

January 17th Regular City Council Meeting
Tuesday, January 17, 2023 – 7:00 pm
Great Hall, Searles Building

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

Acceptance of Agenda

MOTION BY: Councilor Saffie, seconded by Councilor Simard to accept the agenda. Councilor Finocchiaro asked about Request of Councilors being moved on the agenda.

Chair Zeigler said it was intentional to move after the Mayor's Report. That is time Councilors have questions and requests for the Mayor.

Councilor Finocchiaro commented if that is the case and she had a request during the meeting she would like to be able to do so under Good and Welfare of the Community.

MOTION BY: Councilor Faretra, seconded by Councilor Beauregard to amend to move TR-23-3 before the Mayor's Report. UPON VOTE: UNANIMOUS.

MOTION BY: Councilor DiZoglio, seconded by Councilor Simard to accept as amended. UPON VOTE: UNANIMOUS.

Organizational Business

Vote to Approve City Council Committee Assignments MOTION BY: Councilor Simard, seconded by Councilor Faretra to approve. UPON VOTE: Unanimous yes

Discussion of Executive Session Protocol (Frequency and Scheduling of Executive Sessions) Chair Zeigler explained the reason for the agenda item is to discuss the frequency and manner in which Council does Executive Sessions, the end of the meeting, the middle or a separate night.

Councilor Simard said when it is a big issue and would take a long time, he would prefer posting a separate meeting. If an executive session isn't going to take long, he prefers the end of the meeting. He noted previous chairs have done a great job.

Councilor DiZoglio said he would prefer not to reconvene the regular meeting after an executive session at the end of the meeting. It is easier to adjourn from executive session unless there is a vote taken during executive session. If an executive session is before a regular meeting, there are time constraints. At the end of a meeting allows Council not to be rushed.

Councilor Saba said executive sessions should be as rare as possible to deal with a sensitive issue as needed. Council would receive updates from the Solicitor twice a year.

Chair Zeigler said Council did discuss having two meetings, perhaps one in April and one in the Fall.

Councilor Finocchiaro noted the Council must give the Solicitor direction and time to prepare for an executive session on an issue that cannot be discussed publicly. She agrees with a lot of what has been said. For quick updates, she would try to get updates herself.

Chair Zeigler said executive sessions would be kept as part of a regular meeting, twice a year for updates or anything that comes up. Council would have to return to regular session to disclose any votes taken during executive session.

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Election of Mayor Pro Tempore (Election of Acting Mayor Under Chapter 3, Section 3-2A, of Methuen’s Ordinances) MOTION BY: Councilor Faretra, seconded by Councilor Saffie to nominate Councilor Beauregard who accepted the nomination. UPON VOTE: UNANIMOUS yes.

Reading and Acceptance of Minutes from Previous Meetings

MOTION BY: Councilor Saffie, seconded by Councilor Simard to waive the reading and accept the minutes of January 3, 2023 – Regular Meeting. UPON VOTE: UNANIMOUS

Consideration of Appointments: None

Presentations/Projects/Department Updates

The Community Foundation Award: January 2023 is awarded to John Vargas.

Mayor Perry announced John Vargas is the first recipient of the Community Foundation Award. Mr. Vargas helps our community, the sports teams, PTO, and many organizations within the community. He helped individuals who were dropped off at Day’s Inn that hadn’t eaten in two days and provided them with pasta and pizza as soon as he found out about their need. The Mayor congratulated John and presented him with the “January 2023 Community Foundation Award” thanking him for everything he does for the community.

Mr. Vargas said the best part of owning a business is giving back to the community. He appreciates everything Methuen does for his business. He gives back because he wants to give. “Help thy neighbor” is the way he was brought up.

MOTION BY: Councilor Simard, seconded by Councilor Beauregard for a two-minute recess. UPON VOTE: UNANIMOUS.

Chair Zeigler called the regular meeting back to order.

