

Methuen City Council – Regular Meeting Minutes

Tuesday, April 18, 2023 – 7:00 pm

Chair Zeigler called the regular meeting to order at 7:00 p.m. Members present: Clr. Beauregard, Clr. DiZoglio, Clr. Faretra, Clr. Finocchiaro, Clr. McCarty, Clr. Saba, Clr. Saffie, and Chair Zeigler. Mayor Perry joined via Zoom.

Chair Zeigler announced that the microphones are now “push to talk”.

Acceptance of the Agenda

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

MOTION BY: Councilor Faretra, seconded by Councilor Saffie to amend agenda to add a Proclamation “National Library Week”. UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Faretra, seconded by Councilor Beauregard to accept, as amended. UPON VOTE: UNANIMOUS

Pledge of Allegiance/Invocation/Moment of Silence

Everyone stood for the Pledge of Allegiance and remained standing for the Invocation given by Chair Zeigler. A Moment of Silence was observed for Sgt. Valerie Giarrusso and Mary Frances Hayes.

Organizational Business

Update on Audio System in Great Hall

Chair Zeigler reiterated the microphones are “push to talk”. She had a meeting with MCS and our IT Director to discuss our next steps. MCS are viewing software options for upgrades to the system and should have recommendations by the end of this month. The first meeting in May, she will be able to share with the Council what the final decision will be and share some of the timeline. It is going to take some time for the new system to be installed. We do not want to disrupt anything important coming up such as budget. The upgrade will take place after the budget sessions to minimize any disturbances to our current system. In the meantime, they are making little updates to ensure people can hear our meetings.

Reading and Acceptance of Minutes from Previous Meetings - April 3, 2023 – Regular Meeting

MOTION BY: Councilor Saffie, seconded by Councilor Faretra to approve the minutes of April 3, 2023 regular meeting.

UPON VOTE: 7 yes, 1 present (Clr. Finocchiaro), 1 absent (Clr. Simard)

Proclamations/Correspondence:

Krista McLeod Director of Nevins Library thanked the Council and the Mayor for the Proclamation designating National Library Week next week. They appreciate the recognition. The week is full of days for libraries. A week from Tuesday is “National Workers’ Day”. She thanked her staff at the Nevins Library. They are wonderful people to work with. She is proud to have them as her colleagues. One of the things she hears all the time is how wonderful their staff is. In doing this Proclamation, she asked that everyone remember the people that are there and doing this work every day to help and work with the people of our community. They are doing a great job for the people of Methuen. She thanked them for recognizing libraries nationwide.

National Library week will be April 23rd through April 29th.

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

Consideration of Appointments: None

Presentations/Projects/Department Updates

Community Foundation Award – April 2023, Kattar Family

Mayor Perry stated Methuen is blessed with several small businesses who regularly give of themselves to all the things we do as a community. The Kattar family gives and gives. We do the sunset salute there. They do several other things. They are constantly giving to our community, lending their expertise and their facility, doing golf tournaments for worthy causes. For those reasons, for the month of April, we want to recognize the Kattar Family. He regrets that he is not able to present them with the award tonight. The Mayor expressed his personal thanks for all the Kattar Family does for the community. It is noticed. It is appreciated. The city is blessed to have them in this community.

Chair Zeigler read the foundation award into the record.

Kevin Kattar thanked Council and the Mayor. He said there is nothing better they would like than to give in Arts, Culture, sports, anything. They love this city and will always give forever. He teaches all his nieces and nephews that they will be the next ones to give.

MOTION BY: Councilor McCarty, seconded by Councilor Faretra to declare a brief recess. UPON VOTE: UNANIMOUS.

Chair Zeigler called the meeting back to order. Members present: Clr. Beauregard, Clr. DiZoglio, Clr. Faretra, Clr. Finocchiaro, Clr. McCarty, Clr. Saba, Clr. Saffie, and Chair Zeigler. Mayor Perry joined via Zoom.

Discussion with the City Solicitor about non-privileged information regarding Methuen Police Department-related litigation (Fountain v. Methuen, Gallant v. Methuen, and Commonwealth v. Fountain). There will be no discussion of litigation strategy, or any information protected from disclosure by the attorney-client privilege, the work product doctrine, or any court order, statute, or rule as to any of these matters.

Solicitor Rossetti said this is an opportunity, with various articles and press attention given to the City of Methuen, people may be wondering about some of the case names they have heard, some of the principles they have heard. This is an opportunity for the body and he to make sure that people have an understanding at a non-privileged level, as the Chair noted on the agenda, this is not going to be a discussion of litigation strategy or anything privileged. This is going to be information that is publicly available for those who wish to research it. The first case that is mentioned on the agenda, Fountain v. Methuen. For those who may not know, the Plaintiff Sean Fountain is a former City Councilor for the City of Methuen. He served a couple of years as City Council Chair, also as a prior intermittent police officer with the City of Methuen. He has a suit that is in the federal district court in Boston against the City of Methuen. He has one count against the City of Methuen. That count is wrongful termination and violation of public policy. He alleges wrongful termination based on his furnishing testimony to governmental authorities. The city has denied in writing his allegations. At present there is a status conference scheduled on April 25th with the Judge and the attorneys for the case. The second matter, Gallant v. Methuen. For those who may not know, the Plaintiff in that case is

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Gregory Gallant. He is a former Captain in the police department. He filed suit in the Superior Court in Newburyport. In his suit Gallant alleges that the city failed to pay all money that was due to him upon his separation from employment with the city in June of 2022. The suit alleges a violation of the Wage Act and in particular allegations that the city wrongfully did not pay accrued contractual time and sick time. The city has denied his allegations in writing and the city alleges that it paid Gallant in full on his separation from employment. The city has asserted counterclaims against Gallant. The counterclaims as stated in the public filing arise out of findings from the Inspector General's Report published December 23, 2020 as well as a decision by a labor arbitrator. The city learned today that Gallant's motion to dismiss the city's counterclaims was denied. The case is in the discovery phase now. The third matter is noted on the agenda is Commonwealth v. Fountain. This is a matter that entered earlier this month following an approximate eighteen-month investigation by the Methuen police department. That investigation then led to the leadership of our department, Chief McNamara, and Captain Ferreira, filed paperwork in the Lawrence District Court seeking a criminal complaint against Sean Fountain. That application was granted following a finding of probable cause by the Clerk Magistrate assigned to the matter. There were substantial supporting papers submitted by the Methuen police department. Those papers have been impounded. We cannot discuss the contents of what was submitted. The fact of impoundment order is a matter of public record. He cannot get into the specifics in this forum because of the impoundment order. The order is effective for ninety days and notes an expiration date of July 3, 2023.

Councilor Saba asked Chief McNamara to give a summary on the STIRM report and on the affidavit that was provided to the city.

Chair Zeigler noted they cannot get into much detail about the STIRM report which the Chief is aware of.

