

METHUEN CITY COUNCIL SPECIAL MEETING  
TUESDAY, JUNE 13, 2023 AT 6:00 P.M.  
GREAT HALL, SEARLES BUILDING

Chair Zeigler called the Special Meeting of the Methuen City Council to order Tuesday, June 13, 2023, at 6:00 p.m. Members present: Councilor Finocchiaro, Councilor McCarty, Councilor Saba, Councilor Saffie, Councilor Simard, Councilor Beauregard, Councilor DiZoglio, Councilor Faretra, and Chair Zeigler.

MOTION BY: Councilor DiZoglio, seconded by Councilor Simard to accept the agenda.

MOTION BY: Councilor Saba, seconded by Councilor Faretra to add a Moment of Silence to the agenda. UPON VOTE: UNANIMOUS

MOTION BY Councilor Finocchiaro, seconded by Councilor Faretra to move the Foundation Award after the Moment of Silence. Mayor Perry indicated the recipient would be a little late. Councilor Finocchiaro amended the motion to move the Foundation Award after Contracts.

UPON VOTE: UNANIMOUS

MOTION BY: Councilor DiZoglio, seconded by Councilor Faretra to accept as amended.

UPON VOTE: UNANIMOUS

The Methuen City Council observed a Moment of Silence for WWII Veteran Frederick Beeley who passed away on June 1 at the age of 101.

AGENDA:

Consideration of Appointment – Human Resource Director - Gina M. LaGreca, Esq.

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

Councilor Saba said during the search committee he was joined by Councilor DiZoglio and Police Chief McNamara. Councilor Saba wanted to let everyone know that this process, he was notified independently just saying “here are all the candidates”. He was asked to make recommendations who he would like to see come in. Apparently, everyone had the same recommendations. There were three great candidates invited in. Gina was very articulate and very well qualified for this job. Not only does she have HR experience, but she also has a law experience and a practicing law degree. That is an added benefit. When it comes time to negotiate contracts, the CBAs we have our city attorney, our HR and attorney, as well as our CAFO, that makes a great team to negotiate CBAs with the various unions. She also has extensive experience in problem resolution and dealing with issues that come up and an HR Director would have to deal with. She brings that experience to this community to a department that he feels and most of us feel needs serious work and needs a serious overhaul. They were all impressed with Gina’s capabilities and what she is going to bring to the city.

Councilor DiZoglio said the process was truly transparent from start to finish. They did not know who the other members of the committee were until they submitted the resumes. Everyone individually decided on and voted on from an individual standpoint and brought back to the CAFO. It was a huge consensus on who they should be bringing in from an individual standpoint. He did not know Councilor Saba was on the committee until the invites for the interviews started happening. There were no conversations among the members until the interviews started. The three candidates that were brought in were all qualified. They were all great candidates. As Councilor Saba said about Ms. LaGreca, she comes with this added

expertise that has been missing in this city for quite a while. He is very excited about this hire. He truly thinks that from a standpoint of the committee, the committee was unanimous in this decision. He is excited to see what Ms. LaGreca can do for us in Methuen with her expertise, her experience, her degrees and to help Methuen, move us past some of our HR issues that we continue to have. He is looking forward to appointing her tonight.

Councilor Simard said he worked with Ms. LaGreca in Lawrence, although he did not know her personally, he knew of her. she was kind of the shining light at city hall. When you look at her resume, it is almost tailored for Methuen with where we are coming from and where we are headed as far as the problems that we had, transitioning out of, and then moving forward, i.e., civil service, recruiting, harassment cases, ADA, FMLA, etc. He is excited to have her here and is looking forward to having this department move forward. He is a “yes” vote.

