

Chair Zeigler called the regular meeting to order at 7:00 p.m. Members present: Clr. Saffie, Clr. Simard, Clr. Beauregard, Clr. DiZoglio, Clr. Faretra, Clr. Finocchiaro, Clr. McCarty, Clr. Saba, Chair Zeigler, Mayor Perry, CAFO Maggie Duprey, and Solicitor Rossetti.

Acceptance of the Agenda

MOTION BY: Councilor Faretra, Seconded by Councilor Saffie to accept the agenda.
UPON VOTE: UNANIMOUS

Pledge of Allegiance/Invocation/Moment of Silence

Everyone stood for the Pledge of Allegiance. Chair Zeigler gave the Invocation for the evening. Councilor Finocchiaro requested a Moment of Silence in honor of National Purple Heart Day.

Organizational Business

Update on Audio System in Great Hall – Chair Zeigler reported the MCS board has reviewed and accepted a bid. The process will begin on October 17, 2023 and take several weeks. Council will move meetings to another location in the city. She will share the proposal with the Council through the clerk. MCS will give a full debriefing through a presentation. The process will be done this year. By the end of November, the city will have a new system.

Reading and Acceptance of Minutes from Previous Meetings

- None

Proclamations/Correspondence: None

Consideration of Appointments: None

Presentations/Projects/Department Updates

August Community Foundation Award – Christina St. Onge – Mayor Perry introduced Christina St. Onge as the August Community Foundation Award recipient. She is someone who does a tremendous amount of work for the city and is always there to help and always says “what can I do to help?”. She is committed and consistent support for our city.

Christina St. Onge thanked the Mayor, Council, as well as her family (son Jacob and husband).

Regency at Methuen present donation of photograph – Stuart Malis from the Regency presented a photo of two eagles to the city. His wife and the Board of Trustees were present for the donation. He also thanked the residents for their generous donation of funds, Christmas gifts, food, and warm clothing to residents in need. Every year, they have been fortunate to see a new eagle. They are trying to bring attention and awareness, so the eagles are properly protected.

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GREAT HALL, SEARLES BUILDING

This same pair has been seen in this area over the last ten years. He is going to request that students at the grammar school come up with names.

MOTION BY: Councilor Faretra, seconded by Councilor Saba to declare a brief recess.

UPON VOTE: UNANIMOUS.

Chair Zeigler called the meeting back to order. Members present: Clr. Saffie, Clr. Simard, Clr. Beauregard, Clr. DiZoglio, Clr. Faretra, Clr. Finocchiaro, Clr. McCarty, Clr. Saba, Chair Zeigler, Mayor Perry, CAFO Maggie Duprey, and Solicitor Rossetti.

CAFO - FY24 Capital Improvement Plan

CAFO Duprey explained there is an item on the agenda to borrow for the CIP. The information on the CIP is linked to agenda. This is the third year functional CIP which includes roads, equipment, etc. total just over 14.5 million dollars. There are many culverts in need of cleaning. With the purchase of a truck to clean out catch basins, the city can get after more for a more reasonable cost. The council has one packer truck on their agenda tonight and the city would like to get another smaller one. There is a need for replacement pumps at DPW. Superintendent Angelo has made a lot of progress with lighting fixtures. Adding lights to lower fields is a two-year project. They are discussing this with Director Bower. They have added four million dollars to supplement roads and sidewalks, and supporting Chapter 90, patrol vehicles. There is a need to replace HVAC system at Methuen Police Department and outfit the entire department with body cameras. The best practice is for everyone to have a body camera. Authorization is on the agenda.

Councilor Saba asked if there is an explanation of how much is need for trucks and if this is coming from a bond or some AARPA money.

CAFO Duprey said some funding has been put aside from AARPA for the DPW building. The city does not know if it will cost ten million dollars or thirty million.

Councilor Saba commented at some point the city is going to max out their ability to bond without hurting their debt ratio.

CAFO Duprey said they are trying to add to the percentage of paying off older bonds to get to the appropriate debt to bond ratio.

Councilor Saba noted making sure what we need to finish it will be part of the plan.

CAFO Duprey said it would probably be done over two years.

Councilor Simard asked for the AARPA balance.

CAFO Duprey said she did a report that she could send out and talk about at the next meeting. The city has until December 24th to decide what we are going to spend funds on.

Councilor Simard asked if the Neil Playstead is in a future year.

CAFO Duprey said these are things we need to discuss and do whatever Council would want to prioritize.

Councilor McCarty asked if there is a plan to address the discharge of raw sewage.

Mayor Perry said the city is preparing two specific projects, multi-million dollars, to separate waste from the water. The city got notification during downpours and have gotten notification almost every rainstorm. There are separate pipes that run too close together.

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Councilor Finocchiaro suggested a separate meeting to discuss the DPW building, funds, as well as other properties being discussed. This is going to take a lot more discussion.

Mayor Perry said he could have Weston and Sampson give a presentation on what they have done so far. We do not know the price, thirty or forty million dollars. He fully anticipates bonding. He would like it to be like what Andover has, with an indoor garage, which helps equipment last longer.

Chair Zeigler said she noted the request for the record. Council could have a dedicated time to talk about this.

Councilor Faretra noted there was a meeting last week on unaccepted ways. They received some positive feedback. Councilor Saba mentioned the sound system at Nicolson stadium. He suggested someone speak with MAIC to see if it could be repaired or needs replacement. There is also a need for lighting there. We need to be creative in how to do that. We also need to start making small improvements for our community.

Councilor DiZoglio spoke of the sidewalk projects and asked if we are using the same infrastructure.

Mayor Perry said it is going to be cement.

Felix Garcia explained the intent is to have the same look. The city is going with the concrete. They will have to work together with the state. The last case scenario is hottop.

Councilor DiZoglio commented the state is not on the same page as the city.

Public Participation

Mike Welch thanked the Council, Councilor Saffie, and Steve Gagnon for answering some of his questions. He spoke of the homes, history, and the different years they were built on Nelson Avenue, the Nelson Ave extension. Usually the town repairs by filling the potholes. They would like to see the cracks in the roadway sealed. Most of the residents do not want it repaved because of drivers going too fast. He would like the town to investigate maintenance and preservation of the roadway.