Public Participation

Bill Hannefant, 6 West Ayer Street, spoke of ordinance increasing salaries for the Mayor, Council and School Committee. He agrees they are underpaid. The CEO makes half of what some department heads are making. He said four Councilors will finish their term possibly five. This should take effect in 2026 so this Council cannot be accused of being self-serving. \$80,000 to \$90,000 is no big deal. \$120,000 salary may get more talent. We have two and a half years to make sure we can financially do it.

Linda Soucy, 10 Kirk Street, spoke of the benefits of the Shannon Grant, not only for the Arlington Neighborhood but also for the entire community. She is interested to see how the cadet program goes. She congratulated John Vargas noting every time he is called; he is there for the city.

TR-23- 3 Resolution Authorizing Acceptance of a Fiscal Year 2023 Shannon Community Safety Initiative Grant

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

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Mayor's Report

Mayor Perry reported flu numbers are on the rise. Both flue and COVID vaccines are available through the end of March.

This week trash and recycling is delayed by one day. Additional carts will be available January 28th, 2023.

There is a Master Plan meeting schedule January 26, 2023, at Methuen High School at 6:00 p.m.

There was minimal damage on the new side of Branch Street. The older side took the brunt of the damage. The sign will be removed.

Mayor Perry said there are questions about the Searles Estate. He noted all Master Plan changes will come to the City Council and to determine the future of this estate.

Councilor Saba said Council approved Clear Channel for two boards that they were going to give money for the track. He noted that the two billboards are still up on Merrimack Street.

Mayor Perry said he calls into Clear Channel and will report back to Council.

Councilor Saba said it may be too late for the city to do anything. The roof of the depot has ongoing issues. It was purchased as a historic building. It is in severe disrepair and the owner is probably waiting for it to be taken down. He noted nothing is being done in that budget.

Mayor Perry indicated he sent Director Zemel out in September 2022 and Mr. Zemel said the building was not in disrepair. The city will take another look to see what level of disrepair it is in. There are several 2 X 4s replaced.

Councilor Saba said he had Attorney Fossett review. It is theirs to maintain.

Mayor Perry said the city can't spend money without approval of City Council.

Request of Councilors

Councilor Finocchiaro requested an update on the Searles Estate.

Mayor Perry said he just gave the report that he could give publicly. It is private property.

Councilor Finocchiaro suggested if the Mayor has information it could be sent to Council via confidential emails.

Mayor Perry said the city is not party to the deal. Our ability is in the zoning laws.

Chair Zeigler deferred to the Solicitor.

Solicitor Rossetti said they are discussing the prospect of a motion which is an open meeting law issue because it is not on the agenda. It seems the Mayor is seeking a motion.

Councilor Finocchiaro said she is asking for information. The question of taking a vote is a different question.

Chair Zeigler said the Solicitor can advise/confer with the Mayor as to a response for Council.

Councilor Saba said Council has the right to get information.

Councilor Faretra noted Council meets again in three weeks. He asked for a list of stipends or those who are paid out of grade.

Maggie Duprey, CAFO, asked if he is looking for long-term payments or short-term.

Councilor Faretra responded long-term. He wants to make sure the city is following the Home Rule Petition.

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Public Service:

Grants: None

Licenses: Secondhand Dealer Application - GameStop #359, 184 Haverhill Street, Methuen, MA 01844

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

Contracts:

C-23-60 Weston & Sampson, 55 Walkers Brook Dr., Ste. 100, Reading, MA for Emergency Repair-Muffin Monster @ Burnham Road Pump Station in the Amount of \$94,250.00

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

C-23-61 Ferguson Waterworks, 2 Whitman Road, Canton, MA 02021 for 5.5 fee and 6 feet Bury Hydrants in the Amount of \$45,290.60 5.5 feet bury (8) @ \$2,240.71 each and 6 feet bury (12) @ \$2,280.41 each

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

C-23-62 Bigelow Electrical Company, Inc., 1 Pullman Street, Worcester, MA 01606-0268 in the Amount of \$34,635.00

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

C-23-63 H.K. Powersports, 1354 Hooksett Road, Hooksett, NH 03106 for 2023 Polaris Ranger Crew Terrain Vehicle in the Amount of \$28,993.00

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

Councilor Saba asked the Chief why the city needs all-terrain vehicles.

