

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, December 1, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, December 1, 2009** at 7: 03 p.m. in the City Council Chamber with all Members present.

Approximately Thirty- six [36] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: None

II. PUBLIC PARTICIPATION:

Council President Blanchette requested those who wished to provide public input and participation to present themselves and address the City Council. Upon the invitation of Council President Blanchette, the following individuals addressed the City Council:

Mark Laplante, 29 Durso Ave., Lawrence, MA, thanked the Council Members for their service as Members of the City Council. He spoke in favor of completing the “In-Town Mall” project as soon as possible and stated that he will carry on with the approval of the project with his next term as a Member of the Lawrence City Council.

Homayoun Maali, 53 Chester Street, Lawrence, MA, stated that he believes that the conduct of Superintendent Laboy is inappropriate.

James Blatchford, 3 Harrison Street, Lawrence, MA, spoke in favor of the “In-Town Mall” project.

Joseph D’Amico, 11 Lorenzo Road, Lawrence, MA, suggested that only two entrances to City Hall need to be opened during regular business hours for reasons of safety

[Tuesday, December 1, 2009]

to the employees and the public. He suggested that the employees be provided with key cards for authorized entry.

Analuz Garcia, 46 Cypress Street, Lawrence, MA, spoke in favor of the transfer of the In-Town Mall property to Northern Essex Community College [hereinafter NECCO].

Ilia I. Colon, 213 High Street, Lawrence, MA, [Analuz Garcia read a letter of support by Ilia I. Colon in her presence stating her reasons to favor the In-Town Mall property transfer to NECCO.]

Donna Bertalino, 3 William Street, urged the Council Members to vote in favor of the In-Town Mall project.

Gisela Nash, 45 Franklin Street, Lawrence, MA, commented that she supports the In-Town Mall/NECCO Project as an employee of NECCO.

Karletty Medina, 45 Franklin Street, Lawrence, MA, stated her support of the In-Town Mall/NECCO Project as an employee of NECCO.

Mark Gray, 17 Groton Street, Lawrence, MA, stated that he supports the In-Town Mall/NECCO Project as a Member elect of The Lawrence School Committee.

III. PUBLIC HEARINGS:

Doc. 311/09: Stop Signs – Lenox Circle (north east corner) @ Lenox Circle and Lenox Street – Hearing held - Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

[Tuesday, December 1, 2009]

Upon no discussion or comment offered by anyone present, Council President Blanchette closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the measure presented by Councilor Kolofoles, as seconded by Councilor Moran, the Council Members present voted unanimously [9-0] to approve the measure.

A further motion presented by Councilor Twomey to waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter was duly seconded and unanimously approved by the Council Members Present [9-0].

Doc. 311/09: Approved-30days Waived

Doc. 313/09: Stop Signs – 4 way – Essex St. at Towerhill (currently existing 2-way stop sign) –Hearing held – Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members. Upon no public comment offered on the matter, Council President Blanchette closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion. Upon no discussion or comment offered by

[Tuesday, December 1, 2009]

the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the measure and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles as seconded by Councilor Moran, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 313/09: Approved-30 Days Waived

Doc.315/09: Stop Signs – 4 way – Essex St. At Cypress Ave. - (currently existing 2-way stop sign – Hearing held – Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members. Upon no public comment offered on the matter, Council President Blanchette closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion. Upon no discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the measure and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles as seconded by Councilor Twomey, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 315/09: Approved-30 Days Waived

[Tuesday, December 1, 2009]

**Doc.326/09: Lawrence Fire Department – Fees – to be increased – Hearing held –
Approved**

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

Upon no public comment offered on the matter, Council President Blanchette closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being granted the floor, Councilor Kolofoles presented a motion to approve the measure which was seconded by Councilor Silva.

Upon discussion, Councilor Alvarez-Rodriguez posed questions to Firefighter Macarone regarding the proposed to increase fees by 100 %.