Chief McNamara said due to the impoundment order, he will have to be very guarded with what he can release. The day he started with the department, October 4, 2021, an investigation was launched. This investigation took roughly a year and a half to take place for a variety of reasons. Many were largely out of their control. That slowed the process. The investigation was concluded on March 28, 2023, roughly eighteen months. The city contracted with an outside investigation firm led by a retired Mass State Police Trooper. This investigator was charged with (he had two major edicts to follow) investigating the authenticity of a police academy graduation certificate belonging to a former police officer. The name of that former police officer is now obvious, Sean Fountain. If shown to be fraudulent, identify the source. That investigation when it concluded on March 28, 2023, within less than a week of that investigation concluding, your police department took action (at his direction), Captain Eric Ferreira of the Methuen police department swore out a fifty plus page affidavit in support of probable cause for multiple felony crimes. That affidavit was reviewed by a Clerk Magistrate. That Clerk Magistrate did, in fact, find probable cause for the underlying charges and issued an arrest warrant. Based on that arrest warrant, we contacted Sean Fountain's attorney and offered the opportunity for Fountain to turn himself in directly to the court. He did in fact do that. He was arraigned that same day and an impoundment order was issued. That impoundment order as the Solicitor just stated precludes him from speaking to the specifics of the 200-page STIRM report. It also precludes him from speaking to the fifty-page plus affidavit. Also included in that affidavit, even though the outside investigator was charged with those two specific tracks regarding the authenticity of that training certificate, there was other evidence that was discovered in the course of that investigation that led to the Methuen police department

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launching a separate parallel investigation into other potential crimes that we think were committed and they were also charged in that affidavit. It limits what he can say tonight. The Methuen police department acted and hope that other action will follow.

Councilor Saba thanked Chief McNamara. He knows he is very limited, which is frustrating. He asked how much the taxpayers spent on the report. In his opinion, the city has had very little help from the investigative and law enforcement agencies to date. The only agency that has come to the side of the city was the Inspector General who came out with two detailed reports highlighting the craziness that happened. When you read those reports, and he has lived through this since it became public in 2018, every paragraph was shocking, every single paragraph. His concern is that Council is being told, again, not to talk about anything while these agencies go out and do their job. We have had a history of these agencies, in his opinion, burying this issue at the detriment of the very people that these agencies swore to protect and defend, the taxpayers. Again, Council is here, stifled and not allowed to talk about it. His patience for this is running very thin because we have had two IG reports, a civil service report, an arbitrator report, and the report that dwarfs everything is this STIRM report. Thank the police department and this police chief for digging in and not stopping. But we need action. Time is running out on certain potential charges. He is not saying anything right now, but wait until after this is over, when he will just let everything out because this is so frustrating to the taxpayers. He is hoping that the AG, the AG who since 2018, we've had hundreds of emails, phone calls, and letters to the AG, to the District Attorney's office, and they have done absolutely nothing for this community. He wants to let it be known that there is a lot out there. We need to do a lot more and we are being told we cannot talk about it.

Councilor Faretra mentioned there was one report done internally by the Captain that the Chief mentioned. All in all, the only department that acted is the Methuen police department. We have gone through two different district attorneys in Essex County, two different Attorney Generals in the state. One of them is now the sitting Governor of Massachusetts and all of them have just buried their head in the sand, protecting each other, while the 53,000 citizens of Methuen sit here holding the bag while we all got ripped off of hundreds of thousands of dollars that certain people that were employed in the police department just made a mockery of the city using it for their own benefit. When you read these reports and we have all read them, even the ones that weren't impounded, and you sit there and wonder "*How could somebody not be charged?*" after reading those reports. The only thing he has come up with is, its everyone protecting themselves, afraid of what would come out if somebody were charged because they are afraid of what doors that will open. Himself, hoping that somebody either would the District Attorney, the Attorney General, US Attorney, somebody is hopefully going to step up for the citizens of Methuen and be the one that is going to finally charge somebody and not be concerned about what the ramifications are because ultimately you took an oath to serve the citizens of the Commonwealth of Massachusetts and not to protect and serve your colleagues and your buddies. It is to protect the Commonwealth of Massachusetts and your constituents that voted you into office. At some point, this is all going to get back to people and they're going to not like us because we are going to put the pressure on but at some point you've got to step up and do the job you were elected to do.

Councilor DiZoglio spoke in continuance of what Councilor Faretra said. It is amazing reading the paper and seeing the "no comment" come from some high officials. To him, that right there speaks guilt. He looks at the MPTC and how high that relationship goes up, public knowledge, in the paper. He is speaking exactly quote for quote what is in the paper.

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Solicitor Rossetti said the impoundment order affects the parties and impacts the parties. He cautioned against straying into anything that could be construed as getting into the content of anything.

Councilor DiZoglio said Lt. Governor and the Governor and all those people that are related in relation to this report is public knowledge. He is speaking towards how high this goes and how the “no comment” continues to come down. It just shows that this city has taken the right steps, as a collaborator with the Chief, to really try to put this into light. He thinks if you see how fast this was impounded too, it blows his mind on how aligned some people were after this whole action went into place. As a city, if you are watching this tonight or watching this day after, he recommends that people reach out to these other agencies and state agencies and voice your concerns too. We are locked step. We are continuing this push and are going to need as much from the city and other agencies to really push this over the finish line. This goes all the way up. Make sure you make those phone calls in the next week or two.

Councilor Beauregard said something he has said before in the public square and recent events have proven comments that he made in 2020 to be spot on and that is the following agencies; namely the U.S. Attorney’s office, the Attorney General’s office, and the Essex County District Attorney’s office, namely under John Blodgett who are gutless, spineless, absolutely nothing of use to the taxpayers of Methuen. Corruption in the community, attempts to pillage the public treasury, tough luck, you are on your own. That has been the message up to this point and it is a dam shame but thankfully it is not too late. In terms of the STIRM report, he thinks that sunlight is the best disinfectant. That report needs to be released. Thank God for our Police Chief and his team, this Mayor, and this City Council. Otherwise, all these people that we are talking about, these actors who tried to do significant harm to the City of Methuen, the people who live here it will all still be here.

Councilor Finocchiaro said for the past six years, she agrees with the Councilor, it has been especially frustrating and exhausting for residents, especially when they are barred from information and Council is barred from sharing that information. She has thoughtfully considered the city’s advice from our city solicitor and she is dedicated to protection of the city’s interest at every turn in allowing our justice system the opportunity to follow the evidence where it leads. She is deeply committed to protecting the residents. They have a right to a government that is free from corruption. We have a long way to go. She believes it is prudent to have further conversation in executive session for the preservation of the city’s interests and evidence. But to the extent a public statement can be made, she is respectfully calling on every authority and agency relevant in Massachusetts with jurisdiction to perform extensive investigations, utilize existing reports so that the roots of Methuen’s dark past can be evaluated, revealed, and remedied as needed to the fullest extent of the law because anything short of that would not support a brighter future for Methuen. That is what she believes we truly need. It has been a long six years. She said that she believes Methuen has had a hard time. Methuen’s residents have suffered with all the officials who have been working on a variety of these issues. She is glad that the residents have stood by and are still interested in seeing these issues rectified. That is what we need to do.

