes we can get this process started earlier this time.

Councilor Saffie asked if this is going to be same, on recycling week, your day you put leaves out.

Director Bower agreed. Everyone will get pickup on their recycling day.

Councilor Saffie said residents can put out old bins if it is having a yard waste sticker.

Mr. Bower agreed if it is obvious.

Mayor Perry, going back to Councilor Saba’s point, said it should not take six months, somebody is buying these trucks. That is not a correct statement. We just took receipt on an ambulance that we ordered well over a year ago. When it comes to bigger vehicles like this, there is a shortage. He does not want the public to think that – he used the term “dropping the ball”. Each of the last two years we had a path and had a truck. We leased a truck last year that we were using. If we had been able to come to a deal with that firm that Director Bower talked about earlier, we would still have that truck. The procurement group did a good job identifying another lease, a separate lease and as we started to execute that lease, the firm in Minnesota came back and told us that the truck would not be ready until the end of June. We have had paths. He does not want people to think these trucks are readily available. They are

not. He used the ambulance as an example because if you talk to Fire Chief Sheehy, he will tell you we just got it two weeks ago and that was part of the 21 Capital Improvement Plan.

Councilor Faretra asked where residents could get the stickers for their yard waste barrels.

Director Bower said they have them in the DPW office. Residents may call and DPW can mail them or sometimes drop them off. They have them at the scale house too.

Councilor Faretra asked if some could be left in the tunnel area. Director Bower agreed to place some in the tunnel as well.

Councilor Beauregard said for residents who have had bags building up over the past few weeks, let's say they were to put them all out next week during the first week of pick up, the contractor will pick every bag up. "Is that correct?"

Mr. Bower responded, yes. We are paying a premium for this service. DPW will be available to help them out. The idea is to make sure the residents get the service. We can work that out with Harvey. They are ready to go. They have been ready to go for about two or three weeks now. They have dedicated the men and the trucks to the people that do it. He does not expect to have any issues. If anyone is missed, DPW will supplement that so that residents get good service.

Councilor Finocchiaro asked: "What would be an ideal month next year, for you to say okay if we don't have a truck in hand by this month (Feb or March or April) or you say we don't have a truck, we need to go out to bid." "What month would that be?"

CAFO Duprey said they do it in the Fall so that would be what we are looking at this point, having a solution for it would be for this Fall. She has already messaged the Purchasing Director to say this needs to go out next week. We will get this out as soon as possible. If we do not have a solid, moving forward plan by the end of July then we need to pivot.

Councilor Finocchiaro noted you are saying to try and get the truck is going out asap. She is looking for the cutoff date. There is no truck in the City of Methuen, and we need to jump ship again. You are saying you would do that as early as the Fall?

CAFO Duprey explained the city does leaf pickup in the Fall and in the Spring. If we did not have something in place, she cannot wait until the Spring. We would have the same issue in the Fall. She is looking towards this summer. We need to have a cutoff this summer to ensure we are going to have services for this Fall. We should go out to bid asap and by the end of July we should know, through that process, whether we will have a truck or not for the Fall. And if at the end of July, we do not know, then we need to pivot. That is her timeline.

Councilor Finocchiaro commented, in your conversations with Councilor Saba, it sounded like you were saying that this is also going to carry through to the Fall.

CAFO Duprey explained there is eight weeks that this contract is for starting on Tuesday. It goes through to July, which is the next fiscal year. That is what Councilor Saba was asking is because the budget only goes through the end of June where this overlaps into July. That portion that we are requesting for funding we are going to move into the revolving fund to finish the contract out so that we do not have a fiscal year situation.

Councilor Finocchiaro, theoretically, we could have this resolved so that the next set of Councilors are going to have leaf pickup done.

CAFO said this is still going to be this Council because July she will know if she needs to pivot. Either we will have a contract in front of Council that says we are getting a truck X, Y, Z, or a plan to pivot by the end of July as far as what we are going to do.

Councilor Finocchiaro we are saying the same thing.

Councilor DiZoglio said it does not hurt to go out to procurement now, does it? Procurement does not have to be for the same year.

CAFO Duprey said that is true but the idea is not to waste resources to procure something that we do not intend to do. If we wait until July that will give us plenty of time to pivot and be able to procure and do the bidding process for a September leaf guard pickup.