Chair Zeigler said Mr. Welch's request will be sent to DPW.

Brian Coppola, 400 Merrimack Street, explained he is legally blind and hard of hearing and cannot drive. Mr. Coppola relies on public transportation and Ubers. He explained, in detail, an incident that took place at Market Basket on July 18th, 2023. He called an Uber driver but was unable to see the car. He called the driver to explain but was told "no English", "speak Spanish". He called another driver and the same thing happened again. Market Basket called 911 to interpret what Mr. Coppola was trying to say. He passed his phone around to Council to show the exact Uber trips. The drivers speak different languages. It is a safety issue. Someone needs to ask for an interpreter for these ride shares or put interpreting apps on their cellphone. It is more cost effective than litigation. English has become a second language. He noted a foreign language should not be a requirement to graduate from high school.

Nancy Reardon, Mystic Street, spoke of the garden beds that were installed and neighborhood involvement. Each year since the garden beds were installed, they have deteriorated. She thanked Meghan-Key program for their help and Marc Jordan for digging up the old ones and putting the new steel garden beds together. She thanked Councilor Finocchiaro and Councilor Saffie who helped in the past. She really appreciates it and help to replace playground equipment.

Ron Kilgore, 2 Mystic Street, spoke in opposition to the city's new trash contract. JRM took everything residents had out there. E.L. Harvey handled recycling. They only take what fits in their barrels. There is a TV outside. He asked what happened with JRM. He asked how many calls the city receives per week about E.L. Harvey. It sounds to him like JRM got fired for no good reason. None of the citizens knew the new system was coming. The contract was tabled, and a week later Council approved it. When the bins were being delivered, he asked but not one person spoke a word of English. He asked why the city is paying transfer fees if we have a transfer station. He said the city and Council made a mistake. Any measures like this should be a unanimous vote not a 6 to 3 vote.

Mayor's Report

Request of Councilor Faretra for Information Battye Property History of the property-uses, transfers of ownership, etc.

Lot of land (map with surrounding areas)

Current and previous stakeholders in property (individuals and businesses)

Contamination study along with all mediation efforts to date

All municipal funded work with dates and financial price tags related to this piece of property

Mayor Perry said there is a study, Phase I, that answers all questions. There is a second phase looking deeper into contamination.

Councilor Faretra said he would like more information on ownership, etc. Something is missing.

Mayor Perry said the city is not committed to going to the site. They were given several sites to make a better-informed decision. The city is legally bound to clean up the property. The state has claims to the property. The city has claims on the site as well as a private citizen has claims.

Requests of Councilors – Mayor Perry stated he is working on Councilor Simard's request.

Request of Councilor Simard ref: Days Inn - Could the department heads add their responses to these questions on this agenda item?

1. How many students from the Days Inn will be enrolled in Methuen schools come September 2023?
2. How many students from the Days Inn will be transported to schools in the Commonwealth, including Methuen, come September 2023?
3. What is the total cost of transportation for the students being transported to these schools, come September 2023?
4. What is the total cost, before reimbursement from the state, to the taxpayers of Methuen for students from the Days Inn, from September 2022 to June 2023 and what is the projected cost for the next school year? Could you provide the cost breakdown?
5. How many homeless families are there at the Days Inn?
6. How many public safety calls for service has there been since September 2022?

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Mayor Perry reported on the reduction of trash tonnage and savings in tipping fees as well as the increase in recycling percentages. He will give the Council Clerk the statistics quoted for distribution to Council. There is an ongoing education campaign. Mid to end of October, phase III, Harvey will tag carts with a warning for the first time. They are trying make sure everyone understands, trending towards positivity.

Councilor Beauregard stated there were no backroom deals going on. It has turned out to be something in the best interest for the city.

Councilor Simard said the city is progressing where we should be. Relatives and friends cannot bring trash to Methuen. No backroom deals.

Mayor Perry explained he did not change vendors because of anger. The price for every hauler is going up. The city gets to end the year with a \$565,000 saving that is going to grow.

Councilor DiZoglio said he brought up sidewalks because some of the sidewalks the state is going to use asphalt and then back to concrete. That is on Pleasant View and Pleasant Valley Street.

Mayor Perry indicated there is a meeting coming up with DOT. They have not completed the bridge. There is no signage on the bridge.

Councilor DiZoglio said residents crossing the street near Heavenly Donuts have nowhere to go. There is a bobcat parked in the middle of the sidewalk.

Mayor Perry said he has the public safety information and is waiting for the schools. Day's Inn is stuffed to the gills. The only money coming in is through the schools. We have a homeless crisis in Methuen. It is not easy to find places for people to go. The state cancelled the first meeting. The second meeting was generalities and having a mental health task force. Methuen needs more assistance from the state.

Councilor Simard commented there is no end to this. People should not be living like they are. Day's Inn continues to get worse.

Councilor Faretra noted something came up earlier in the presentation with AARPA. He would like to see a breakdown of the numbers with the trash and bulk items.

Councilor Saba suggested that the state look at the sidewalks where the Loop is. It is very dangerous. He asked for a timeline for the environmental study.

Felix Garcia said he did not have it but could get it tomorrow.

Councilor Saba said he has a call into Director Wilson regarding the Searles Estate.

Mayor Perry said perhaps they could have an Executive Session to bring the Council up to date.

Councilor Saba said the city must do something to save that property.

Councilor McCarty asked if the Mayor had an update on the letter.

Mayor Perry said he has not received anything.

Councilor Saba asked for the status of the Charles Street wall.

Mayor Perry indicated it went back out to bid.

General Requests - None

Public Service

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- a. Grants: None
- b. Licenses: EL Khoury's Transport, LLC, 50 Milk Street, Methuen, MA 01844
(Vehicle for Hire) New

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

UPON VOTE: UNANIMOUS

- c. Contracts:

Personal Service Contract Extension for Police Chief Scott McNamara

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

Councilor McCarty said he is in favor of the memorandum. The Chief has been everything this community needed. He is happy he is staying on.