Councilor Finocchiaro indicated she would be a “no” vote. It is not based off the candidate or her qualifications nor on the process of hiring. Before the hiring, the job was posted and went through a period of multiple changes, including the salary range. That does not follow best practices. If we want to increase our salary range, that is something we want to do from the very beginning so we can make sure that we can attract all the best candidates from the beginning. That is something that because it is the best practice and because we are in a difficult spot right now with our HR department is something that she is sure that if this candidate is approved, which she is sure that she will, will certainly be taking care and making sure that we don’t do that ever again. She would ask her fellow Councilors, particularly the ones that are coming off the Council at the end of this year, that they all really push themselves to make time to sit down with the candidate, if appointed and say all of our concerns because many of them have been here for long enough that they have a very long list. It is important that she has a lot of insider and institutional knowledge so she can start to prioritize what issue to start to tackle first. The CAFO, the Mayor, and everybody else is going to be doing that. Councilors come in for meetings and often talk to each other, but she is highlighting this. It is important for Councilors to do before the end of the year, extensively, and discuss those issues because Methuen’s HR department is a huge liability to the city right now. If this Council could have done one thing, it was enable the attorneys, enable a new HR Director, and enable the Mayor to be able to reduce that legal liability that we have much of which is done because things aren’t always been done the best way and that is going to take a lot of new policies and procedures. That is going to take a lot of change. She asks that everybody tries their best to be patient because this is something that is going to take a long time. It is going to take a lot of getting used to. But there is going to be things that change that are frustrating to employees, to others and she wants to set that vision that we are thinking this way towards the future. This is not just a position. This is an opportunity for transformative change within the City of Methuen. That is what she hopes will happen. Based off the resume of the individual up for appointment, it seems quite excellent and she agrees with what has been said in that you seem well positioned to do that in this very large task. She hopes the appointee can understand her concern with the process. Respectfully, she will be voting “no” and wanted it to be made clear that is not due to the candidate.

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Councilor McCarty said, as someone who is preparing for the Bar exam. She went through the process almost ten years ago. It looks like the front half of her career was in the legal arena. In September of 2021 she became the personnel director in Lawrence. He asked about how she went from legal focus into the HR role and why come from Lawrence to Methuen.

Gina LaGreca said she did not ask to get put into the role that she was in. She was an assistant city attorney for the City of Lawrence and there was an ongoing investigation in the personnel department which caused all the members of that staff to be placed on paid administrative leave. City attorney at the time, Rachael Ruano, asked her to step in and advertised it to her as just basically fielding some phone calls until they could get the staff back. Ultimately there was a huge change in the staffing of that department. She was asked to permanently step into the role of personnel director. She went from litigating to non-litigation. She still practices law all the time. It has been rewarding to her. she wants to stay in that role. The reason why she is leaving Lawrence to come to the City of Methuen is because she thinks it is time for her to have a change. She has worked in the Merrimack Valley for quite a long time, about three years in Lawrence, but she was in the DA's office for five years in Lawrence. She is familiar with the police department and knows some of people that work in Methuen as well. Methuen has faced its challenges, but overall, it has the greatest reputation. She respects the people who work here, respects professionalism, and when she went through the process of interviewing for this position, she became more enamored with the city because it was so professional. She credits that to the interviewing committee. when she came here, the process was so transparent. They all did a great job and made her feel she wanted to be a part of this because she liked the way that it was being run. She is hoping to be appointed and able to continue her relationship with the city.

Councilor McCarty indicated he spoke to a couple of people from Lawrence, not necessarily people from city hall, people who have been around for a long time. They told him she is squared away and legitimate. It is a great thing for Methuen. He understands Lawrence could get a little scrappy at times. Methuen has a lot of professionalism here. It was not necessarily like that about five/six years ago. He is hoping that she can keep the ship steady and if things start getting a little turbulent, she could be the steady hand that is needed. He looks forward to voting for her and wishes her the best of luck.

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

Contracts:

C-23-96 Borden and Remington, 63 Water Street, P.O. Box 2573, Fall River, MA 02722 for Chemicals for Water Treatment Plan Sodium Hypochlorite (15% Solution) Bulk Delivery \$.2169 per wet pound - Amount \$90,000.00

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

UPON VOTE: UNANIMOUS

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C-23-97 International Dioxide, In., 40 Whitecap Drive, North Kingstown, RI 02852 for Chemical for Water Treatment Plant with Sodium Chlorite – 25% Solution (\$0.730 per wet pound) Bulk Delivery in the Amount of \$65,000.00

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

C-23-98 Univar, 200 Dean Sievers Place, Morrisville, PA 19067 for Chemicals for Water Treatment Plant for Sodium Hydroxide (Caustic Soda – 50% Solution) Bulk Delivery \$.2200 per wet pound – Amount \$110,000.00

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

C-23-99 A/D Instrument Repair, Inc., 39 Adeline Street, Hampstead, NH 03841 for Instrumentation Maintenance and Emergency Service in the Amount of \$13,200.00 per year for a total of \$39,600.00 for three (3) years for yearly maintenance only

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

C-23-100 Waste Management of Londonderry, Inc., 26 Liberty Drive, Londonderry, NH 02053 for Hauling & Disposal of Transfer Station Construction & Demolition (C&D) Related Material Amount: FY'24 Ext. \$189.00 per ton estimated on 2000 tons (360,000.00) plus fuel adjustment (FY'23 was \$180 per ton)

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

Councilor McCarty asked if the city is seeing a loss. He said the city might have to make an adjustment their rates at the transfer station. He wants to make sure we are not in the negative for this.