Councilor DiZoglio said we only got one person to bid on this one. More likely it is going to be Harvey again bidding on this. He does not see why we cannot go ahead and have the procurement piece there, see where the bids come in. We are ready to go. We get the truck, great, awesome. We save \$100,000.

CAFO Duprey said the only problem with that is if we hang onto a bid, if we wouldn't be able to accept that until late in the summer, if we know that we are not going to be able to get the other thing. It has been two or three months. You have got to be timely when it comes to accepting bids. They cannot just be out there. We need to put that in there that a decision may not be made until the summer. We just must work the language.

Councilor DiZoglio summer is in 27 days. July 1st is in 4 ½ weeks. If you start the procurement process on Tuesday, you are looking at three weeks right there. The budget goes into effect two weeks after that. You said by July we should be looking at a procurement process to lock it in for the Fall we are already done with it. So if we have the truck, if we want to wait until August that's great, it should be thirty, sixty days, which should be at that point get us to about August/September and we have the bid locked up so we can just execute so we don't have this situation. Let us be proactive here. History tends to repeat itself. His recommendation to the CAFO, the Mayor and DPW Director is to Let us go forward with getting procurement going on this, have it done by July, have the offer for thirty/sixty days, lock it in. if we do not have the truck by August, you know which route you are going to, start the schedule for October.

CAFO Duprey said she is fine with that.

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

TR-23-27 A Resolution Authorizing \$100,000 to be transferred from Free Cash to Solid Waste Expenses to fund city-wide Spring Yard Waste pickup and disposal services. (EPA REQUESTED) Requested by the Mayor, DPW Director, and CAFO

MOTION BY: Councilor DiZoglio, seconded by Council Saffie to adopt an EPA

Councilor Finocchiaro said the EPA should be after Council has the discussion on the main motion. She is not in favor of the EPA because all the language on Council's written documents refer to extreme hazard to life and safety of residents, damage to property, and

that is the language. Whenever Council is talking about EPA, unless it is an extreme health situation or something that really feels like an emergency or things like that she tends to not feel like that they rise to level that she believes with the intent when that was discussed. She understands, by precedent, Council votes and approves EPAs. She does not agree with it. but she understands some people are fine with it. We know that the services are starting on Tuesday. Council has already approved the contract which only requires one read. That is already passed. This is just the transfer of the funds and the one vote of the Council, having the second vote, there is nothing that would be hindered for Council to have another meeting on Tuesday since Council is going to be here anyway. She thinks it is best practice. She will be voting “no” on the EPA.

CAFO noted she knows how the Council feels about EPAs. It is not something they bring forward unless they absolutely need to; but at the same time, they know the demand for leaf pickup is critical right now and the timing of everything. She cannot in good conscious execute a contract that she is not sure is funded, which is why they brought forward the EPA tonight. She cannot give Director Bower the go ahead to have them start on Tuesday if she does not know that we have funding for the contract. This is the best practice for her. She cannot approve a contract that we are not able to fund. She understands if the Council cannot include the EPA, but she cannot allow them to start until the 6th which would be the day after the next meeting to ensure there is funding for the contract.

Solicitor Rossetti – Legal Point of Order – if you were to look at a continuum of possible emergencies that could hit a community, this might be on the lower end of let’s say comparison to floods, earthquakes, and the like. There is a credible legal basis to support the EPA because accumulated yard waste that’s not picked up can pose a traffic hazard if you have bags and bags of leaves and yard waste at a corner of a driveway that obscures visibility to other drivers. Accumulated yard waste can potentially be a fire hazard if it is excessively dry and near wood. You could also have accumulated water that can be a breeding ground for bugs, mosquitos, and the like. There is a credibility legally to support the EPA, notwithstanding the Council’s understandable reluctance to rush into EPAs generally.

UPON ROLL CALL VOTE: 7 yes, 1 no (Clr. Finocchiaro), 1 absent (Clr. Simard)

MOTION BY: Councilor Beauregard, seconded by Councilor DiZoglio to approve TR-23-27. UPON ROLL CALL VOTE: 8 yes, 1 absent (Clr. Simard)

Adjourn

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

UPON VOTE: 8 yes, 1 absent (Clr. Simard)

I do hereby certify that a meeting of which a quorum was present, the foregoing minutes were approved by the Methuen City Council by a unanimous vote on Sept. 5, 2023.

Linda Gagnon

COUNCIL CLERK

