

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Thursday, August 23, 2007

A SPECIAL MEETING of the City Council was held on **Thursday, August 23, 2007** at 7: 09 p.m. in the City Council Chamber with all Members present. Councilor Kolofoles arrived at 7:10 p.m., Councilor Silva arrived at 7:11 p.m. and Councilor Alvarez-Rodriguez arrived at 7:25 p.m.

Approximately Twenty-eight [28] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: - None

II. PUBLIC PARTICIPATION: - None

IV: COMMUNICATION FROM MAYOR, CITY OFFICIALS & CITY ATTORNEY:: - None

V. APPROPRIATIONS-ORDERS-RESOLUTION: - None

VI. COMMITTEE REPORTS: - None

VII. WITHDRAWALS: - None

VIII. OLD BUSINESS:

Doc. 184/07: FY'08 Budget - Discussed

Councilor DiMarca presented a motion to come out of recess from the City Council Meeting of Monday, August 20, 2007 and to resume proceedings. The motion was seconded by Councilor Kolofoles and the Council Members present voted unanimously to come out of recess and resume proceedings [8-0].

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Council President Blanchette commenced the meeting by opening the matter under document number 184/1007 as a public hearing and called upon members of the public to provide their comment.

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA asked the Council not to approve the proposed city budget without review of Police Department and Inspectional Services expenditures.

Jane Valentine, 525 Andover Street, Lawrence, MA stated that it was important to the community that the City Council to fund the City Libraries and to keep the South Lawrence Fire Station open.

Upon no further 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 recognized, Councilor Parolisi presented a motion to adopt the proposed FY 2008 Budget with amendments that may be presented and adopted. The motion was seconded by Councilor Frechette.

Upon being recognized, Councilor Parolisi commented further on the matter and presented an analysis of the implementation of an FY 2008 Budget based upon a \$3.6 million cut.

At the request of Councilor Parolisi, Police Chief John Romero commented on the adverse impact that budgetary cuts would have upon police services.

[Councilor Alvarez Rodriguez arrived at 7:25]

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At the request of Councilor Parolisi, Fire Chief Peter Takvorian commented on the adverse impact the proposed budgetary cuts would have upon fire department services.

At the request of Councilor Parolisi, DPW Director Frank McCann commented on the adverse impact that proposed budget cuts would have upon delivery of basic City services to the public regularly delivered by the Department of Public Works.

At the request of Councilor Parolisi, Comptroller David Camasso commented upon the adverse impact that proposed budget cuts would have upon financial management of the City if implemented.

At the request of Councilor Parolisi, Library Director Maureen Nimmo commented upon the adverse impact that proposed budget cuts would have upon Library operations in the City.

At the request of Councilor Parolisi, Inspectional Services Director, Myles Burke, commented upon the adverse impact that proposed budget cuts would have upon the operations of the Inspectional Services Department.

Councilor Parolisi concluded by discussing the results of reduced City Services and how it would seriously and adversely affect the quality of life the residents of the City of Lawrence have come to expect.

Upon conclusion of Councilor Parolisi's presentation, City Assessor Joseph Giuffrida addressed the Council Members present and provided information concerning certain tax issues at the request of Council President Blanchette.

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Assessor Joseph Giuffrida presented an analysis of possible levy limit proposals prepared by the Assessor's Office. Council President Blanchette clarified that the amount of 420,668.00 million dollars is a shortfall amount.

Upon being granted the floor, Councilor DiMarca suggested the public safety personnel engage in a fitness program and that the police be required to patrol the neighborhoods on foot. He stated that certain cuts could be implemented in the Police Department without impacting service and suggested these cuts be made to police vehicles and gasoline credit cards used by the police.

Council President Blanchette presented a memo he prepared referencing certain policies and possible cuts that could be implemented.

Upon being granted the floor, Councilor Silva stated that although the policy considerations are important, the issue for consideration is reduction of costs. Councilor Silva discussed specific cuts proposed in the document presented and read from a list of proposed reductions that could be implemented in each department. Councilor Silva stated further that Gerry Perry of the Department of Revenue [hereinafter DOR] suggested if the Mayor fails to present a thirty day budget then the City Council should bring suit against the Mayor in Superior Court. Councilor Silva also stated that the tax breaks and waiver of fees for numerous non-profit institutions result in lowering the revenue base of the City of Lawrence. Councilor Silva requested that her proposal be accepted as an amendment to the motion to approve the FY 2008 Budget as presented by Councilor Parolisi. The request was in the form of a motion and seconded by Councilor Alvarez-Rodriguez.

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Upon a call for discussion Councilor Alvarez-Rodriguez encouraged the approval of amendments.