CAFO Duprey said May's report just came out and she would like to review it and make that assessment and get back to Council.

Councilor DiZoglio asked if residents outside Methuen can do this or only Methuen residents from a commercial standpoint.

CAFO Duprey responded, yes.

Councilor DiZoglio indicated if we are opening it up to just Methuen residents and this is an increase in cost for us and we are seeing a loss, we should consider maybe opening it up and charging outside Methuen residents that are doing work in the city a higher fee to cover this cost.

Mayor Perry said they are looking at a regionalization plan. The transfer station needs some refreshing. There was a fire about four months ago that did significant damage. He owes Council information on the money the city is getting from the sale of the trash bags and all the other things that are ancillary and how we are trying to offset the tipping fees and dumping fees. He would prefer that item be placed on the agenda.

Chair Zeigler indicated this item could go on the July 10<sup>th</sup> regular meeting agenda.

Councilor DiZoglio would also add information about bulk items, if the city has made a profit on bulk items and drop offs.

Mayor Perry said he extended an invite to Harvey and they will be here July 10<sup>th</sup>.  
UPON VOTE: UNANIMOUS

C-23-101 Holland Company, Inc. 153 Howland Avenue, Adams, MA 01220 for  
Providing Water Treatment Plant with Aluminum Sulfate (Rate of \$1.69 per gallon) 50% Bulk  
Delivery in the Amount of \$150,000

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

C-23-102 Employment Contract by and between the City of Methuen and Michael Fluet,  
Assistant Fire Chief

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

Councilor Finocchiaro said the legal department signature sheet is not there for this  
contract. She asked the Solicitor if he reviewed the current contract and approve it.

Solicitor Rossetti responded, yes.

Councilor Finocchiaro asked if page 8 and 9 Severance (at the beginning) is governed by  
policy.

Solicitor Rossetti explained those are two different provisions. A severability provision  
is a provision that says if the contract gets litigated and a portion of the contract is deemed to be  
illegal or stricken by a court, the remaining provisions of the agreement remain in full force and  
effect. That is different from the provision on page 9, Severance pay. Severance pay would be  
money that the employee would be entitled to upon the end of employment relationship. Those  
are two very different issues.

Councilor Finocchiaro asked the Solicitor to point out the section where it clarifies the  
items under length of contract as far as severance.

Solicitor Rossetti explained severance would typically refer to accumulated time off that  
may be eligible for conversion to a cash payment. That is spelled out in the agreement. Page 7,  
section 12, has a heading “vacations, holidays, sick leave, personal leave, and other benefits”.  
There is a provision on sick leave, a provision on vacation leave, a provision on personal leave,  
holidays listed on page 8 that qualify for paid time off.

Councilor Finocchiaro said typically when the city brings an individual contract, there is  
a section specifically outlining what the severance package would be depending on different  
circumstances. It outlines in Section 9 good cause, just cause, etc. vs. voluntary. She is looking  
for the section that talks about what exactly the severance would be in the event of separation.

Solicitor Rossetti said Councilor Finocchiaro is asking what is forfeited if the employee  
gets terminated for good cause.

Councilor Finocchiaro not for good cause because it references severance even in the  
event of voluntarily leaving. That was not included in the financial impact. She wanted to  
understand if there is a section in the contract, she was not able to find it, if that is going to  
govern or if there was some other policy that would govern it in that case.

Solicitor Rossetti said as the first principle, the employee would not be entitled to  
something that is not provided for in the agreement. you would have to look at the four corners  
of the agreement to determine what he may or may not be eligible to receive in the event of the  
termination of the employment relationship. Hypothetically if there were a claim for breach of  
the agreement, to assert a claim for breach of the agreement, you have to point to a section of the

agreement that entitles the claimant to some remedy. If the claim is for something that is not in the agreement, you do not have a claim for breach of contract. You would have to look at the four corners of the agreement to figure out what the employee is entitled to. Pages 7 and 8 outlined the paid time off that he is entitled to provide if the contract is approved.

Councilor Finocchiaro what she is trying to say is it references additional severance outside of vacation time and bereavement and all those things, but then it does not clarify. The reason she is asking, has nothing to do with the candidate who is outstanding and well-deserving of this position and this contract is for a reasonable amount, her concern is we obviously had a difficult circumstance over the past few years with a contract for an individual and she would like that to be spelled out. She was not able to find it and was hoping the Solicitor could tell her where it is or maybe that was negotiated. That would be helpful for Council to know.