Upon no further discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the measure presented by Councilor Kolofoles as seconded by Councilor Silva, the Council Members present voted to approve the measure as follows:

8-Yes; 1-Abstain

Councilor Fielding – Yes
Councilor Gonzalez – Yes
Councilor Moran – Yes
Councilor Abdoo – Yes
Councilor Alvarez-Rodriguez – Abstain

[Tuesday, December 1, 2009]

Councilor Twomey - Yes
 Councilor Silva – Yes
 Council Vice President Kolofoles – Yes
 Council President Blanchette – Yes

Doc. 326/09: Approved

**IV: COMMUNICATION FROM MAYOR, CITY OFFICIALS & COTU
 ATTORNEY:**

**363/09: Cedar and Broadway Streets – request to name said corner after Attorney
 Michael Tarshi, Sr. – Mayor Sullivan and Council Vice Pres. Kolofoles –
 Ref. to Ord.**

Council President Blanchette introduced the matter and deferred the matter to Council
 Vice President Kolofoles, who presented the matter.

Council President Blanchette referred the matter to the Ordinance Committee.

363/09: Ref. to Ord.

V: APPROPRIATIONS-ORDERS-RESOLUTION:

Council President Blanchette called the following matter to the attention of the
 Council Members as appearing on the Agenda which was referred as indicated:

**Doc.361/09: Appropriation Transfer – Snow and Sanding – MGL Ch. 44, Sec. 31D –
 Frank McCann, Jr., DPW Director – Ref. to Budget & Finance**

**Doc.336/09: Personnel Department – Prior year bills – The Valley Patriot – B & F
 Comm. – Approved**

At the request of Council President Blanchette, Councilor Silva presented the report
 from the Budget and Finance Committee, in the form of a motion to approve the item
 presented. The motion was seconded by Councilor Kolofoles and unanimously approved by

[Tuesday, December 1, 2009]

the Council Members present [9-0].

Doc. 336/09: Approved

VI. COMMITTEE REPORTS:

Doc.101/09: Parking–Inman St.–restrictions–amend ordinance from 7:00 p.m. to 6:00 a.m.–Ord. Comm. & Public Hearing ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion to order a public hearing, seconded by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 101/09: Public Hearing Ordered

Doc.327/09: Stop Sign – 4-way -Lexington and Buswell Street – Ord. Comm & Public Hearing ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion to order a public hearing, seconded by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 327/09: Public Hearing Ordered

Doc.328/09: Parking – 202 Broadway Street – (2) 15 minute spaces – Ord. Comm. & Public Hearing ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion to order a public hearing, seconded by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 328/09: Public Hearing Ordered

[Tuesday, December 1, 2009]

Doc.341/09: National Grid–permission to place underground electric conduits on Park St. – Ord. Comm. & Public Hearing ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion to order a public hearing, seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

Doc. 341/09: Public Hearing Ordered

Doc.347/09: National Grid and Verizon, New England Inc.-permission to locate poles, wires and fixtures on Sherman St. – Ord. Comm. & Public Hearing ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion to order a public hearing, seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

Doc. 347/09: Public Hearing Ordered

Doc.345/09: Handicapped Parking – 155 Salem Street – to be removed – Ord. Comm. & Public Hearing ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion to order a public hearing, seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

Doc. 345/09: Public Hearing Ordered

Doc.354/09: Disclosure of Financial Interest – Snow Plowing – Ord. Comm. – Approved

[Tuesday, December 1, 2009]

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the disclosure of financial interest presented in the petition. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

Doc. 354/09: Approved

Upon the motion of Councilor Alvarez-Rodriguez as seconded by Councilor Abdo, the Council Members present voted unanimously to consider the matters referenced below “in block form” [9-0].

Doc.322A/09: Intown Mall – accept value of Zero Dollars – Housing Comm.

Doc.322B/09: Intown Mall - declare Parcel 6 & 6M available for disposition –Hous. Comm.

Doc.322C/09: Intown Mall – convey parcel 6 plus utility easement in parcel 6M funded by grants – Housing Comm.

Doc.322D/09: Intown Mall – convey access – utility easements in areas 1, 2, 3, and 4 to all abutters – Housing Comm.