Upon being granted the floor, Councilor Gosselin stated that despite the submission, she does not believe the analysis submitted explains the impact the proposed cuts would actually have upon the City of Lawrence. A discussion ensued between Councilor Silva and Councilor Gosselin concerning the implementation of the proposed cuts.

Upon being granted the floor, Councilor Kolofos suggested that the Council Members withhold any action concerning the approval of the proposed FY 2008 Budget until the cuts and reductions submitted by Councilor Silva were thoroughly reviewed to determine how they would be implemented and how they will impact City services.

Upon being granted the floor, Councilor Parolisi stated that he disagrees with the proposed cuts offered by Councilor Silva and does not accept them as an amendment to the motion for approval of the FY 2008 Budget he presented earlier. He stated that despite the hard work of Councilor Silva, the proposed cuts, if adopted, would be idiotic. Councilor Parolisi discussed the serious adverse impact the cuts proposed by Councilor Silva would have on the City.

Upon being granted the floor, Councilor Silva stated that she made an error in presenting the amount of the proposed cut to Inspectional Services which should be \$62,700.04 rather than \$627,000.04.

Upon being granted the floor, Councilor Frechette stated that the amendment being proposed by Councilor Silva has no impact on the levy limit or the tax rate.

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Councilor Frechette asked if the reduction is approved how the cuts, if adopted, will affect the levy limit and tax rate. Planning Director Sweeney offered to respond to the question posed by Councilor Frechette and stated that the reductions being proposed will not change the levy limit or tax rate.

Councilor Frechette asked Police Chief John Romero to summarize the impact the proposed cuts would have upon the operations of the Lawrence Police Department. In response, Chief Romero stated the Police Department would lose between sixteen and seventeen police officers.

Upon further questions posed by Councilor Frechette, Chief Takvorian stated the cuts being proposed would result in the loss of about seven or eight positions and one fire station would be closed.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that the cuts proposed by Councilor Silva would not cut employees from positions. She stated further that if the proposed cuts were approved, the next obvious step is to adopt a tax rate and levy limit that reflect the reduction.

Upon being granted the floor, Councilor Kolofos stated that he does not believe the cuts have to be implemented by cutting personnel from each department.

At the request of Council President Blanchette, Planning Director Michael Sweeney stated that if the proposed cut to the Planning Department were approved in the amount of \$1,800.00 as recommended, the Zoning Board of Appeals would lose its ability to provide public notices required by law when zoning or planning amendments are being presented for approval.

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Council President Blanchette informed the Council Members that the Community Development Department operates with funds obtained by Federal Grants which provides approximately 98% of the monies necessary. Director Sweeney added that if the proposed cuts were implemented, the Planning Department will be required to terminate two staff members. A discussion ensued between Councilor Alvarez-Rodriguez and Director Sweeney concerning the specific positions that may be jeopardized in the Planning Office.

Upon being recognized Police Chief John Romero commented that even if the cuts being proposed were applied to eliminate all operation costs and expenses, there would still be about \$200,000.00 needed to cut from the Police Department to satisfy the cut being applied.

Upon no further discussion Council President Blanchette called the motion to approve amendments to the proposed FY 2008 Budget as presented submitted by Councilor Silva and seconded by Councilor Alvarez-Rodriguez to the attention of the Council Members present for their consideration [recorded as vote no. 1; 8-23-07]. Upon vote of the Council Members present, the proposed amendments to the FY 2008 Budget as presented by Councilor Silva were approved as follows: 5-Yes; 4- No

Councilor Frechette – No
Councilor Silva - Yes
Councilor Alvarez-Rodriguez - Yes
Councilor Kolofoles - Yes
Councilor DiMarca - Yes
Councilor Parolisi – No
Councilor Gonzalez - Yes
Councilor Gosselin - No
Councilor Blanchette – No

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Upon conclusion of the vote regarding the approval of the amendments proposed and submitted by Councilor Silva, Council President Blanchette called the motion for the approval of the FY 2008 Budget presented by Councilor Parolisi as seconded by Councilor Frechette for the consideration of the Council Members present.

Before a call for a vote of the Council Members was commenced, Councilor Kolofoles was granted the floor and presented a motion to further amend the proposed FY 2008 Budget by reducing revenues by \$3,461,065.80 [recorded as vote no.2; 8-23-07]. The motion was seconded by Councilor Alvarez-Rodriguez and opened for further discussion of the Council Members by Council President Blanchette.

Upon granted the floor, Councilor Frechette and Mayor Sullivan discussed what the levy limit that would result of the amendment proposed by Councilor Kolofoles were approved.

Council President Blanchette informed the Council Members that if the amendment proposed by Councilor Kolofoles were approved the levy limit would be \$39,486,331.80.