Chair Zeigler passed the gavel to the Vice-Chair.

Chair Zeigler stated this has been a dark cloud over Council for the last six years. She agreed with what has been said by many of the councilors in that, at every turn we’ve had people shutting doors at every level of government on investigations that we tried to launch, on truth that we tried to expose. Even now that the city has invested \$60,000 in an investigation to have a

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report that is over 200 pages long and we can't discuss it openly because a Magistrate decided that we can't do that because there is too much truth included in it, which is unfortunate. We are at this point where there's actions that need to be taken and our hands are tied. We need help for us to get the justice that our citizens deserve and the way that we can do that is together. It has been mentioned before for us to call. Yes, we need to call. There are over fifty-three thousand residents in the City of Methuen. If a handful of us call every single day, every single department: the IG's office, the AG's office, the Auditor's office, the District Attorney's office, call, write letters, put letters to the editors out there. Make sure to make your voices heard continuously so that they do not drown us out because that is what they are trying to do, is drown us out. They are trying to weaken us. They are trying to make us tired so that we do not seek the justice that we deserve. She is asking, calling on our community members to stand up with us. If you need the numbers, she is sure they can get the numbers, get the emails, get the addresses from any Councilor. Councilors will make calls with you, write letters with you, whatever we need to do. But this is a time where we have some momentum and need to keep the momentum going, we are going to need your help. *"I am calling on you all, every single person here in this room, every person that's watching. Call a friend that lives in town. We need this to stop right now and need to get some justice."*

Vice-Chair passed the gavel back to Chair Zeigler.

Public Participation

Barbara Gill, it is almost like a follow up on what you people were just talking about, transparency. A lot of the Councilors will be leaving because of term limits and maybe some will not be coming back because of the elections. She feels as though the item on the agenda should read that any item that is going to consist of any kind of transaction of money should automatically be on the agenda. It should not be discussed amongst yourselves. We, as the public, should know where our money is going, who is allotting it, how much is being allotted and where it is going. They did not know that back in 2018. That is part of the reason we are in the state we are in now with the former police. She would like to see an agenda item called "transparency" before the new Council comes in.

Linda Buongiorno, Glen Forest Lane, said she believes in transparency and that the citizens of Methuen need to know what is going on, where the money is going. She gets tired of going on Facebook and seeing something on Facebook about a month ago saying, "ought oh, the DPW is at it again". "What are they doing?" "What have they done?" We do not know anything about what they have done that they are at it again. You get so much false information on Facebook from rumors that we really need to squash the rumors and let the residents know exactly what's going on as far as the departments and the money that is spent, as taxpayers. You are doing a wonderful job, but we need to do more.

Ryan Dugan, Campbell Street, said he is here after a long hiatus. *Councilor Beauregard talks about talking about this massive amount of malfeasances that happened in the police department back in 2020. A couple of us that usually sit back there talked about 2018. Although you might have been a little to the game, you are still in the game. He appreciates it. He was famously the one who laughed at Chief Solomon while he spoke at the podium and now after four years, Councilors all know why he laughed. He was a joke then and he is a joke now. And when he talked about how he was so awesome. It was not his problem. I legitimately chuckled behind him and he had his storm trooper come from across the room and try to intimidate him. He (Chief) intimidated him from January 10th, 2019 until today to be quite honest with you. It is not*

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that he had nothing to say. He was watching throughout. Councilors all get along famously and that is great. He applauds their words of standing up for this court thing. He is going to be honest. Their words are pretty hollow when several Councilors also would sit here and he would see them at political events for Maura Healey, Elizabeth Warren, Ed Markey, and this Democrat and that Democrat and the other Democrat and the entire cabal is laughing at all of you as you fund raise for them, put money in their coffers for them, held signs for them, and now you sit here tonight and say how outraged you are that they haven't done a thing for you. It is funny because as taxpayers, they have not done anything for a lot of us for a long time, and now you wake up a little bit because they are not returning phone calls. It is funny because some of us have been on this train for a long time, not getting calls back, and getting poop being thrown back in our face over this whole thing. Nothing has been done about it. He congratulates Chief McNamara on his appointment. He met him at a golf tournament, straight forward, straight shooter, great hire by the City of Methuen. But if you think hiring him solves your problem, it does for a little bit. But you still have the cabal of the superior officers that sat in this chamber and eyeballed all of us as we brought up topics of fiscal malfeasances against the taxpayers of the City of Methuen. Then Mayor Jajuga sat there and threw his hands up like he had no clue what was going on. Well he probably did not, for his own reasons, but he probably had no clue what was going on anyway. But anyway, he does not think chopping the head off the fish should be the end of it. The City Council should take up another motion for another report to look into the superior officers that knew malfeasance was going on at the department and will use fear as an excuse not to say anything and stand up to the power structure that was in Methuen and are still there. Sorry, I am poking the bear again. I get it but they are still employed and as a public that is based on trust and he is all about law and order. He is not even close to defund police. Fund them three times over. He has no problem with that. His issue is when they know there is malfeasance and they don't do anything, There are citizens in Methuen, he knows this firsthand, that were investigated by a civilian that paraded around as a police officer under the guise of a Chief who wanted him to do that, that had work product where other officers raised their right hand to the Clerk Magistrate and said "I, under the pains and penalties of perjury, swear that information is true" and were sworn affidavits for peoples arrests, trial, and confinement under bad information on someone that should have never been doing the job. The City of Methuen must be concerned about severe civil liability based on the malfeasance of the people that ran the department and knew it was happening. If they had no knowledge of it, that is one thing. We all can assume that the way the department was run for years. Those people were in fear of saying anything because that is just the way it worked. But that is not a legal excuse to bury your head in the sand and not say anything. You are still liable, possibly criminally liable regarding the malfeasance that happened. There is a state drug lab expert, Annie Dookban, who caused a huge headache for the state when she became, not only the drug expert, but legitimately the drug tester for the state. Some of it went into the machine. Some of it did not. let us just leave it there. All those cases are known as the Annie Dookhan cases. All those cases got directed out any many people who had their civil liberty or their civil liberty confined and restricted, got out. This could happen to the citizens of Methuen that have been illegally pulled over, illegally investigated, and illegally charged by two individuals. It is just not one. His hope is that the City Council takes up another motion to fund another study. I am sorry Chief if it causes you more work because I know you are straight out. There is no question in my mind. But if the study comes out clean, that restores trust completely in the department. There is a ton of patrolmen, beat cops that work their tail off. Detectives that do the hard work and this stain,

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although it should not, hits them as well and their affected as well and they should not but it is just natural in the business. If the study gets approved and the funding goes through and its clean, then everyone is all set, not just the beat cop, but the superior officers. His hope it is. But he must be honest, everything that went on, there is a lot of stuff that does not add up. And that goes back to the report that was filed on him January 10th, 2019, which is completely erroneous. He teaches report writing. He did not realize it because he buried it in a file cabinet until his buddy John copied it off and gave it to him. His hope is that the city at one point can move forward. But it must start with all of you and stop backing the same people time and time again. They have not done anything for us. They do not. They still have not. He hopes Council looks in the mirror and say, “you know what, I got to move my vote”. you can talk about it. The power is at the ballot box. That’s the bottom line.”