Doc.322E/09: Intown Mall - authorize Mayor to enter into agreements and to execute agreements – Housing Comm.

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee recommending the approval of each of the measures. The report was presented in the form of a motion to approve and seconded by Councilor Twomey.

Upon being granted the floor, Councilor Alvarez-Rodriguez discussed the necessity for current action by Council in order to allow this project to proceed.

Councilor Alvarez-Rodriguez requested Mr. Duncan Grant, representing the Division of Capital Asset Management [hereinafter DCAM], to address the Council Members

[Tuesday, December 1, 2009]

concerning matters inquired about by Councilor Alvarez-Rodriguez concerning the proposed NECCO project.

Upon being granted the floor, Council Vice President Kolofoles posed questions to Mr. Grant regarding public/student access to the completed building. Council Vice President Kolofoles stated that he supports the project presented for approval.

Council President Blanchette posed questions to Counsel appearing on behalf of DCAM and City Attorney Boddy regarding the method and language of the votes necessary to obtain DCAM approval.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that she accepts the amendment to the items to reflect the actual votes necessary on each item so that they correspond with the proposed votes suggested by Counsel to DCAM and the City of Lawrence. Council President Blanchette directed the City Clerk to assign the language presented as #1 through #6 to correspond to Doc. 322A/2009, 322B/2009, 322C/2009, 322D/2009 322E/2009 and 322F/2009. The motion was seconded by Councilor Twomey.

Council President Blanchette posed questions to DCAM Counsel and Attorney Boddy regarding additional conditions that may be required by DCAM.

Upon being granted the floor, Councilor Moran posed questions to Attorney Boddy about the impact that failure to approve may have on the area and City. Councilor Moran asked if Lawrence residents will be hired to complete any of the projects. Ms. Elaine Campos [DCAM project coordinator] suggested that hiring of Lawrence residents could not be guaranteed but assured the Council Members that all efforts would be made to encourage employment of Lawrence residents.

[Tuesday, December 1, 2009]

Upon being granted the floor, Councilor Silva posed questions to Mr. Grant about the particulars of construction involved with the project.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Blanchette called the motion to the attention of the Council Members.

Upon vote of the Council Members present, the measures presented [Doc. 322A/2009, 322B/2009, 322C/2009, 322D/2009 322E/2009 and 322F/20093] was approved by roll call as follows: 9-YES; 0 –NO.

Council Vice President Kolofoles – Yes
 Councilor Silva - Yes
 Councilor Twomey - Yes
 Councilor Alvarez-Rodriguez - Yes
 Councilor Abdoo - Yes
 Councilor Moran – Yes
 Councilor Gonzalez - Yes
 Councilor Fielding - Yes
 Council President Blanchette – Yes

**Doc. 322A/2009, 322B/2009, 322C/2009, 322D/2009 322E/2009 and 322F/2009
 Approved**

**Doc.351/09: Tax Increment Financing (TIF) Agreement for a doctor’s Consortium @
 25 Marston St. - B & F Comm. – Approved**

At the request of Council President Blanchette, Councilor Silva presented the report from the Budget and Finance Committee in the form of a motion to approve the Tax Increment Financing (TIF) Agreement providing location of a doctor’s consortium at 25 Marston Street, as seconded by Councilor Twomey and unanimously approved by the Council Members present [8-0] [Councilor Alvarez-Rodriguez absented herself from the

[Tuesday, December 1, 2009]

Council Meeting for the remainder of the evening].

Doc. 351/09: Approved

Doc.352/09: Tax Increment Financing (TIF) Agreement for ACE Metal @ 125 Glenn Street – B & F Comm. - Approved

At the request of Council President Blanchette, Councilor Silva presented the report from the Budget and Finance Committee in the form of a motion to approve the Tax Increment Financing (TIF) Agreement for ACE Metal, 125 Glenn Street, Lawrence, MA. The motion was seconded by Councilor Twomey.