Solicitor Rossetti, again, he would go back to the four corners of the agreement. A claimant cannot make a claim for a payment of benefit that is not spelled out in the agreement. To the extent this would ever be litigated and a court were to find in the off chance that there is an ambiguity in the word severance, the court would be required to apply the common understanding of what the word “severance” means. The common understanding of the word severance is a payment you receive upon the end of an employment relationship. This agreement contemplates the prospect that the gentleman would be entitled to receive the cash equivalent of certain accrued, but unused, paid leave.

CAFO Duprey said if you look at that section 17 that you are referring to, c) specifically is referring to follow b). b) says if he is not reappointed or if he resigns or separated from the city before the expiration of the term, he is entitled to all of those accrued but not used time, etc. Then it goes on in c) to say if that separation is for good cause. He did something that he should not have done, then he will be ineligible for those things. It is a continuation of b). They are in reference to each other.

Councilor DiZoglio said looking at the CAFO’s opine, up to maximum vacation buybacks, he noticed year 23 was off by 24 and 25. He asked if that was a clerical error. FY 23 is \$8346, FY24 and FY25 \$8413 each. He wants to make sure that it is aligned correctly and does not see why it would be different in all three years.

CAFO Duprey explained it is based off the salary. The salary changes for FY 24 and FY 25.

Councilor DiZoglio pointed out buyback does not. He asked if that is maxing it out.

CAFO Duprey explained paid vacation is based on the annual salary. It is two weeks of vacation. If an employee makes less in FY 23, they will get less in their buyback.

Councilor DiZoglio noted the individual is making more in FY24 and FY 25. He asked why FY 25 is not higher than FY 24.

CAFO Duprey explained this contract is based off whatever department heads get as a COLA increase each year.

UPON VOTE: UNANIMOUS

Michael Fluet thanked the Council and the Mayor for their support.

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June Foundation Award - Cindy Parnagian at Party Connection

Mayor Perry said this award is a token of respect and admiration for people who work hard and give Methuen its character. The Party Connection has done numerous things for the city. That has not been decided for FY25.

Cindy Parnagian thanked the Mayor and the Council for the award. She said because of family and community her business succeeded.

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

Chair Zeigler called the meeting back to order. Members present: Members present: Councilor Finocchiaro, Councilor McCarty, Councilor Saba, Councilor Saffie, Councilor Simard, Councilor Beauregard, Councilor DiZoglio, Councilor Faretra, and Chair Zeigler.

Unfinished Business

TR-23-28 Resolution Authorizing Acceptance of the Massachusetts Office of Grants and Research 2023 Car Seat Distribution program award which includes 68 child car seats valuing up to a total of \$7,415; Requested by the Mayor, Chief of Police & CAFO

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

TR-23-29 Resolution Authorizing Transfer of \$426,000 from various General Fund budget lines to General Fund Police Department Personal Service Expenses budget line to fund necessary personnel expenditures Requested by the Mayor & CAFO

MOTION BY: Councilor Faretra, seconded by Councilor Saba to approve.  
UPON ROLL CALL VOTE: 8 yes, 1 no (Clr. Finocchiaro)

TR-23-30 Resolution Authorizing Transfer of \$130,000 from the Enterprise Fund Department of Public Works Personal Services Expenses to the Enterprise Fund Department of Public Works Other Expenses budget line due to unanticipated utility expenditures; Requested by the Mayor & CAFO

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

TR-23-31 Resolution Authorizing Transfer \$13,500 from Accounting Personal Service Expense budget line, of which \$10,000 shall be transferred to Accounting Other Expense Budget Line and \$3,500 shall be transferred to the Assessing Personal Services budget line to fund necessary year end payroll processing expenditures; Requested by the Mayor & CAFO

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

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TR-23-32 Resolution Authorizing Transfer of \$350,000 from the General Fund Department of Public Works Personal Services Expenses to the General Fund Solid Waste Disposal budget line due to unanticipated expenditures; Requested by the Mayor & CAFO

MOTION BY: Councilor DiZoglio, seconded by Councilor Faretra to approve.  
UPON ROLL CALL VOTE: 8 yes, 1 no (Clr. Finocchiaro)

TR-23-33 Resolution Authorizing Transfer of \$150,000 from the General Fund Department of Public Works Personal Services Expenses to the General Fund Department of Public Works Other Expenses budget line due to unanticipated utility expenditures; Requested by the Mayor & CAFO

MOTION BY: Councilor Saba, seconded by Councilor DiZoglio to approve.  
UPON ROLL CALL VOTE: UNANIMOUS

TR-23-34 Resolution Authorizing Transfer \$3,500 from Legal Other Expense to be transferred to Legal Personal Service Expense to fund necessary year-end personnel expenditure projections; Requested by the Mayor & CAFO