John Saba, Prospect Street, stated Ryan said a few things that made some of the Councilors a little uncomfortable. It needed to be said because he is right. We keep voting in the same people that are stonewalling us. It needs to stop. He distributed a copy of the police report to Council. He explained why he brought up this police report. *“This police report is the most bogus thing he ever read. At first, he was thinking maybe we should give the Sergeant a pass because he was dealing with a very impossible situation. We all know what was going on but there is something to say for standing up and doing what is right. He highlighted some things. Now you must understand there were four Councilors here now who were there that day (Clr. Saba, Clr. Zeigler, Clr. Finocchiaro, and Clr. McCarty). If you remember this was before COVID. These chairs were not like this and the isle was small (about a chair’s width). The first row was closer to the podium. Mr. Saba pointed out where Ryan was sitting, where he was sitting, and the Chief was at the podium. He guaranteed none of the Councilors heard Ryan’s laugh because the only ones that could hear it was the three of us. It was a chuckle. In this report the Sergeant at Arms says: “On this date the council chambers were at full capacity. “Are you kidding Me?” everything he says tonight, he does not want Council to believe him. He wants them to fact check it and they can do that by pulling the video because it is very clear. If there was eight people in this crowd. That was a lie. He starts out with a lie saying, “it was at full capacity”. Then he says “during the Chief’s presentation a male sitting in the front row began laughing, speaking loudly and causing a disturbance. None of you heard it because it was not true. It never happened. It was a chuckle. Here is why he chuckled. If you remember, you were asking him a question about that bogus contract. And the Chief kept saying “refer to auditor”. Mr. Saba said he wrote in his notes “refer to auditor” “refer to auditor” is all he kept saying. We all laughed. “Are you kidding me, Chief?” It was a chuckle. The he says Chief Solomon was forced to stop his presentation due to this individual’s disruptive behavior. He was not forced. He chose to and if anyone broke decorum that day “Who was it?” “It was the Chief when he turned and started yelling at Ryan” who was not yelling. If anyone should have been thrown out that day, it should have been the Chief. On the second page it says “I then took notice of this man’s behavior which looked as though he was trying to incite the large crowd to disrupt the ongoing proceedings. When an officer writes garbage like this, something should happen because this is terrible. He goes on with this awful stuff. He then says: “I approached Mr. Dugan and asked him to quiet down as it was not the time for public participation.” He never did that. He got in his face and started yelling. Council should read this bogus report and the affidavit that he wrote (Mr. Saba) on the last page, which is what took place. The reason he is telling Council this because after Ryan got thrown out, he was furious. He got this report. They gave him the runaround getting the report. But he finally got the report. He then filed a*

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complaint with our Attorney General. “Do you know what I got back?”. He got back a letter from our Attorney General who is now our Governor that said, “file your complaint with the Methuen Police Department” “Are you kidding me?” so, you want me, the guy who has the grievance, to file with the department that the grievance is against. This is what we are dealing with. Our Attorney General back then, which is now our Governor, now holds the highest position in our state and you wonder why we cannot trust why they impounded this. Really? The taxpayers paid for it and we cannot see it. We cannot see what is in this report. You know why? Because they are all in bed with each other. They are all covering for each other and it is about time that it all comes out. And you know what. Ryan is right. Stop voting for them. They are not doing anything for us, and this has nothing to do with Democrats or Republicans. If they were Republicans, he would say the same thing. “They are all in bed with each other.” And we need term limits, not just on them but all the bureaucrats. Enough is enough. You guys are all fighting for us. It is good to see that you are all outraged. But you know what this is something everybody should see and that’s why he wants Council to see it.”

Councilor Saba asked that this report be included in the minutes of the meeting. Chair Zeigler agreed.

Mayor’s Report

Mayor Perry noted he shares the Council’s outrage and compliments the Chief and Captain Ferreira on the thoroughness of the investigation.

Mayor Perry reported the Riverside Drive boat ramp is open and may be used daily from 5:00 a.m. to 9:00 p.m.

The water tower work is progressing on schedule. Disinfecting and filling will begin next week. After meeting with the tank contractor and engineers tomorrow about the proper procedures to initiate and complete those steps. Hopefully, our residents have seen that big beautiful blue M that you can see from 93.

Just a reminder on dog licensing, call the City Clerk’s office or check on the website for a link to online licensing.

There is going to be a “Fishing Derby” at Forest Lake on Saturday, May 13th, from 10:00 a.m. to 1:00 p.m. Lunch and refreshments will be served by the Methuen Firefighters Local 1691. Residents may call the Mayor’s office for details. He thanked the firefighters for their constant support of the event.

The Veterans flag replacement will be Saturday, May 20th at 8:00 a.m. at Elmwood Cemetery. Todd Agnelli, the National Anthem singer for the Boston Bruins, will open the ceremony. Residents may call the Veterans’ office for more details.

Restaurant Week or “Savor Methuen 2023” which will occur from May 22nd through May 26th. Residents may call Jordan Normandia in the Mayor’s office for more information. Thus far we have eleven confirmed participants: Bada Bing, Borelli’s, Eli’s Farmhouse, Fireside Restaurant, Hickory Hill Golf Course, Irish Cottage, Mann Orchards, Sand Trap Bar & Grill, Yella Mediterranean Grill, J Gee’s Ice Cream and Laconte’s Pizza. We are looking for more and Jordan is working very hard to get those and if you know of your favorite restaurant, call so we can help them make a deal.

The annual Memorial Day Parade will be held on Monday, May 29th. Residents may contact the Veterans’ office for more details.

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The city has begun the planning for our Juneteenth Ceremony to be held at the Methuen Memorial Music Hall on June 17th at 1:00 p.m. Reverend Burnes is taking the lead in doing the planning. Last year's event was spectacular. He urged everyone to attend.

Councilor Saba asked when leaf pickup would begin. Mayor Perry indicated he has not had a chance to talk to Director Bower. The city tried to purchase the packer truck we had been renting.

CAFO, Maggie Duprey, explained that they went through the bidding process, selected a bidder, and drafted a contract that they refused to sign. They would not agree to our terms. We went back and forth with them to make it work. Ultimately, they would not agree to our terms and we had to go to impasse and squash the whole thing. We need to go back out to bid. Our plan is to go back out to bid to include new and used vehicles to spread a wider net. It was relatively recent that it all fell through. She has not been able to touch base with Director Bower about what his plan is for the spring. They will get that answer for the next Council meeting.