Upon being granted the floor, Council Vice President Kolofoles posed questions to Mr. O'Connor of Lawrence Community Development who explained the reason for presenting the TIF application for ACE Metal at 125 Glenn Street. Further discussion ensued between Councilor Silva and Council Vice President Kolofoles regarding the manner TIF agreements operate as a tax incentive. Councilor Kolofoles stated that he believes the approval of TIF agreements result in more profit to the original property owners.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Blanchette called the motion to the attention of the Council Members.

Upon vote of the Council Members present, the measure was approved as follows: 7-YES; 1-

ABSTAIN; 1 ABSENT:

Councilor Fielding – Yes
 Councilor Gonzalez – Yes
 Councilor Moran – Yes
 Councilor Abdoo – Yes
 Councilor Alvarez-Rodriguez – Absent
 Councilor Twomey - Yes

[Tuesday, December 1, 2009]

Councilor Silva – Yes
 Council Vice President Kolofoles – Abstain
 Council President Blanchette – Yes

Doc.352/09: Approved

**Doc.351/09: Tax Increment Financing (TIF) Agreement for a doctor’s Consortium @
 25 Marston St. - B & F Comm. – Motion to Reconsider Defeated**

Upon being recognized, Council Vice President Kolofoles presented a motion to reconsider the prior approval of Doc. # 351/09. The motion was seconded by Councilor Gonzalez and defeated by roll call vote of the Council Members as follows:

3-YES; 5-NO; 1 -ABSENT

Council Vice President Kolofoles – Yes
 Councilor Silva - No
 Councilor Twomey - No
 Councilor Alvarez-Rodriguez - Absent
 Councilor Abdoo - Yes
 Councilor Moran – No
 Councilor Gonzalez - Yes
 Councilor Fielding - No
 Council President Blanchette – No

Doc.351/09: Motion to Reconsider Defeated

VII. WITHDRAWALS:

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting a motion to withdraw matters pending before the Ordinance Committee.

Councilor Kolofoles moved to present all items referenced below as a “block” for the purpose of withdrawal each measure from the City Council Agenda. The motion was seconded by Councilor Silva and Council Members present voted unanimously [8-0] to withdraw the following matters from the City Council Agenda:

[Tuesday, December 1, 2009]

- 122/08: Board Appointments – staggered terms – Library Board of Trustees – Ord.Comm. - Withdrawn
- 187/08: Saint Laurence O’Toole Vacant Lot – Ord. Comm. - Withdrawn
- 145/09: Retroactive Payment over \$2,500.00 – needs City Council approval – Ord. Comm. - Withdrawn
- 263/09: Handicapped Parking – 248 Broadway Street – Ord. Comm. - Withdrawn
- 272/09: Communication wires and Utility lines – remove obstruction – Ord. Comm. Withdrawn

Council President Blanchette granted Councilor Silva the floor for the purpose of presenting of presenting a motion to withdraw matters pending before the Budget and Finance Committee. Councilor Silva moved to present all items referenced below as a “block” for the purpose of withdrawal each measure from the City Council Agenda. The motion was seconded by Councilor Kolofoles and Council Members present voted unanimously [8-0] to withdraw the following matters from the City Council Agenda:

- 33/08: Allied Waste Cost Saving Survey – Power Point Presentation - B & F Comm. Withdrawn
- 87/09: FY 2009-2010 Fiscal Recovery Plan – B & F Comm. - Withdrawn
- 303/09: FY 2010 Budget–request B & F Director M. Andrews to explain ramifications with regard to DOR Letter stating City’s FY 2010 Budget is \$10.9 millions over levy – B & F Comm. - Withdrawn
- 304/09: Executive Response to August 19, 2009 Letter to Mayor Sullivan B & F Comm. – Withdrawn

VIII. OLD BUSINESS: - None

IX. TABLED MATTERS:

Doc. 6B/08: City Contract Ordinance – Section 3.04.230- Ord. Comm. - Ref. to Ord.