MOTION BY: Councilor Faretra, seconded by Councilor Simard to approve.  
UPON ROLL CALL VOTE: UNANIMOUS

TR-23-35 A Resolution Accepting M.G.L. c. 138, § 19C Requested by Councilors Beauregard, McCarty, and Saffie, Chair Zeigler, Vice-Chair Faretra, and Mayor Perry

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

Ordinances: None

New Business:

TR-23-36 Resolution Authorizing Transfer of Funds from free cash to General Fund Police Department Personal Service Expenses budget line to fund Superior officer retroactive payments for approved FY'7-FY22 collective bargaining agreements (EPA REQUESTED)

MOTION BY: Councilor Faretra, seconded by Councilor Simard to approve the EPA.  
CAFO Duprey explained the reason for the EPA is this is the last meeting scheduled. This is the final piece of funding for superiors' contract. These are the same numbers (one-time) brought to Council in the Fall, nothing has changed. This is the best way to fund.

Councilor McCarty noted Council could have received this at the same time as TR-23-29 for the last meeting and had two reads.

Councilor Simard thanked the CAFO for all her hard work. This way the city will start with a clean slate on July 1<sup>st</sup>.

Councilor Saba said this is the end of a long process for the city.

CAFO Duprey said the numbers are the same from 9/19/23.

Mayor Perry said the city will still be in the black next year. With Munis in place it should be an easier task. Seven separate financial systems are a herculean task for the CAFO.



She will still do monthly department reviews. The city may have certified Free Cash before the end of July.

Councilor Finocchiaro referred to the provision in the Home Rule Charter that says EPA is for extreme emergencies. The Charter is clear. The city should follow what is in the Charter and not continue to misuse EPAs. She prefers coming in for an additional meeting for second read. The reason for the EPA does not fit. She commented voting on the EPA first is a mistake.

Solicitor Rossetti said it is the decision of this Council to decide whether to approve the EPA. The Charter does define an emergency similarly to what Councilor Finocchiaro paraphrased. There are other instances such as yard waste, observational hazard, etc. It is not a flood but that meets the requirement. The contract has already been approved. The Council was put on notice. The FSO and CAFO explained what was needed. This is an effort to make sure it complies with the contract. At the end of the day it is the Council's decision.

Councilor Faretra asked if it is for everyone.

CAFO Duprey explained this will just be current employees.

Councilor McCarty commented that the funding for the police is 1.2 million dollars being spread over seven years, \$170,000 per year. It looks like a big number, but the city came out as best we could and did what needed to be done for the community. This is a good thing to close out on.

Councilor Finocchiaro said when the vote was taken last year it was unanimous. She will be voting "no" tonight and part of the reason is she reached out and never received an answer. This is a lot of money. This is something that everybody worked very hard on.

Mayor Perry read an email sent to Councilor Finocchiaro on June 5<sup>th</sup>. He noted Councilor Finocchiaro sent her email to the CAFO and did not cc the Mayor. Less than two days later the CAFO sent an opine from the FSO and CAFO that clearly stated there were no changes. To say her questions were not answered is not a true statement. When the information was provided, it was read. Individuals must stop listening to social media. This is the same chart tonight as on FSO's chart. The questions were answered to the best of their ability.

Councilor Saba said the new Police Chief agreed to it last year. When he first came into office, almost every item was an EPA from the previous Council. The CAFO has to cleanup the books and close everything out. A vote to approve the EPA is a non-issue. Council had it in front of them and asked questions. He would like to finish strong and on a positive note.

Councilor Finocchiaro commented that is not accurate. She sent several emails and did not receive answers. She came to a meeting and said she is still looking for information. A separate email was sent out to Councilors. She looked directly at the Mayor and said these are not her concerns and in following up said "this is what she is looking for", very fair request.

Councilor Beauregard said retroactive is provided on page four, laid out in full detail. Everything has been out there. This administration has been completely transparent.

UPON ROLL CALL VOTE: 7 yes, 2 no (Clr. Finocchiaro, Clr. McCarty)

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

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

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**EXECUTIVE SESSION**

The Methuen City Council will vote to enter into Executive Session with the Mayor, 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: Faretra, seconded by Councilor Simard to enter Executive Session.  
UPON ROLL CALL VOTE: UNANIMOUS

The Methuen City Council entered Executive Session at 7:30 p.m.

I do hereby certify that the foregoing minutes were adopted by the Methuen City Council by a 7-1-1 vote on July 10, 2023.

*Linda Gagnon*  
COUNCIL CLERK