Councilor Saba said we do not know if there was a contingent plan.

CAFO said she does not know what the director's plan is.

Councilor Saba asked if there is an update on the ARPA spending, specifically the DPW building. He is not sure if this went out to bid yet. We must do an environmental study and a land use study.

CAFO, Maggie Duprey, said those are currently in process those pieces for that property. Joe Cosgrove could not be here tonight, but he is working personally with that and once we get the results of what those tests come out to be, we will be able to move forward. In tandem with that, we are working with the engineer as far as the prior study that happened and updated. Those things are happening parallel right now. She is working right now on the quarterly ARPA report that we must submit to the federal and the state government. She will share the results with Council when they are done.

Councilor Saba noted time is running out on the once in a lifetime projects with once in a lifetime money. He is hoping we can move forward on this.

Mayor Perry explained time is not running out on these projects. We only must have commitment by the end of 2024. Execution lasts after that. We still have over a year and a half before we must commit to the projects. We have time after that to execute them. When you see the report from the CAFO you are going to see that these ARPA projects are moving forward and there is a great many of them that are of significant size. We are moving forward on them.

Councilor Saba asked what is needed to commit. *“Do we need an architectural design or are we going to have to be ready to go for the DPW building?”*

Mayor Perry explained that it is a multi-step operation. The city must have those engineering studies completed that we committed to. Once those are committed, we would go to an architectural design, but we would also broaden our view of where it could be in the city vs. what was done in 2017.

Councilor Saba spoke of the billboards on the corner of Merrimack and Pleasant Valley we were going to reach out to that company because they got their electronic billboards. They were supposed to remove those and turn that piece of property over.

Mayor Perry explained he followed up on that and has reached out to the company. He will come back to Council at the next meeting with the answer.

Councilor Faretra said people have mentioned with the new dog licensing permitting system, it does not seem that if you registered your dog last year that any of your paperwork has

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not carried over. If you registered your dog in 2022, paperwork does not seem to be in there and you must resubmit everything.

Mayor Perry said that may be because we did go to a new permitting system. He will follow up with the City Clerk and get a definitive answer. It is possible because the city went to the new system OpenGov.

Councilor Faretra said he has already seen leaf bags out on sidewalks. If there is not a plan yet, maybe we can start working with the director about allowing people to drop off bags without a sticker. If there is nothing in place to pick up, it is already mid-April. If people leave bags out at this point for two, three, four weeks, as soon as it rains it is going to get messy.

Councilor DiZoglio asked if the city received all the money that was owed for the refunds from Clear Channel that were going to be used for the track.

Mayor Perry said he believes the city received the first installment and second installment. They are not refunding. They are rebates.

CAFO, Maggie Duprey, said the city received and we were made whole for the track. We received additional funds that are now going into the track and stabilization funds to fund later projects.

Councilor DiZoglio said Council is supporting the Mayor on getting the billboards removed. He was made aware of this the other day. The Methuen Fire Department to make a payment for someone that might have had an ambulance come to their house, we have moved to the credit card system for that. Thank you and congratulations in moving forward with credit card machines in different locations. Unfortunately, he was not able to attend the School Committee Joint Meeting. He participated for a little bit virtually but had to drop off. He would appreciate if Council could get the school budget in advance of getting the full budget. He watched the remainder of that meeting later and the school committee meeting as well. It does seem that the school system is going to be hitting that 100M dollar marker this year. If not, a little under. With that budget being the larger, the Council is going to need a little bit of time to digest. He will be watching their meeting as they progress the budget. Council needs to have that budget in advance.

Mayor Perry said it is always a delicate balance because the schools come forward to the school committee with what we believe they need for a budget for a year and quite honestly sometimes that is untenable. They work very hard together to jointly identify what is a sustainable budget. We try to do the best we can for the Methuen public schools while not putting a fifty-pound load on the back of the taxpayer. That is a delicate balancing act that they work very hard at. Can we get you the budget? it depends. The CAFO and he have given to the Superintendent and the Business Manager what we believe the city can afford for FY'24. The next step is the Superintendent will come back to the School Committee and show what that can support. Once there is general agreement on the School Committee then it can be shared with the Council. There is no definitive number until that happens.

Councilor DiZoglio said the shelter that is now 100% on Pelham Street was addressed at the last School Committee. *“Have we decided as a city if we should be having maybe monthly or quarterly meetings with the owners to make sure that there is some sort of understanding as a community member what we expect out of them?”*

Mayor Perry said the rules change when it becomes an entire shelter. There is a meeting with the people who run the shelter on April 24th. The city has met with them several times and the 24th is the next. He is anxious to hear what they are going to say. Because the better weather is approaching, he wants to see what the plan is. If you recall, originally the plan from the state

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was that they would house individuals there and then they would clear the shelter by the first of the year. That did not happen, and it ramped up. We do understand that there is a housing crisis. But at the same time, we are fighting for the homeless in our community as well as the homeless from other communities. He is glad to have Councilors attend on April 24th if they desire or he can bring a report back and tell Council what the tenure of the meeting was on the 24th.

Councilor DiZoglio said he would send an email as he would like to attend. If there are any updates from the Governor's office as well that would be great too by the next meeting.

Requests of Councilors

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

Request of Councilor Finocchiaro – Request to CAFO Maggie Duprey that the City's Report on Examination of Basic Financial Statements for the fiscal year which ended June 30, 2022 be added onto the City website (aka audited annual financial reports)

Councilor Finocchiaro stated that the CAFO put everything online.

Request of Councilor Finocchiaro – Request that CAFO Maggie Duprey provide update on "Other Post-Employment Benefits" (OPEB) liability for the City and any available forecasting for the direction of this liability – including 1) unfunded OPEB actuarial accrued liability, fiduciary net position, funded ration, net OPEB liability, and current funding plan. 2) Does the City continue to follow OPEB related GASB statements, particularly regarding enhanced transparency reporting and other best practices? 3) Also seeking the current OPEB plan's fiduciary net position as a healthcare cost trend rate, and rate of investment return. 4) Additionally, requesting that the Council receive copies of the trust agreement, any investment policies, as well as any plans on a tentative projected year that OPEB will be fully funded. 5) Request that a new "OPEB" section of the City's website be added, and that the above documents be uploaded and retained in that section of the City's website.

CAFO, Maggie Duprey, said she would prefer to put this all together as a memo to Council as far as an update of where that all stands.

Councilor Finocchiaro requested that the CAFO give an overall summary and project at the next council meeting for the residents as well.