Councilor Saba said he agrees with his fellow Councilors and noted there is no increase for this year.

Councilor Simard noted the most important bonus is morale. He thanked the Chief for restoring morale.

Councilor Beauregard agreed that the Chief is one of the best he has ever met. Councilor Beauregard commented before anyone tries to make any comparison before this Mayor and Council took office the previous Chief made more. This contract is fair.

Councilor DiZoglio said the Chief has done a great job and he is glad he is staying. What we have seen in this administration is, he is make Methuen better that what we have seen before.

Councilor Faretra said the public sees what the Chief has done. What they have not seen is his availability to answer emails to citizen issues. He respects the Chief for that as well.

UPON VOTE: UNANIMOUS

Chief McNamara thanked all the Councilors and the Mayor for their support. It has been a wonderful experience. He is grateful for the contract for him and his family.

C-24-2 Stryker Sales Corp., P.O. Box 93308, Chicago, IL 60673-3308 for MTS Power loads, Stretchers Ambulance Costs in the Amount of \$55,296.29 Requested by Mayor Perry, CAFO Duprey, and Chief Sheehy

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

UPON VOTE: UNANIMOUS

C-24-3 Woodard and Curran, 40 Shattuck Rd., Suite 110, Andover, MA 01810 for Engineering Services Proposal FY'24 Environmental Monitoring of Huntington Ave. Landfill in the Amount of \$52,000.00 Requested by Mayor Perry, CAFO Duprey, and DPW Director Bower

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

Councilor Finocchiaro requested a summary and goals.

Deputy Garcia said this is to monitor the landfill and how trash settles over time. There might be divots which could be a hazard to anyone who might go on top. They need to make sure no trees penetrate the cap releasing gas or liquids. They city must make sure we contain trash and purpose is to have these people help us do this.

Councilor Faretra noted meetings with Mass DEP are not included in the proposal. He asked if there is a rough estimate and cost associated.

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Deputy Director Garcia said an unforeseen condition that might come up. He has seen cases where things go fine and other cases that do not.

UPON VOTE: UNANIMOUS

Councilor Saffie left the room

C-24-4 BETA Group Inc., 71 Washington Hwy, Lincoln, RI 02865 for Engineering Services Proposal Pavement Management Services in the Amount of \$62,500 Requested by Mayor Perry, CAFO Duprey, and DPW Director Bower

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

Councilor Faretra indicated you cannot get a straight answer when it comes to what the city has and what Mass DOT has.

Deputy Director Garcia said he went to Essex talking about unaccepted and accepted ways they rely on the city to provide them with the information we have here.

Councilor Faretra asked how Mass DOT gets the information. "Do they get information from the city saying a certain road was accepted?"

Deputy Garcia said the city would have to conform and work with them.

Mayor Perry said the 2019 map includes what is for the city. This is to update that. We want to know which ones are accepted. There is 1.2 mill dollars this year. The city paved Oakland Avenue last year for one million dollars. If the road is unsafe for emergency vehicles, the city must pave it. He will share the map with the Council.

Chair Zeigler commented they want to ensure we get good information from this study.

Deputy Garcia said the process would begin as soon as possible. They could better extend the life of asphalt that will bring back the street and ways to economically extend taxpayers' dollars.

Chair Zeigler said the city is going to areas where there are hybrid options. She asked how long the study would take.

Deputy Garcia indicated it would take three to four months. The study could be done if there is no snow. The city will get a report, spreadsheet, and map. The map is a good visual. The excel sheet will be good for him to see how much it is going to cost and to strategize how we are going to make repairs. He is happy to see work is being performed.

UPON VOTE: 8 yes, 1 abstention (Clr. Saffie was not present for the vote)

Councilor Saffie returned to the meeting.

C-24-5 Guardian Claims Services, Inc., 68 Evergreen Street, Kingston, MA 02364 for TPA Services for It is Self-Funded Workers Comp Program for Police and Fire Injury on Duty Claim in the Amount of \$28,300.00 Requested by Mayor Perry and CAFO Duprey

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

UPON VOTE: UNANIMOUS.

C-24-6 Comcast Cable Communications Management LLC, P.O. Box 37601, Philadelphia, PA 019101-0601 for Data Services and Broadband Upgrade in the Amount of \$67,999.00 (5-year contract paid monthly \$1,130.00) 1st year has a \$199.000 installation charge (Replaces Crown Castle Fiber who cancelled contract # C-23-25) Requested by Mayor Perry, CAFO Duprey, and CIO Santiago

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

Councilor Finocchiaro asked if there is a reason the previous contract was cancelled and asked if there is anything else the Council should know on that contract Council approved for Internet services.

Attorney Rossetti said there is no issue with legality.

CAFO Duprey explained once C-23-25 was approved, the vendor was not able to provide services to the city and were not able to support what they promised. Comcast was able to support.

Councilor Finocchiaro said the communications line was lower than the full amount. She asked if there is another plan for future years.

CAFO Duprey said the annual monthly fee is taken out of communications. \$13,759 is for the year. A one-time charge of \$200 is in professional services budget.

UPON VOTE: UNANIMOUS

C-24-7 At New Hampshire, LLC, 1400 S. Willow Street, Manchester, NH 03103 for DPW Packer Truck in the Amount of \$326,500.00 Brierly Lombard and Company, Inc., 1017 Southbridge Street, Worcester, MA 01610 Requested by Mayor Perry, CAFO Duprey, and DPW Director Bower

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

Councilor Faretra asked when delivery would be if this was approved tonight.

CAFO Duprey responded, one week.

Councilor Faretra suggested the city do Christmas tree pickup during recycling week.

Councilor Saba asked if this would result in extending leaf pickup.

Mayor Perry responded, yes, leaf and lawn.

UPON VOTE: UNANIMOUS

C-24-8 Brierly Lombard and Company, Inc., 1017 Southbridge Street, Worcester, MA 01610 for Repair of a Vertical Turbine Backwash Pump in the Amount of \$41,861.80 Requested by Mayor Perry, CAFO Duprey, and DPW Director Bower

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

UPON VOTE: UNANIMOUS

C-24-9 Valerio, Dominello & Hillman, LLC One University Avenue, Suite 300B, Westwood, MA 02090 Amount not to exceed \$5,000.00.