Chief McNamara explained there are some wooded areas that are hard to reach by foot. Both vehicles are over twenty-years old and in disrepair. The plan is to auction them to offset some of the costs.

UPON VOTE: UNANIMOUS

Unfinished Business

Resolutions:

None

Ordinances:

None

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New Business
Resolutions:

TR-23-1 Resolution Accepting a Gift of Land – The Alfred A. Fiskelli Revocable Trust – Parcel M1111 B110C-L113 - Daisydell Avenue

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

Councilor Saba said the property was bought by a developer who built five or six houses on the property. No work can be done on it. It is protected. It was purchased long ago to farm. The son has no use for it.

UPON VOTE: UNANIMOUS.

TR-23-2 Resolution Submitting a Home Rule Petition for the Purposes of Authorizing the Mayor of the City of Methuen to Appoint Police Cadets to the Methuen Police Department

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

Chief McNamara explained this is a two-year diversity program inclusive of woman. It has been used for decades in Boston. It is meant to give the opportunity to ages 18 to 23, to hire two people to wear a uniform, no firearm for staffing the front window, talking to residents, coach, counsel, and train people. Candidates are paid for the temporary two-year program. At the end of two years they need to be in good standing and need to pass the civil service test. In response to Councilor Finocchiaro's question, the Chief stated there is no similarity between intermittent and the cadet program. People were not taking civil service exam. There is a current civil service investment. There are a handful of communities that come to mind, Boston, and Medford. Haverhill is looking into this.

Councilor Finocchiaro said the CAFO's impact statement said there is not financial impact. The FSO impact statement says the impact is \$91,000.

The CAFO explained the resolution allows the Mayor to appoint people that have served as cadets. This resolution allows the city to move forward with the program. The city is not asking for funds. Council is not voting on funding tonight.

Councilor Simard said he would be a "no" if it was the former Chief. This is a great idea. The city is going to hire someone who would be an asset.

Councilor Finocchiaro asked for an overview of the process selecting cadets, how the Chief will select and if hiring is based on merits. She suggested guidelines to have perimeters, so people feel good about the process.

The Chief said he does not apply any personal bias. He hires in the manner of merit and does not apply any measures to skip or bypass anyone. He has been fair and objective. The Chief said he would like to have a committee, a Councilor, an individual from the community, trying to find candidates they think will thrive with the program. There is a scoring process. Two candidates will get the opportunity.

The CAFO further explained if the resolution passes at the local and state level, an ordinance would have to be created. Then there would be a financial impact.

Councilor Faretra asked if this program would carry into other departments.

Chief McNamara said the cadets would only have the opportunity in Methuen and not carry into other departments. The Solicitor agreed.

MOTION BY: Councilor Saffie, seconded by Councilor Beauregard to table to a public hearing. UPON VOTE: UNANIMOUS.

TR-23- 3 Resolution Authorizing Acceptance of a Fiscal Year 2023 Shannon Community Safety Initiative Grant **Taken out of order and approved for first read.**

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TR-23- 4 Resolution Authorizing Acceptance of NEHA-FDA Retail Flexible Funding Model (RFFM) \$26,000 Grant

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

Councilor Finocchiaro asked what this grant could be used for.

The CAFO responded the department of safety.

UPON VOTE: UNANIMOUS

TR-23- 5 Resolution Authorizing Transfer of \$191,080 from Water and Sewer Retained Earnings for Emergency Water Repairs

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

UPON VOTE: UNANIMOUS.

TR-23- 6 Resolution Authorizing Transfer of \$130,000 from Water and Sewer Retained Earnings for Water Treatment Plant projects

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

UPON VOTE: UNANIMOUS.

Ordinances:

City Council vote under City Council Rule VII(a) regarding whether the City Council wishes to waive Rule VII(h), the one-year rejection rule, as that rule pertains to the City Council's previous rejection of TO-22-14

MOTION BY: Councilor Simard, seconded by Councilor Saffie to waive Rule VII(a)

Councilor Finocchiaro referenced when she wanted to go back and revisit issues like the trash contract and tax issue. She won't support overriding this rule to give Councilors raises. She respects this rule and asked that Councilors vote "no".