Councilor McCarty said he will put this request in writing to the Chair, Vice-Chair and Clerk. In speaking to a constituent of the central district, it was brought to his attention that on Pleasant Street, near city hall, down towards the Tenney where the wall across the street ends, there is a property that is doing some type of massive landscaping type of job where it is on a very steep hill right where the wall ends on Pleasant Street. If you look, they have cut down all the trees on the property. It is a very steep hill. Trees, generally the root system as old as they are, usually stabilize the ground and prevent any type of sliding. The trees are gone. There is some type of hardscape project going on where he believes they are trying to build walls and there are three or four levels of them all the way up to the top of the steep hill. He is worried that with the weight of the walls and the reduced trees and just the pitch of that hill, he is worried about any potential type

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of landslide where it pours out onto Pleasant Street which would cause a huge public safety concern. There is a large house at the top and he does not want that to be displaced at all. He was wondering if the city could look at that and see if the permitting process is being followed or if there is any type of additional work that could be done to guarantee safety for anyone traveling Pleasant Street or even the homeowners themselves or anyone in that neighborhood who is somewhat attached to that slope. He has a picture of it. He drove by over the weekend when he heard about it. He will share the picture, so everyone knows what he is talking about. He will write up with the residents' concerns. If we could get an answer on what the process is or anything particular to that site at the next meeting would be greatly appreciated. Or at least have it on the agenda for an update.

Councilor DiZoglio said we may need to look at a few zoning ordinances potentially when it comes to construction sites in the city. Recently he has gotten several calls in the east district with construction that is going on along Calumet Road and Rt. 110. The concern is the safety of how these construction sites are being left at night or over the weekend. They are not gated off completely. Doors are wide open to the construction site. They are worried about safety concerns with either kids running in there playing around, teenagers, or even homeless setting up shop, or someone going in and causing damage. As a city, we need to look at some of our sitting ordinances for zoning and construction when it comes to these large construction sites starting to pop up across the city. We are starting to see some big commercial building along Rt. 110. He is not sure if that is so much a request but more of a sit down, we should have and discuss with the zoning board and some of our inspectors. He commended the Chief and Deputy Haggar who have been going out with inspectional services to some of these sites are up to notch before the close of business.

General Requests

Public Service

- a. Grants: None
- b. Licenses: None

- c. Contracts:

C-23-78 Valley Green Shredding, 67 Katherine Street, Westfield, MA 01086 for Digital Scanning of two of the City of Methuen Storage Units, from Paper copies to digital scans into a system can easily be searched in the Amount of \$93,201.00

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

Councilor Faretra asked if they are talking about PODs or drive-up storage units.

CAFO, Maggie Duprey, explained they are talking about storage units at storage facilities, something that was inherited and full to the brim. This is step one of our scanning project so we can stop using those facilities. The next step, stage two, is get after the stuff that is in our buildings. We have a community Compaq grant to cover the expense for these things. This is a long time coming, past due. It really needs to be done.

Councilor Faretra asked how far back the records go that are in the storage units.

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The CAFO said the units are packed and they cannot even tell but many of the boxes have shred dates on them. Once we have the company that can facilitate the shredding, it can easily be gone through. It is going to be taking the boxes out and making sure we are not shredding anything we should not. It is going to be tedious, but it needs to be done.

Councilor Faretra said the city would be saving money on the storage units. The CAFO agreed.

Councilor DiZoglio noted this should be an easy project. there is a lot of software out there where you take the paper, put it through the shredder. It photocopies it and then shreds it for you after.

The CAFO explained the city does not have the manpower to do it.

Councilor DiZoglio said this is where we get a contractor or a consultant to come in and do this. We have a lot of paper in this place so \$93,000 is it going to be a final number down the road? This seems low.

The CAFO explained this is phase one, to get after those storage units. And that would leave us with over \$100,000 for the second phase which is then going to go into our buildings and go through offices and be able to scan those things as well. Phase one is to get after the things that are not in the building.

Councilor DiZoglio asked “If we actually need Phase one, if it is not even in the building is it even necessary to keep?”

The CAFO explained some of it is. There are certain things like payroll documents that we cannot ever shred. If we scan them and we can document them that we have scanned, then we can shred them. Those are some of the things we have in the storage units that we have nowhere else to put. But now we can electronically document it and get rid of them. but we do not have the manpower to do it ourselves.

Councilor Zeigler said there is an investment profile page in the packet that itemizes the costs.

Councilor DiZoglio said one was itemized at \$500,000. He wanted to make sure that was not the actual number coming to Council in the future.

Councilor Finocchiaro asked how much this represents as far as paper storage the city has.

The CAFO reiterated this goes after all the storage units.

Councilor Finocchiaro expressed concern that at times throughout the past few decades, there have been stories and things that she personally witnessed of people in this town hall shredding documents of large quantities of things that could be important or contain evidence and often time evidence is slipped in often times no one even remembered that it could be evidence. It is papers from years past. Her concern would be some of those things just leaving the city hall, being off site. That is a concern of hers. For example, if we were to say “okay, we are earmarking certain things, these are certain items from residents requesting applications for marriage licenses or something like that. Something like that we could say “okay if we have the copies of that and not the actual physical copy” her concern would be that we start with certain items. We could say we could feel comfortable that there is no evidence. When she says this, even though there’s been discussions over the past six years of a variety of different issues, it’s become clear

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to her during here that is a drop in the bucket of other alleged crimes and felonies that have taken place in Methuen over the course of its history. She asked if they have thought about this. *“Is there a way that they could address this?”* And if it’s a new question how do you feel since it is sitting there anyways, about us tabling this so that they can come up with a plan to start with certain areas or start from whatever you recommend with that in mind because this is a concern that she has heard from other people. It was a concern before she became a Councilor and she saw it once with her own eyes and obviously we cannot stop people from shredding stuff when they are in their office by themselves. There is a certain amount of that that is impossible to stop. But for the items that we do have that is relevant for, that would be her concern as we are going to be facing probably years of continued investigations, lawsuits and other. She asked: *“Can we start in certain areas?” that might be less likely to have physical evidence, where we want the actual physical copy and not a photocopy?”*

The CAFO asked if she was speaking of the storage units. Councilor Finocchiaro responded with the storage units and any other documents. It seems the CAFO said it was going to be for all the storage units. It sounds like we do not fully know what is in there and how far back it goes. Some of the things that have been alleged, time has run out to bring charges on those, but others have not. It is unclear. She has heard stories of the process of reconciling those files, files going missing, boxes going missing. She does not know to what extent that can be remedied, some of them are open access. Some of these are locked. *“What can we do and what do you recommend?”*

Mayor Perry explained there are guidelines from the Commonwealth of Massachusetts on what records need to be retained physically and otherwise. We are following that as we roll this project out. There are guidelines on what can be retained as electronic storage, what cannot, and what must be physical. For example, birth certificates and death certificates, physical copies must be maintained. We are following that in this project to the letter of the law.

The CAFO also said there are rules and regulations of what we need to keep, what we do not need to keep. A lot of the items that are in these storage units, there is a lot from the old finance department with old invoices, warrants, all of that would get scanned. None of that would need to be kept as physical. She does not believe there have been discussions about something in there being fraudulent that we should be keeping physical copies of. She does not know of conversation about that. She has not been part of that conversation.