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

Councilor McCarty asked what the legal issue is for \$5,000.

Solicitor Rossetti deferred to Councilor Saba who requested these services.

Councilor McCarty asked if this is in anticipation of something that may arise.

Solicitor Rossetti said this is a do not exceed figure. It is good fiscal management practice.

Councilor McCarty said on an "on call" basis, meeting for consultation on a matter.

Solicitor Rossetti reiterated this is a do not exceed figure. Dollars are set aside for rendering services to the body.

Councilor McCarty said he is trying to be accountable to any viewers watching.

Councilor DiZoglio asked if this would come out of the Council budget.

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Solicitor Rossetti indicated it would come out of the legal department.

Mayor Perry said the Assistant Solicitor will retire before September 1st. We are going to be down to one Solicitor. This would be to refer specialized topics.

Councilor DiZoglio commented this should not have to come before Council for \$5,000. Allocate the money and not have to come back to Council.

Chair Zeigler said the Solicitor is an employee of the Council. Additional expenses must come before Council.

Councilor Saba explained the Council has had this law firm since the mess going on with the police department. They deflected and helped us get through issues. This does not replace the Assistant Solicitor. This law firm helped at times when Council did not agree with the Mayor or Solicitor. This is to make sure the Solicitor is giving a fair explanation of what is going on. Council felt they needed some outside help. If we do not call them, we are not spending this money. If Council feels the need for another opinion, that is what they are there for if Council needs guidance. It protects the city. It protects the Council.

CAFO Duprey explained this is only spend "as needed".

Councilor Beauregard agreed with what Councilor Saba said. They were able to get on the phone. In the next few months there will be five new members of this body. This empowers the next Council to be able to pick up the phone.

Councilor Finocchiaro said she hopes people running for Council are watching this meeting. She struggled with it when it first came up. She wanted Council to have its own counsel when council did not have the same opinion as the Mayor or Solicitor. Council needed choices 2018/2019 they experienced responsiveness. It is important to have a third-party perspective. They city may end up with additional lawsuits. It is helpful for Council to do something similar. Bylaws of the past has weakened the Council. Other communities have had lawsuits against their Mayor.

Councilor DiZoglio said he wants future Councils to know there is Darren Klein that we use. If we are going to use it, it would probably be more.

UPON VOTE: 8 yes, 1 no (Clr. DiZoglio)

Other Officers and Committee Reports: None

Unfinished Business

Resolutions:

TR-23-39 Resolution Authorizing Acceptance of a Fiscal Year 2024 Commonwealth of Massachusetts State 911 Department Training grant of \$194,373.09

Requested by: Mayor, CAFO and Chief of Police

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

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TR-23-40 Resolution Authorizing Acceptance of a Fiscal Year 2024 Commonwealth of Massachusetts State 911 Department Support and Incentive Grant of \$180,964

Requested by: Mayor, CAFO and Chief of Police

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

TR-23-42 A Resolution to Expand Access to All Public Meetings Request of Chair Zeigler and Councilor Beauregard (tabled 7/10/23)

MOTION BY: Councilor McCarty, seconded by Councilor Faretra to remove from the table. UPON VOTE: UNANIMOUS

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

Councilor Zeigler said the reason for this is to provide more access. We do have boards and commissions that are not recorded. Some of them we do not see meeting minutes for them on the website. That is a dis-service to the community. By having this in place there is going to be a record that at any point someone can draw down and get a full understanding of what happened during the meeting. During our first discussion, there was a lot of conversation on “how do we make this stronger?” She heard Councilors, then went back and made some amendments. Track changes are before Council, full transparency as to what was presented the first time and what is presented now. We can have thoughtful discussions as to how to put the best legislation forward to protect our residents and to give them more access into our governing process. She hopes to get the support necessary to pass this because this is moving in the right direction.

Councilor Beauregard commented that Public Safety Committee set up a phone to record.

Councilor McCarty said this is beneficial to have a full recording of what goes on at a meeting. Councilors can retrieve recording and pass it on as an objective piece of information.

Councilor Finocchiaro motioned to delete section 6-3 and move everything up because 6-3 is blank and to change Section 6-4 to 6.3 and the same thing for 6-5. Seconded by Councilor Simard.

UPON VOTE: UNANIMOUS

Councilor Finocchiaro on 6-5 which will be 6-4 says “the recording shall not be edited in any way that could change the context or substance of the discussions and the decisions made during the board meeting.” Her concern with that is she does not believe that these meetings should be edited. If something unusual happens. For example, something wildly inappropriate happens or an expletive is said and that is something that the city believes they want to take out for that specific purpose then she is open to that. But she believes we should have some rules on that because she could see the sentence being abused and that people sort of editing things in a way that made something look more or less favorable or suited their needs, particularly given that a lot of these meetings are going to be recorded by the individual boards, and also that we don’t know – that is not something she thinks any of her colleagues would do but this is a law that would be for the future of Methuen. One suggestion for how we resolve that is to take out the second half of that sentence, ending it at the word “the recording shall not be edited or altered in any way, and adding *except for by vote of the City Council*”. For example, if the board

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because she doesn't believe if the board takes a vote and the City Council is the one who is setting these rules and saying that we want this to be done, that's a way that we could have a public discussion of "okay, if there is an incident, we're removing it and then it stays very transparent instead of a back door kind of conversation that happens offline and not for public consumption. She could not think of any other way to resolve that and is also okay with saying "recordings shall not be edited or altered in any way." And then dealing with issues as they arise with special vote. She understands there could be unusual circumstances.

MOTION BY: Councilor Finocchiaro to cross out what is now 6-4 (was 6-5) the second half after altered in any way and replace that could change the context or subject of discussions and decisions made during the board meeting with except for by vote of the City Council, seconded by Councilor Simard.