Councilor Beauregard noted he has been consistent with the broader issue.

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

TO-23-1 An Ordinance to Amend Ch6A-Sec2 & Ch2-Sec10 of the Methuen Municipal Code and the Creation of Section 8 of Chapter 4 (Req. of Clr. Faretra, McCarty, DiZoglio, Simard)

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

Councilor Saba submitted an amendment to Council. If someone is qualified, they are not going to want to do this for \$80,000.00. part of his amendment is to bring the Mayor's salary to \$120,000. It has been at \$80,000, Council and School Committee salaries for 25 to 30 years. No one ever wanted to appear self-serving. In 2026, no elected official including the Mayor will be serving in the same positions. Incumbents usually have a strong chance of being elected. Councilor Faretra noted there are four Councilors that could benefit. Nothing that says five would run. He was not sure why he was asked to bring this forward if Councilor Saba brought his own plan forward. If Council passes this, it could help some of them. if we really want to do what is best for the city, lets make this effective in 2026 where we will have all new people sitting at this table.

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MOTION BY: Councilor Saba, seconded by Councilor McCarty as listed below.

Mayor

- Omit paragraph beginning with effective Jan 1, 2024
- Omit paragraph beginning with effective Jan 1, 2025
- Change paragraph beginning with starting Jan 1, 2026 to set Mayor's salary at \$120,000.00 payable weekly at \$2,307.69
- Change paragraph beginning with effective July 1 2028 to say every 4 years increase by 3%

City Council

- Omit paragraph beginning Effective Jan 1 2024
- Omit paragraph beginning Effective Jan 1 2025
- Change Paragraph beginning Jan 1 2026 to change Councilors salary to \$10,000.00 , Vice Chair to \$10,500.00 and Chair to \$11,000.00
- Change Paragraph beginning July 1, 2028 every 4 years increase 3%

School Committee

- Omit paragraph beginning Effective Jan 1 2024
- Omit paragraph beginning Effective Jan 1 2025
- Change Paragraph beginning Jan 1 2026 to change School Committee pay to \$6,000.00, Vice Chair to \$6,500.00
- Change Paragraph beginning July 1, 2028 every 4 years increase 3%

Councilor Faretra suggested Councilor Saba should have written his own salary ordinance instead of other Councilors bringing it back.

Councilor Saba noted he did say he would reconsider it. He thought Councilor Faretra would have reached out to him and brought it back maybe next month.

Councilor Faretra said he didn't know of any proposed changes.

Councilor DiZoglio suggested looking at surrounding communities such as Haverhill, Lawrence, Medford, and Peabody. Methuen is the lowest on the list. This is not a raise until the next election cycle. Everyone must answer to the voters. No one is re-elected yet. Nine seats are up, four cannot run again. This was previously discussed.

Councilor Saba requested when this was discussed.

Councilor Saffie noted the Council gives employees raises. No one runs to get paid. She would agree to the dollar amounts but keep the dates. None of the Councilors are guaranteed. They should give a raise to get more people to run. One could look at these two ways, preserving the right to get a seat. She wants to get it done for new members. She would prefer to see the amounts go into effect in 2024.

Councilor Finocchiaro noted that if someone says there is not enough money. The right person would say money is not important. In addition, extra time, extra gas, it makes sense to have that. Over the course of a decade there is no price tag what you do to affect change.

Councilor Simard indicated he is a "yes". Our Mayor makes \$80,000. It is embarrassing. It is always going to appear self-serving. He is a "yes" to the amendment, "yes" to the ordinance.

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Councilor Saba agreed Council needs to increase the salary for the Mayor. He indicated if it were to be tabled, he would be glad to sit and discuss it. Nobody ran in the East during the last election.

Councilor DiZoglio commented everyone agrees with the Mayor getting a raise. He is not in favor of moving everything forward other than the Mayor's salary.

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

Councilor Beauregard said an ordinance would require six votes. Council is only talking about text. He asked if there is anything about text.