Councilor McCarty asked if we are currently in a position where the paper, we are producing now is just normal business is being uploaded into some type of storage or cloud.

The CAFO said everything we do now, all our warrants, all our payrolls, all of that is done electronically. We are moving into Munis starting July 1st and all of that is going to be electronic. Invoices are processed electronically. Everything is going to be electronic. We are moving in the right direction quickly. It is just we have this old residual stuff is out there getting old.

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Councilor McCarty said there is a lot in the Council office. He applauded the administration. It is a huge project.

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

C-23-79 Carbon Activated Corp., 3774 Hoover Road, Blasdell NH 14219 for Granular Activated Carbon in the Amount of \$213,600.00 (\$1.78 per pound Contract until June 30, 2023. One-time delivery)

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

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

C-23-80 N. B. Kenney Co., Inc., 68 Burnham Road, Devens, MA 01434 for Boiler and HVAC Repair and Maintenance Services in the Amount of \$500,000.00 (39 months with 2 one-year extensions)

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

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

Other Officers and Committee Reports: None

Unfinished Business

Resolutions:

TR-23-14 Resolution to require All Titles to All City Council Agenda Items to Note Any Line Item for Transfers, funding Sources, Revenues, Expenditures, Recipients, Origination, and Summary of Purpose as Applicable and Available (amended) By Request of Councilor Jessica Finocchiaro Co-sponsored by: Councilor Allison Saffie, Chair Eunice Zeigler (remove from the table) MOTION BY: Councilor McCarty, seconded by Councilor Saffie to remove from the table. UPON VOTE: 8 yes, 1 absent (Clr. Simard)

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

Councilor DiZoglio noted he has not seen any change to the agenda. Council was going to test this between the last meeting and this meeting. He asked if that happened on this agenda.

Chair Zeigler said it has. This included the amendments that were laid out in the resolution.

Councilor DiZoglio noted the resolution says it would have a purpose, a summary, the total expenditure, and who it was from. He does not see it in TR-23-14 or TR-23-16. He is curious.

The CAFO explained the changes only happened on the new items under new business. There are no changes under Unfinished business. The new business items are more in line with what the resolution is doing.

Chair Zeigler noted there is another example as a backup document attached. The sample document provides an overview of what it would look like. The new business outlines exactly what it would look like on an official agenda. Moving forward, should this pass, the agenda would mimic the items that are in new business. Councilor DiZoglio said the confusion is he is working off the old agenda.

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Councilor McCarty thanked Councilor Saba for suggesting a test run on this. First read, he was a little critical. But afterwards he contemplated on it and fundamentally he believes there should be some uniformity around titles. That has been a pet peeve of his in the past. What Councilor Finocchiaro, Councilor Saffie, and the Chair have laid out. It is close to probably the way he would have done it from scratch. He is willing to give it a try and he is happy we can see where things are coming from. He is always a stickler on dollar amounts being on things. You were able to get a little more specific than he would have which could be a good thing. He has come full circle on this and wants to support it.

Councilor Saba asked if the approval is subject to a 30-day waiting period.

The Solicitor responded no.

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

TR-23-15 Resolution Authorizing Transfer of \$450,000 from Water Sewer Enterprise Greater Lawrence Sanitary District Expense budget line to Water Sewer Enterprise Other Expenses budget line due to unanticipated price increases and unexpected repairs

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

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

TR-23-16 Resolution Adopting the Fourth Paragraph of MGL Chapter 40, Section 5B, to Allow a Dedicated Stabilization Fund for the City's National Opioid Settlement Proceed

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

Councilor Saba asked if this resolution is subject to the 30-day wait period.

Solicitor Rossetti responded no.

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

Ordinances: None

New Business

Resolutions:

TR-23-17 Resolution Authorizing Transfer of \$316,120.69 in National Opioid Settlement Proceeds received into the General Fund Miscellaneous revenue budget during FY23 to fund the newly established Opioid Settlement Stabilization Fund Requested by: Mayor Perry and CAFO

MOTION BY: Councilor DiZoglio, seconded by Councilor Faretra to approve for first read. UPON ROLL CALL VOTE: 7 yes, 1 out of the room (Clr. McCarty), 1 absent (Clr. Simard)

TR-23-18 Resolution Authorizing Acceptance of a \$2,500 Walmart Community Grant to be used to support the Methuen Fire Department in aiding the community Requested by: Mayor Perry and Fire Department

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

Councilor Saba asked if there are plans to announce this grant publicly as requested by Walmart.

Mayor Perry responded yes.

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

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TR-23-19 Resolution Authorizing Expenditures of \$1,600 from the Edwin J. Castle Fund for the American Legion Post 122 to go towards funding a band for the annual Memorial Day parade Requested by: Commission on Trust Funds

MOTION BY: Councilor DiZoglio, seconded by Councilor Faretra to approve for first read. UPON VOTE: 8 yes, 1 absent (Clr. Simard)

TR-23-20 Resolution Authorizing Acceptance of a Municipal Energy Technical Assistance Grant of \$15,000 from the Massachusetts Department of Energy Resources to conduct a planning/engineering study of clean energy resilience options at Methuen's critical infrastructure including the Bolduc Street sewer pump station. Requested by: Mayor Perry and Department of Community Development

MOTION BY: Councilor Faretra, seconded by Councilor DiZoglio to approve for first read. UPON VOTE: 8 yes, 1 absent (Clr. Simard)

TR-23-21 Resolution Adopting MGL Chapter 269 of the Acts of 2022 allowing the Methuen Retirement System to increase the FY23 Cost of Living Adjustment from 3% to 5% retroactive to July 1, 2022. Requested by: Mayor Perry and the Methuen Retirement Board

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

Councilor McCarty requested a brief synopsis on this item.

CAFO, Maggie Duprey, explained the Governor has allowed our local retirement systems to increase the amount of COLA that retirees receive above the normal amount. Normally, the retirement system gets a normal amount. They can vote to increase a certain amount put forward by PERAC, 2%, 1 ½%, 3%, 1%, whatever it is. For this year it was 3%. That has already been voted by the Retirement Board and moved forward. This would be in addition to that. The Governor has passed that Retirement Boards are allowed the increase the COLA from 3% up to 5%. However, the additional 2% needs to be voted by the Council, with the recommendation of the Mayor. The Mayor has recommended it. She has received some questions on this. This is not a COLA on everything anyone receives. There are limits on how much somebody can receive. The absolute maximum amount anyone would receive no matter what their retirement is, with the 5%, would be \$900 more a year. If somebody makes \$20,000 in retirement benefits or someone makes a \$100,000, it does not matter. It is not 5% on \$100,000, etc. This is a retroactive COLA. This would be back to July 1st, 2022, this entire fiscal year. Action needs to be taken before the end of the fiscal year for us to move forward with it. The State of Massachusetts Actuary provided as a calculation of a methodology of calculating what this would mean over the life of this COLA. That is what the 1.8 million dollars that she provided in her financial impact statement. That is not for this year or for next year. That is the life of these retirees and what the impact would be for the retirement system comes out so far before. We have 2024. Our budget would not be in effect until 2025, not 24. They are estimating that there would be a 1.5% increase on what that assessment would look like. She estimated it would be \$240,000/\$250,000 for 2025 budget that we would see that effect.