Solicitor Rossetti said if he were asked his preference from a legal perspective only the two alternatives that were offered by the Councilor, the preferable option would be to just put a period after "way". And that is because he does not see how the Council would have authority to direct the recording of another public body. He thinks the more viable option would be to say: "the recording shall not be edited or altered in any way". He does not see an issue with that. He reiterated from a legal perspective, with those two considerations on the table, the preferable option (from a legal perspective) is to place the period after "way".

Chair Zeigler said Councilor Finocchiaro's time expired but would allow two minutes to finish.

Councilor Finocchiaro, in response to the Chair, said she had other amendments after this and was just going to answer the Solicitor that she is fine with that but would need Councilor Simard to be fine with that. Councilor Simard agreed.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to delete "*that could change the context or subject of the discussions and decisions made during the board meeting*" and end with "*in any way*". UPON VOTE: UNANIMOUS.

Councilor Finocchiaro she had some other changes. She asked when this item was removed from the table, did Council use the language "as amended".

Chair Zeigler responded yes. It is written on the legislation "as amended". Councilor Finocchiaro said the process was Councilors have to say it "as amended" and otherwise it is invalid. She also wanted to know exactly what the amendments were because it only looks like formatting was amended. She also had some changes with regards to the wording of "portable devices" "the cloud" and some other things. She wants to make sure that the boards can comply with the language because it says that it is immediately taking effect upon its adoption.

Chair Zeigler said the track changes were provided with the language. She said she did give Councilor Finocchiaro additional two minutes. She has had seven minutes. She asked if Councilor Finocchiaro had a motion to make.

Councilor Finocchiaro noted for the next Council "there is no limit as to how much a Councilor speaks". Its typically been in the past two, five-minute opportunities if they so choose. Anything less than that is up to the Chair's discretion or the body.

MOTION BY: Councilor Finocchiaro, to remove the language with regards to "the cloud" unless we are going to provide a way that each of the boards can easily do that within a short time, which is immediately. No second. Motion failed

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Chair Zeigler – Point of Clarification – the way the Council has operated over the last several years is that Councilors are given five minutes to discuss. At that five minutes it is at the Chair’s discretion whether to extend an additional few minutes or if they are going to do an additional round. That was done. That is the policy that we have.

Chair Zeigler called for the vote.

Councilor Finocchiaro said she would like to add one section on “accessibility”

Chair Zeigler said discussion ended and Council is in the process of a vote.

UPON VOTE: UNANIMOUS

Ordinances: None

New Business

Resolutions:

TR-23-43 A Resolution Encouraging Rideshare Companies, Vehicle for Hire Firms, and Other Clients to Avail Themselves of Language Translation Applications on Their Mobile Electronic Devices to Facilitate Communication, Understanding, and Safety (Sponsored by Chair Eunice Zeigler and Councilor Allison Saffie)

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

Councilor Simard thanked Mr. Coppola for being here tonight to clarify and explained by Mr. Coppola.

Councilor Faretra said he sympathizes with the gentleman who spoke. This resolution means nothing. It is “encouraging”. Council cannot tell a private business how to do their job. If Council wanted to make a resolution or an ordinance in order for a company to do business with the city, he would be on board 100% but for the city to go in and tell a private business what they need to provide is overstepping the bounds of this body. This holds no water. It is just an encouragement. It is just prolonging of this meeting to pat ourselves on the back and say we are doing another good thing that does nothing in the long run.

Chair Zeigler said yes, this is encouraging because that is the jurisdiction of this Council. The next step would be to send a letter to the state delegation and encourage them to make it law so that it is a requirement that there be some sort of translation device. This is a safety concern. Council heard from the gentleman earlier today that if they are in a situation where there is a communication barrier and you have a disability or some other barrier, that can pose harm. This could have been a more dire situation. This is a way for us to respond and say that this is something that is important to us to ensure that there are ways or methods for our constituents to communicate with rideshare, taxi, what have you and then to encourage our state delegation to join us in actually forwarding it. This is the reason why it is here. It is not to pat anyone on the back. She wants to make sure the intention of this is clear.

Councilor DiZoglio said he is sympathetic to what the resident went through. This is a good point. He asked if the Chair or Councilor Saffie reached out to Uber or Lift to bring them into a conversation. The City of Boston had a conversation with them about some other topics and they were welcome to the table. He agrees with this and will vote yes. He thinks a letter and/or an ordinance to the city should state if we are going to do business with this rideshare or legislation to our delegation. He does not see this going out to the delegation. He does not see a

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letter where Council is going to sign that all Councilors are together on all of this. If that comes from this, great, but he feels we are missing a key component here on their ability to make some enforcements here. This is just encouraging. He wished Council could do more with it right now.

Councilor Saffie thanked Chair Zeigler for bringing this forward. She did not realize unless tonight how impactful this could be. She can understand Councilor's concern, but if we are not willing to take a step forward, even if it is an encouraging one, we are just standing still. We need to do something. She agrees we need to do more. This is the right step first and then take it from there.

Councilor Saba said he understands why this is before Council tonight. He spoke with this resident a couple of weeks ago. His recommendation to him was to reach out to Uber and Lift. Part of the example, the cause of that was on Market Basket's side too. They could have sent someone out to communicate with the driver. Council does not approve Uber and Lift in the city. They are not like a cab company as Council approved earlier, "Does Council have any authority over these rideshare companies or the people that drive for them?"

Solicitor Rossetti said they are getting into State and Federal regulation. You are talking about movement in interstate commerce. He is not going to say a blanket "no" at this point. It is something he would need to investigate. But to the extent there is any authority it may be limited or pre-empted by laws under other levels of government.

Councilor Saba said his concern is he does not want to be telling private businesses how to run their business. The market should dictate that so if Uber decides to give translators to drivers and Lift does not, then Uber is going to do better. He does not want to be telling businesses how to do business. It is not our business and he is also concerned that if the way that the industry works, where anyone can be an Uber or Lift driver. Drivers come and go so to expect a rideshare company to provide these devices, then people will be paying more for these rideshare companies than they are for cabs. He does not want to see legislation forcing a business how to do business. They know their business. Obviously, Lift or Uber would love to have a better communication. He also thinks this borders on being racist because we are telling Uber drivers that do not speak English that they need to have translators. He is concerned with all of that. He understands for the residents and any other residents going through this, but he does not think this is the jurisdiction of the City Council.