Upon being granted the floor, Council Vice President Kolofoles presented a motion to take Doc. 6B/08 off the table. The motion was seconded by Councilor Moran and the

[Tuesday, December 1, 2009]

[Tuesday, December 1, 2009]

Council Members present voted unanimously [8-0] to take Doc. 6B/08 off the table. Council President Blanchette referred the matter to the Ordinance Committee.

Doc. 6B/08: Ref. to Ord.

Council President Blanchette granted Councilor Abdo the floor for the purpose of presenting of presenting a motion to withdraw matters pending before the Personnel Committee. Councilor Abdo moved to present all items referenced below as a “block” for the purpose of withdrawal each measure from the City Council Agenda. The motion was seconded by Council Vice President Kolofos and Council Members present voted unanimously [8-0] to withdraw the following matters from the City Council Agenda:

- 275/07 Marion Avenue – park to be named – Ord. Comm. - Withdrawn
- 22/08 Personnel Department – Re-organization - Withdrawn
- 236/08 National Grid–req. permission to place underground electric conduits on Green St.-hear. - Withdrawn
- 281/08 Revised Zoning Ordinance – Political Signs – hearing - Withdrawn
- 23/09 Water Treatment Plant – contract approval - Withdrawn
- 39/09 Water Commissioner – lay off – compliance with MGL Chapter 111 Section 160- City Attorney invited to attend - Withdrawn
- 141/09 Resolution – Delilah Rivera – Council Pres. Blanchette - Withdrawn
- 219/09 FOIA Request Ignored by Administration – copy of all bills and documents related to payment to Mintz Levin Law Firm–Budget and Finance Director Mark Andrews and Comptroller Dir. Camasso to attend to answer questions - Withdrawn
- 222/09 Brook Street – request to have alternate parking year round - Withdrawn
- 227/09 Cell Towers – Presence requested of Land Use Planner Dan McCarthy and City Attorney Richard D’Agostino to explain process in securing cells towers and the appeal process if denied - Withdrawn
- 245/09 Audit Bid Process – Council Pres. Blanchette - Withdrawn
- 279/09 Fire Department – Budget Status - Withdrawn
- 305A/09 Compost Program – Ord. Comm. - Withdrawn
- 329/09 Automated Trash Proposal – “Let the Residents be heard” - Withdrawn
- 340/09 Pro-forma Submission – Council Pres. Blanchette - Withdrawn
- 353/09 Inspectional Services Dept. – Compensation for Building Inspector per settlement agreement – Vice Pres. Kolofos – Withdrawn

[Tuesday, December 1, 2009]

X. NEW BUSINESS:

Doc.362/09: St. Mary's Bingo - request approval to change the night to Saturday, December 26th and Saturday, January 2, 2009 instead of Friday due to Christmas and New Year days falling on Friday – James M. & Janice M. Jacobs - Approved

Upon being recognized, Councilor Silva presented a motion to have the matter declared an emergency measure and to suspend the Rules of the City Council in order to address the matter. The motion was seconded by Council Vice President Kolofoles and the Council Members present voted unanimously [8-0] to declare the item an emergency matter.

Councilor Silva presented a motion to approve the item which was seconded by Councilor Abdoo and unanimously approved by the Council Members present [8-0].

Doc.362/09: Approved

Council President Blanchette brought the matters listed below to the attention of the Council Members present and referred each to the Council Subcommittee as indicated:

- 356/09: Transient Vendor License – Hugo A. Barrientos – 505 Hampshire St., Lawrence, MA – Ref. to Ord.
- 357/09: FY 2010 Tax Recapitulation – Mark Andrews, B & F Director, David Camasso, Comptroller – Ref. to Budget & Finance
- 358/09: FY 2010 Tax Classification Factor – Alexcy Vega, Board of Assessors Chairman – Ref. to Budget & Finance
- 359/09: Tax Increment Financing (TIF) – 60 Island Street – discussion and approval of proposed (TIF) Agreement- Frank O'Connor, Jr., Economic Development Officer – Ref. to Budget & Finance
- 360/09: Tax Increment Financing (TIF) – Former Levis Building on Canal Street – discussion and approval of proposed (TIF) Agreement – Frank O'Connor, Jr., Economic Development Officer – Ref. to Budget & Finance