Councilor McCarty as if the 5% is going to be moving forward every year from now on instead of a 3% COLA, we are doing a 5% COLA or just this specific time.

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The CAFO explained the COLA is voted on each year. Next year PERAC might say they get 1%. She has never seen the Governor approve more. That COLA amount will be compounded. Whatever they get, they get the COLA increase of \$900 more. If they get another 1% COLA on top of that \$900. Any time you get a cost of living increase, it will continue. They do not get an additional 5% next year. It would be whatever the state approves.

Councilor McCarty said he must learn more about it. He will vote “present” on the first read and do his homework for the second read.

Councilor DiZoglio said that was a lot of information. Yes, no, maybe on this one. 5% will not be next year?

The CAFO explained if anybody gets raise this year say 1% this year, then your salary is now \$1,000 more.

Councilor DiZoglio said it is not that case with the COLA. It is 5% added to it afterwards.

The CAFO said and it is not necessarily 5%. Next year it could be anything or nothing.

Councilor DiZoglio said whatever Council does on this vote, it does not lock it in going forward. The CAFO agreed.

Councilor DiZoglio said if the Governor comes back next year and its 3% and then comes back mid-year that it is 5%, you are going to need us to do the same action. CAFO said that is correct. Councilor DiZoglio said the difference from now to last year is \$107,087.18 is what we are retro-ing once we vote. you are saying 2022, he sees 2022 payments as \$107,000. He is looking at max municipal allocation of distributor abatement funds, time frame June 2022, July/August 2022, payment amount \$52,213.42.

The CAFO said he is looking at the opiate settlement. That is attached to it but that is not part of it. She is not sure why that is there. It is not going to cost us anything this year and it is not going to cost us anything in FY24. We are not going to see a cost to us until 2025. That is \$245,000. The life of what that COLA looks like so if somebody is fifty and going to be getting retirement benefits the next thirty years. The life of the COLA would be 1.8 million dollars. In the appropriation for 25 will be the first time we see it. It would be an increase of about \$245,000. The 1.8 million dollars is the totality. She was trying to give Council an idea.

Councilor Saba said he needs to understand this better. We basically give 1%, 2% increase to over various collective bargaining agreements. But on this COLA, we are being asked to increase by 5%. He is trying to understand how that compares. Our retirement system in general – don’t we owe money on that? What is the balance on what we owe on that system right now?

The CAFO said in totality, she could get a report as to the full valuation of it. Generally, every year as an appropriation we budget in our General Fund and our Water/Sewer Funds, the annual appropriation which is approximately sixteen plus million dollars at point every year. There is an unfunded liability which is what the question is from the Councilor and we will get a report to you on what that looks like. That is separate from the annual assessment.

Saba the unfunded liability we only have so much time. We have got to get caught up on that. He though it was a substantial amount, trying to catch that up in addition to maintaining. He is going to vote “present” too because he is not sure and has some questions. He would like to see the report that Councilor Finocchiaro requested.

Councilor Finocchiaro asked the Mayor to give his input on the process. This does not happen all that often and she is sure that there is a process for conversations and the way that this

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law is structured requires the consent of the Mayor. She wanted to give the Mayor the opportunity to provide his thoughts about the process.

Mayor Perry said the reason he put this resolution before Council is our retirees do not always get a 2% raise as our employees do in CBAs. Many times, our retirees do not get a COLA above a bump up. It is skipped. If you talk to the retired police and the retired firefighters, they will tell you that they are severely lacking in getting COLAs and to him that was the driving factor in recommending Council take a look at this. He thinks the Governor recommending is a one-time thing. He does not see that happening regularly. To him, it is deserved. Its difficult but we need to show our retirees too that we think of them often. He agrees with the discussion on the unfunded liability. We are starting to make some progress. And we do need to make more. To him, we need to show our valued pensionable employees that they are valued too. That was the gist of why he recommended that the Council consider this.

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

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

Ordinances:

Any Other Business for the Good and Welfare of the Community

Councilor Beauregard announced this Saturday at 8:30 a.m. everyone is welcome to go down to the Rail Trail. The Rail Trail Alliance is having their Earth Day cleanup Saturday the 22nd. He has been collaborating with DPW and others who are planning a Community Cleanup event in the Arlington Neighborhood.

Councilor Finocchiaro reminded everyone there is an opportunity to learn some history, Andrew Haldene Thursday April 27th. The Flag replacement event is at Elmwood Saturday May 20th from 8:30 to 12:00 noon.

Councilor Saba asked if there is anything else the city can do to promote parades, specifically the Memorial Day Parade. He suggested a reverse 911 call and hanging a banner by the Loop and Irish Cottage.

Councilor Faretra said a lot of the agreements the city had with the digital boards included time for the community on those boards, for city events and non-profits. He suggested that Jack Wilson investigate that. That might be another way as well if the city could advertise on those boards about the Memorial Day Parade. That might be another way to get the word out and use that for other events as well.

Mayor Perry said he shares the Council's righteous indignation on what was cited and he would hope the Council would join him in requesting that the city solicitor help us pen a letter to the editor or a letter that we can use to the District Attorney or the US Attorney's office or the Attorney General to express our outrage and demand action on the incidences that were cited in the report. The residents of this city deserve it. It has been far too long. Everybody who spoke on it is correct. And the only way we do get some action is to continuously pursue it. he asked the Council to request that the solicitor help us pen a letter to the editor of the Boston Globe, the Eagle Tribune, the Boston Herald, to be sent to news stations, to demand action from the authorities that are reviewing the most recently cited incidences both in the investigations by the Methuen police department, investigation by the STIRM group, and previous investigations by the Civil Service Commission and the Inspector General's office so we can finally free the city from the cloud that's hung over it for far too long.

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Councilor Saba asked if the Council could request to the solicitor to get that written next week to get that out.

The Solicitor said the Chair could entertain a motion and vote.

MOTION BY: Councilor Saba, seconded by Councilor Saba to instruct the solicitor to write a letter on behalf of the Mayor, the City Council and the residents of Methuen requesting that the enforcement agencies actually take consideration of all the letters as mentioned by the Mayor and act on behalf of the taxpayers.

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

Chair Zeigler announced there are opportunities for youth who are looking for summer jobs. Mass Hire has a Valley Works Program. The application for that is due this Friday. It is \$16.25 per hour. Any youth between the ages of 14 and 25 may apply. They may also email MVWByouth@MassHireMWVB.org.

Adjourn

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

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

I do hereby certify at a meeting which a quorum was present the foregoing minutes were approved by the Methuen City Council by a unanimous vote on May 1, 2023.

Linda Gagnon
COUNCIL CLERK