Chair Zeigler said she must respond to that. That he would say this is racist, to say that when we are trying to create equitable communication process. This is not saying that someone must buy some special device. This is saying an app on a phone that are free. That will not cost rideshare companies anything. Your argument about it costing so much money is invalid. It does not hold water. This is about encouraging more methods of communication. If you are entrusting someone with your life by getting into their vehicle, you want to make sure you can communicate with them in a way that you both can understand. If someone goes into a rideshare, Uber or Lift, and they are having a medical emergency, they need to be able to communicate with their driver they are having a medical emergency. Or if they need to go assist a family member somewhere and they are on route to a different location, they need to be able to communicate. That is all this is.

Councilor Saba said he does believe it is racist. His opinion is his opinion.

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Chair Zeigler explained she put legislation forward because she is trying to make sure there is equitable communication.

Councilor Saba said Council does not have any authority over these companies. That is all he is trying to say.

Councilor Beauregard said he agrees with Councilor Saba. It is not the place of government to be dictating the operations of businesses. On the flip side of this, a constituent has raised the issue and as it relates to the resolution itself. It is no more than an expression of sentiment. It is raising awareness of this issue in a broader sense. He does not think it necessarily crosses the line into saying to Uber and Lift “you need to abide by these rules”. Council does not have that authority. In terms of sending a message, he could see the point there.

Councilor DiZoglio said this situation could be flipped. It could be a Spanish citizen coming into the car and the person is English speaking only. He gets the understanding of it and is not against this. He feels like Council could do more, get your point, one step forward. He would like to see this in a drafted letter form sent to our state delegation. He would like to see what they can do for us. If this is a situation for this citizen, there is probably many more out there that do not know the avenues to go to provide that communication. This is a topic that sees a higher delegation to probably investigate this for us.

Councilor Faretra questioned “where do we stop?” The Chair mentioned you are putting your life on the line when you get in a car. If you have an allergy and you go to a restaurant and somebody who cannot read labels is working in the kitchen and someone is allergic to nuts. “Where do we stop?” As a government to make sure these devices are in where? Restaurants/hospitals/hotel?? There is a line somewhere. What Councilor Saba said is true if a business thought it would be worthwhile to make sure all their drivers had this capability; it would be done. He agrees with Councilor Saba on he saw of the speaker. He is the one that brought that up saying he wanted a driver who spoke English. That is all the Councilor was saying. It could be the other way around, but it is not Council’s role to say this. It is not our role to go into any business and tell them how they need to provide that service, whether it is a rideshare, a grocery store, a restaurant or a hospital or how many different ways they need to have translating devices, etc. It is not Council’s role.

Councilor Simard said what Mr. Coppola spoke about is: he called Uber; they did not have one he will not call there again. Lift did not either. He was stranded. A blind/disabled gentleman was stranded with no solution but to take a taxi which he eventually did. It is symbolic. He had a brief conversation with Mr. Coppola. He contacted Councilor Zeigler because he lives in the east end and she is the east end Councilor. She brought this forward and he gives her credit. Council can pass it. If it does help down the road then he is all for it. He is a “yes” vote.

Councilor Finocchiaro said the actual concern that the resident had would not necessarily be resolved by the language of this resolution because it says that basically they would avail themselves of language translation application on their hands-free mobile electronic devices. Even if someone who spoke another language not English had an app that had a translation service, which by the way man of these apps already do have translation services built into them but the idea behind it is even if that person doesn’t speak English and tried to use a translation

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service it would not have been as helpful to Mr. Coppola because of the fact that he would not be able to read the response. The other person could not speak the English for him to hear. That would be her concern. She understands that folks are not in agreement with whether to do the resolution. But she would like to make an amendment if it passes that more closely reflects the concerns of the resident put forward.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to add after the sentence clients and thus increase safety for all concerned add the language “as well as solutions that may be helpful to differently abled residents” UPON VOTE: UNANIMOUS.

Councilor Finocchiaro agrees with what has been said with regards to private companies and does feel that the city does not have a specific right to make a company do these things. But, when she looks at the language of this, the language says a resolution “encouraging” and there are no repercussions for the company if they do not do it. This is a formal ask. “Did it necessarily need to be a resolution?” If we could have done things differently there would not have been such consternation amongst everyone. From what she is hearing, despite some of the intensity here, she is hearing that Councilors agree with his concern and that put him in harm’s way. That was difficult for him and unacceptable. A solution needs to be found. There is no easy solution to resolve this issue and certainly not one that necessarily tramples on the rights of the individual company. But, because of the language saying encouraging, whether this has the intended effect, it is worth trying and for that reason she will vote “yes” because we are saying we’re “encouraging”. There are probably other solutions to this that we could potentially think of. She asked her colleagues to put their heads together and if anybody else thinks of something outside the box or hears of any other solutions that other communities might be doing that we let each other know and maybe do some follow-up work on this.

UPON ROLL CALL VOTE: 7 yes, 2 no (Clr. Faretra, Clr. Saba)

TR-23-44 A Resolution for Expanding Digital Access to City Council Meetings via Online Media Platforms (Sponsored by Chair Eunice Zeigler)

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

Chair Zeigler passed the gavel to the Vice-Chair and explained she put this resolution forward with the realization that in a few months this is going to be a completely different Council. Throughout our tenure as Councilors one of the things she has constantly heard from residents is access to meetings. Whether folks cannot access the online stream, or they do not have cable. They cannot watch it on TV. This is just expanding it so they can also watch on YouTube. Down the line we know that technology is continuing to advance there may be other media platforms by which we can expand access to. This would be a way for more people to be engaged in the conversation that we have. For example, the trash contract, there was a trash committee for a full year that talked about all the options for trash, invited members of the public to be part of the discussion. That committee was open. It was recorded, and livestreamed. People could engage in it. However, many members of the community did not realize that the committee was taking place because there were no other opportunities for them to engage in other platforms. Her goal for this is to think outside the box as to how we can meet community

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members where they are and ensure that they are able to access our conversation where ever they are and that they can truly engage so that they are not at a shock when Council votes on a contract that is going to completely change their way of living. That is the impetus of putting this forward, just to ensure that there is more access. Vice-Chair passed the gavel back to the Chair.