Solicitor Rossetti explained there is a minimum of six votes required pursuant to state statute. A motion to amend given 5/4 vote this can move forward for further consideration on the final ordinance.

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

Councilor Beauregard said when you have a Mayor, the Council doesn't oversee the Mayor. There isn't a direct overseer. This is something that should be brought before the residents. The people of the community would be able to see the arguments here.

Councilor McCarty said the best version was as the ordinance was presented originally. Every vote is crucial. He would prefer what was presented (to form) so that it never has to happen again. He hoped Council could get this done.

The Solicitor noted the salary ordinance would pass on second read.

MOTION BY: Councilor Finocchiaro, seconded by Councilor DiZoglio to remove the 3% increases.

Councilor Saba said he thought the 3% increases were going to prevent this from happening again, an increase every four years.

Councilor Saffie agreed with Councilor Saba and noted the percentage increase is reasonable.

Councilor Faretra said he would like to see the 3% in the ordinance every four years.

Councilor Finocchiaro noted the 3% should be removed. It is contingent upon being budgeted. Automatic raises are not fair evidence of performance. "Why should City Council get automatic increases?" She doesn't see how Council can do that for themselves. It is unacceptable. The authors of the Charter would have done a Charter amendment specified in the Charter.

UPON VOTE: (to remove 3%) 7 no, 2 yes (Clr. DiZoglio, Clr. Finocchiaro) Motion Failed

Councilor Saba indicated he would support tabling of this ordinance.

MOTION BY: Councilor Saba, seconded by Councilor Saffie to table.

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

Any Other Business for the Good and Welfare of the Community

Councilor Finocchiaro said she would like to add a public hearing for the salary ordinance to ensure more residents would know about it. She doesn't think it should count as second read. That is her reason for voting "no". She still had the floor coming out of the amendment and had a couple of other amendments. On the conversations out of a meeting, she wanted to note that there are four Councilors as sponsors. So then if somebody who is not one of the sponsors has a discussion, somebody who is one of the sponsors that would constitute an open meeting violation. If this was workshop discussion, Council could have more opportunity see where Councilors agree with each other. She feels this is going to be a long discussion.

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Councilor Finocchiaro announced the following:

Auditor, Diana DiZoglio will take her Oath of Office on January 18, 2023 at Methuen High School at 5:30 p.m.

The military responders' night is at Methuen High Rink January 19th, 2023 at 6:00 p.m.

There is a Master Plan community meeting is at Methuen High School on January 26th, 2023 at 6:00 p.m.

There is MVPASAP will host a community meeting on February 4th, 2023 at Greater Lawrence Technical High School.

Councilor Faretra mentioned a show called "All around Champions" in Methuen that resident Domenic DeMeo is one of the contestants. It's on BYU TV. There are nine para-athletes all competing on this show. It debuted on Sunday. He highly recommended checking this out. He reiterated it is nine different para-athletes competing in all different sports. Domenic is a Methuen athlete who has spina bifida whose been training and growing. He is inspirational. It airs every Sunday at 8:00 p.m. BYU TV.

Councilor Saffie requested to the Mayor and Council to do annual evaluations of department heads in a productive manner. It is an opportunity to give employees a chance to thrive and get feedback from them.

Chair Zeigler announced on February 17th at Methuen High School there is "Credit for Life" fair from 7:30 a.m. to 10:30 a.m. in the gym. They are looking for volunteers. She encouraged people to sign up with Andrea Masson at MVC.com

Chair Zeigler read the following Executive Session notice:

"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 with respect to pending litigation (Gallant v. City of Methuen, Essex Superior Court Docket #2277CV01013), where an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares.

If the Methuen City Council enters into executive session, the Council will not reconvene into an open meeting following the conclusion of the executive session. Therefore, the Council will adjourn for the evening at the end of the executive session."

MOTION BY: Councilor Simard, seconded by Councilor DiZoglio to enter Executive Session and adjourn from Executive Session. UPON ROLL CALL VOTE: UNANIMOUS.

I do hereby certify the foregoing minutes were adopted by the Methuen City Council on February 6, 2023 by a unanimous vote.

Linda Gagnon, Council Clerk

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