ITEMS ADDED AT THE MEETING

364/09: Appropriation Transfer from Office of Budget and Finance to Inspectional Services - \$4,800.00 – Council Vice President Kolofoles – Defeated

Upon being granted the floor, Council Vice President Kolofoles presented a motion to suspend the Rules of the City Council and add a new item to the agenda for Council

[Tuesday, December 1, 2009]

consideration. The motion was seconded by Councilor Moran and the Council Members present voted unanimously [8-0] to suspend the Rules of the City Council and add Doc. 364/09 to the Council Agenda.

Upon being recognized, Councilor Silva presented a motion to have the matter declared an emergency measure and to suspend the Rules of the City Council in order to address the matter. The motion was seconded by Councilor Vice President Kolofoles and the Council Members present voted as follows to have the matter declared an emergency. 6- YES; 1- NO; 1-ABSTAIN; 1-ABSENT

Councilor Fielding – Yes
 Councilor Gonzalez – Yes
 Councilor Moran – No
 Councilor Abdoo – Yes
 Councilor Alvarez-Rodriguez – Absent
 Councilor Twomey - Yes
 Councilor Silva – Yes
 Council Vice President Kolofoles – Yes
 Council President Blanchette – Abstain

Council President Blanchette invited Commissioner Burke to provide the Council Members with information regarding the proposed appropriation transfer.

Upon being granted the floor, Councilor Abdoo posed questions about the source of revenue supporting the appropriation.

Upon being granted the floor, Councilor Moran stated his concern that despite a current deficit of \$9.5 million The City of Lawrence is still able to appropriate \$4,800.00 without being properly budgeted. Commissioner Burke discussed further the reason for presenting the item and the necessity for approval.

[Tuesday, December 1, 2009]

[Tuesday, December 1, 2009]

Upon being granted the floor, Councilor Silva expressed her continued concern regarding the matter. She discussed the necessity for financial and fiscal responsibility in regard to this item and all matters subject to arbitration.

In response to inquiry by Councilor Twomey, Commissioner Burke informed the Council Members that the alternative result may require a request for Council approval of deficit spending through the judgment and settlements line item contained in the FY 2010 City Attorney Budget.

Upon being granted the floor, Councilor Gonzalez stated that the employee working and employed as a result of the settlement agreement is entitled to be paid for work performed. He suggested that the employee may seek legal recourse against the City unless he is paid.

Upon being granted the floor, Council Vice President Kolofoles discussed the necessity of approving the appropriation presented. [A discussion ensued between Council Vice President Kolofoles and Councilor Moran regarding the intention to provide payroll for this employee through FY 2010]. Council Vice President Kolofoles stated that the employee is entitled to be paid in accordance with the judgment for settlement or the city may be subject to further suit and punitive penalties for non-compliance.

Upon no further discussion, Council Vice President presented a motion to approve the which was seconded by Councilor Twomey.

Upon being granted the floor, Councilor Moran stated that approval of the measure would only serve to reward the Administration for poor decision making and poor planning.

[Tuesday, December 1, 2009]

Upon no further comments, discussion or inquiry by the Council Members present, Council President Blanchette called the motion to the attention of the Council Members.

Upon vote of the Council Members present, the measure was defeated as follows: 4-YES; 3-NO; 1-ABSTAIN; 1 ABSENT:

Council Vice President Kolofoles – Yes
Councilor Silva - No
Councilor Twomey - Yes
Councilor Alvarez-Rodriguez - Absent
Councilor Abdo - Yes
Councilor Moran – No
Councilor Gonzalez - Yes
Councilor Fielding - No
Council President Blanchette – Abstain

364/09: Defeated

XI. ADJOURNMENT:

Upon Motion of Councilor Fielding duly seconded by Councilor Moran, the Council Members present voted unanimously to Adjourn.

**ADJOURNED
(9:03p.m.)**

Attest:

William J. Maloney
City Clerk