Councilor Faretra said he does not know if anyone has watched a School Committee meeting on YouTube. It is an absolute train wreck. By putting it on YouTube thinking that suddenly people are going to pay attention. That is not the problem. You could put out all the information in the world and then you have gentleman show up fifteen months later wondering why Council voted on a contract. The city could broadcast the meetings live on the billboards on 495. People still are not watching. We could stream live through the website. You could go through Community Studios if you do not have cable. There are ways to do it now and people are not watching. Adding another channel is not going to enhance the viewership. He doesn't know if once again, we had a conversation about this earlier, where we talked about bringing Luis into the conversation, if there is a way to link MCS with our city's website and make sure the meetings can be linked through there which might be a more viable option so people get the one-stop shopping on the Methuen website instead of going through another avenue. Once you start saying, hey, you can go to MCS, you can go to YouTube TV, you can go connecting MCS to the website makes it easier. Adding another channel does not solve the issue of people not paying attention.

Councilor DiZoglio noted he gets the premise of adding online media platforms. There is Facebook live and other things. He recognizes Councilor Faretra's points on getting people involved but at this point and stage, you are looking at the transparency of trying to draw in opportunities. When we hear things like Verizon is not working but Comcast has no sound. We hear these things all the time and if we could have other avenues. He gets that people do not have cable or do not have public access. He agrees we need to utilize our website more, our social media accounts. He gets it. We need Methuen Community TV at the conversation. He is not sure what their status is with these type of YouTube channels, if they do this currently. "Has there been an open dialogue already?" "Could we tag this along with some of the audio equipment we are looking at doing throughout the Fall?"

Chair Zeigler said she met with the CIO and MCS on the possibility of doing this. They are on board with making this happen. Other communities are already doing this. They already have ways for their community to engage in their public meetings. The city does have a YouTube channel. The school department uses YouTube as well for various things. For this, we would have a dedicated City Council YouTube if this passes. Meetings could go on that as well. This would not replace what we currently have. This is just an expansion.

Councilor Saba asked if MCS will be handling this. "Or will we have people facetimeing and cameras everywhere?"

Chair Zeigler responded, yes, MCS would be handling this.

Councilor Saba said when Verizon or Comcast is out people can go to the website and MC TV and watch the meeting being broadcast live. He asked how many sources we have out there. We are not able to broadcast live on Facebook through TV. Sometimes these meetings turn out to be circuses sometimes. "How many sources of information do we have to get out

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there because a resident can use their phone and go right to MC TV and watch the meetings. If this is basically a recommendation to MC TV, he had asked them a couple of years ago if they could simply broadcast these meetings on their Facebook page at the same time live and for some reason they weren't able to do it. He is not sure if they can do it now but if they can, that is what they should be doing. While the meeting is on, they should be broadcasting live right on Facebook through MC TV. There is no end to what we can do, coming up with ideas in the name of transparency. There is a point where we must get down to business and deal with the issues of the city.

Councilor Saffie said the intent is not necessarily to force people to watch. She wishes that were the case. We could not get people to watch if we paid them. She does not pay for cable. She only pays for Wi-Fi. She can't watch it on Verizon and has to stream live from the website on her laptop or phone and hopefully her technology is working correctly, and her Wi-Fi connection is well and throw it to the TV. And that almost always goes wrong. It is very slow. Councilor Zeigler has a good point here. If she could use an app from her phone things run smoother. If she uses an app to watch a Facebook live video and throw it to the TV, no issues. The same thing with YouTube. This has very good intension and it broadens the opportunity. A lot of people are going to end up getting rid of Cable in the coming years. Cable is extremely expensive and if you are living on a budget it is hard. She is not going to keep Cable to watch City Council meetings. They should be free to watch anyway. Let us make it a little easier. We do not need to have every app available but let us try one, start with Facebook live or YouTube for something. Then if that works, great, maybe expand. If not, scrap it and start something else. This is a very good intention. She is supportive of this.

Councilor McCarty said he likes the idea of this. His only concern is he is not familiar with YouTube TV. But when we open the door to other streaming or Facebook or a live broadcast going and if there is a chat associated with that stream, that is where his concern lies. It is mostly because we have seen that kind of thing go haywire. There was a Facebook live stream of the meetings and then you would have the Methuen Sound Off people who might not necessarily be tied to Methuen, but they hop in the chat because someone told them to go there and they start spamming and saying things that are really nasty. Then it backfires on Council because Council implemented it or encouraged it and now it is turned into something that Council did not intend for it to turn into. The chat function is a concern that he has. He asked if there is any way to address the chat function.

Chair Zeigler said she and MCS discussed this. They would be disabling chat for this because there is no way for us to engage with the public on the feed, in real time. If someone from the community has a question, there will be a disclaimer and link for them to send in their public participation or to reach out to Council directly. Those modes of communication are still live, but it gets too out of hand if Council is not able to respond or miss a comment. To avoid any of that, that is the recommendation from MCS.

Councilor McCarty asked if there is any issue suppressing speech at a public forum, as far as disabling a chat function.

Solicitor Rossetti stated there is no inherit right to public participation at a meeting. He does not see an issue disabling the chat function.

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Councilor McCarty said it sounds like the Chair has set up an alternate route for communications so it is not necessarily a full suppression, but that message still can be conveyed to where it needs to go. Chair Zeigler said they have a contact form that we could put a link in the description. It would go to the Council Clerk and then Council.

Councilor Finocchiaro said when we are having continuity of government, it makes sense to take out name brands wherever possible because that is something that will change.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to remove where it says “YouTube” throughout the resolution. UPON ROLL CALL VOTE: 5 no (Clr. Beauregard, Clr. DiZoglio, Clr. Faretra, Clr. McCarty, Chair Zeigler), 4 yes.

Councilor Finocchiaro referred to Section 3, part one, it says “the Methuen City Council shall maintain an archive of all Council livestreams on its official website and other publicly accessible platforms for a period of no less than one-year and ensuring citizens can access and review past meetings”. Currently, we are keeping them indefinitely. She does not want the city to go backward.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Saba to remove language “for a period of no less than one-year”. Because then it does not say a deadline of the archive which keeps it current with what our current law is.

Councilor Simard agrees with the amendment with “no time to delete it and no time to save it” so it goes in our favor.

Chair Zeigler said either way it does not matter to her. The reason the language was put in there was a recommendation by MCS because with YouTube after a certain point there is issue with storage of videos on the channel. This was just relevant to YouTube.

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

Councilor Finocchiaro referred to Section 3, part three, where it says “Methuen City Council meetings will continue to be available on the main archive shall be managed by Methuen Community Studios, additional tools will be utilized as a secondary archival platform”

MOTION BY: Councilor Finocchiaro, seconded by Councilor Simard to change the word “main” archive to “primary” archive so that it is abundantly clear because she doesn’t want to see our primary indexes of these meetings moved to any other platform other than the city’s website. That is important for continuity and legal purposes.

Councilor Beauregard indicated he is not going to say “no” to something that expands access to meetings, increases transparency in government. It is all important, but we are getting to this point where how this helps improve the lives of 53,000 people which is why we are ultimately here.

Councilor McCarty noted at this time it is becoming redundant. We are finding one word to replace another. We need to complete the business. Council has a meeting after this.

MOTION BY: Councilor McCarty, seconded by Councilor Faretra to move the question.

UPON ROLL CALL VOTE: 5 yes 4 no (Clr Simard, Clr. DiZoglio, Finocchiaro, Saba)

CHECK VOTE:

UPON ROLL CALL VOTE: (as amended): UNANIMOUS

TR-23-45 Resolution Authorizing Acceptance of a \$1,600 Walmart Community Grant to support the Methuen Police Department in Aiding the Community *Requested by Mayor Perry, CAFO Duprey and Chief McNamara*

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

TR-23-46 Order Authorizing a Borrowing to Pay Costs for the Fiscal Year 2024 Capital Improvement Plan of \$14,566,144 *Requested by Mayor Perry and CAFO Duprey*

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

Councilor Saba indicated he spoke with Superintendent Angelo about the sound system at the stadium. That was a \$50,000 donation, state of the art sound system. They found it needed someone who knew how to use it. He gave Mr. Angelo the phone number of the company where they bought it from. He was going to reach out to them. Councilor Saba said he has not heard anything yet but that is one little thing in this project. He just wants to avoid spending unnecessary money. Maybe it does need to be replaced but he would like to hear back on that.

Councilor Finocchiaro said it is important each year that Council has been voting on this Capital Improvement Fund, that we utilize all our resources to reach out to our residents because this is a really important decision for them particularly for the portion of this, which is about a third or so that would be bonded, meaning that future Councils, Mayors, and taxpayers are paying for many years into the future. Her concern is that, for the past few years, she has been uncomfortable because she does not feel like there has been enough communication to residents about these votes. If there is something that is relevant, you will see it all over city's Facebook pages, reverse 911, see it in other communications, press releases. There is a lot of things that the city puts out as important information to alert residents. This continues to not be one of those things. She sees the city spending fifteen million dollars in Capital improvement funds as something that deserves as much attention and fan fair as our annual budget process or at the very least additional public hearings and press releases and conversations about and we haven't done that. She has requested it at all the previous meetings, and it has not happened. She wanted to express that hopefully that the next Council feels the same way. There are projects that the residents would like to come ask why something is not on there and projects that they would like to speak for and against. And with it just being on the agenda towards the end. A person who is busy might just look at the top few or might just look at hot button items. She cannot support not giving input.

MOTION BY: Councilor Finocchiaro, seconded by Councilor Faretra to table to a public hearing.

UPON ROLL CALL VOTE: 4 yes (Clr. Saffie, Clr. Faretra, Clr. Finocchiaro, Clr. McCarty) 5 no (Clr. Simard, Clr. Beauregard, Clr. DiZoglio, Clr. Saba, Clr. Zeigler)

UPON ROLL CALL VOTE: UNANIMOUS yes

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TR-23-47 Resolution Authorizing Acceptance of a \$17,600 Fiscal Year 2024 Commonwealth of Massachusetts State 911 Emergency Medical Dispatch (EMD) to support costs associated with emergency medical dispatch Grant *Requested by Mayor Perry, CAFO Duprey and Chief McNamara*

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

Ordinances: None

Any Other Business for the Good and Welfare of the Community

Councilor Simard previously distributed a flyer promoting a worthy cause for a family on Butternut Lane. He asked Councilors to share on Facebook and maybe dedicate some funds to this cause. Jessica was born with RSV and then she was rushed to the hospital with respiratory arrest. The family credits the lifesaving measures of public safety with the fire department and the police department with saving Jessa's life. However, she did suffer some permanent disability as a result. She is confined to a wheelchair. Jessica is a beautiful, adorable, young child, who needs a van to navigate through her daily life. It is expensive. The family reached out to him to help this worthy cause and to spread the word. He agreed to get involved. There is an event on August 27, 2023, at the Elks. He encouraged Council to buy some tickets, donate, and spread the word.

EXECUTIVE SESSION

The Methuen City Council will vote to enter into executive session with the Mayor, the Chief Administrative and Financial Officer, and the City Solicitor under Exemption 3 of the Open Meeting Law (Massachusetts General Laws Chapter 30A, Section 21(a)(3)), to discuss strategy regarding demonstrably likely anticipated litigation (the identification of which is withheld to avoid compromising the purpose of the litigation), where an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares. The City Council will not reconvene in open session.

MOTION BY: Councilor Faretra, seconded by Councilor Simard to enter Executive Session for the purpose listed. UPON ROLL CALL VOTE: UNANIMOUS

The Methuen City Council entered Executive Session at 10:45 p.m. and did not return to open session.

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

Linda Gagnon
COUNCIL CLERK