Council President called the motion presented by Councilor Kolofoles to further amend the proposed FY 2008 Budget by reducing revenues by \$3,461,065.80 [recorded as vote no.2; 8-23-07] as seconded by Councilor Alvarez-Rodriguez for the consideration of the Council Member present. Upon a roll call vote of the Council Members present, the motion to amend [recorded as vote no. 2; 8-23-07] was approved as follows: 5 – Yes; 4 - No:

Councilor Gosselin – No
Councilor Gonzalez – Yes
Councilor Parolisi – No
Councilor DiMarca – Yes
Councilor Kolofoles – Yes
Councilor Alvarez-Rodriguez – Yes

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Councilor Silva – Yes
Councilor Frechette – No
Councilor Blanchette – No

Upon conclusion of the recorded vote, Council President Blanchette called the motion to approve the FY 2008 Budget presented by Councilor Parolisi as seconded by Councilor Frechette [recorded as vote no. 3; 8-23-07] for the consideration of the Council Members present. Council President Blanchette informed the Council Members that a vote taken on the original motion presented by Councilor Parolisi includes the approved amendments presented by Councilor Silva [recorded as vote no. 1; 8-23-07] as well as the approved amendment presented by Councilor Kolofoles [recorded as vote no. 2; 8-23-07].

Director Sweeney suggested that the Council Members consider voting on the measure by having the approved amendment for the reduced amount of \$3,461,065.80 [recorded as vote no.2; 8-23-07] be referenced only as declaring “no tax increase” rather than a specific amount.

Upon being recognized, Councilor Kolofoles asked Director Sweeney about the proposed language of the amendment approved. A discussion ensued between Councilor Kolofoles and Director Sweeney regarding the implementation of the proposed FY 2008 Budget with the approved amendments.

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Upon being granted the floor, Councilor Frechette stated that he does not agree with Director Sweeney's suggestion because the recap must be approved by D.O.R. based on specific and actual amounts.

Upon being granted the floor, Councilor Parolisi informed the Council Members that a \$3.4 million cut will actually result in a \$5 million cut. Director Sweeney stated that he is confident that the Council Members cannot vote to set a levy limit by voting to approve the FY 2008 Budget with the approved amendments reflecting reductions. He then explained and discussed his reasoning on the matter to the Council Members.

Council President Blanchette expressed concern that a vote is not binding by simply referencing the matter in "words" and the amendments may be void. A discussion ensued concerning the impact of approving the motion to adopt the FY 2008 Budget with the approved amendments.

Upon no further discussion on the matter, Council President Blanchette again called the motion to approve the FY 2008 presented by Councilor Parolisi as seconded by Councilor Frechette [recorded as vote no. 3; 8-23-07] for the consideration of the Council Members present which includes the approved amendments presented by Councilor Silva [recorded as vote no. 1; 8-23-07] as well as the approved amendment presented by Councilor Kolofoles [recorded as vote no. 2; 8-23-07]. Upon a roll call vote, the Council Member present voted to defeat the motion to approve the FY 2008 Budget as follows:

5-Yes; 4-No.

Councilor Frechette – No
Councilor Silva - Yes
Councilor Alvarez-Rodriguez - Yes
Councilor Kolofoles - Yes

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Councilor DiMarca - Yes
 Councilor Parolisi – No
 Councilor Gonzalez - Yes
 Councilor Gosselin - No
 Councilor Blanchette – No

Upon conclusion and recording of the vote, Councilor Parolisi presented a motion to adjourn [recorded as vote no. 4; 8-23-07] which was seconded by Councilor Frechette and defeated by roll call vote of the Council Members present as follows: 3-Yes; 6-No.

Councilor Gosselin – No
 Councilor Gonzalez – No
 Councilor Parolisi – Yes
 Councilor DiMarca – No
 Councilor Kolofoles – No
 Councilor Alvarez-Rodriguez – No
 Councilor Silva – No
 Councilor Frechette – Yes
 Councilor Blanchette – Yes

Upon being recognized, Councilor Parolisi presented a motion to approve a FY 2008 Budget with a levy limit set at \$42,326,725.00. Council President Blanchette informed Councilor Parolisi and the other Council Members that the proposed motion was not feasible as presented. No second to the motion was offered by any Council Member present and the motion died for lack of a second.

Upon being recognized Councilor Kolofoles presented a motion to cut 2.1 million dollars to the proposed FY 2008 Budget as presented. No second was offered by any Council Member present and the motion died for lack of a second.

Councilor Kolofoles offered a further motion to cut 2.4 million dollars from revenue side from real estate taxes. The motion was seconded by Councilor DiMarca

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[recorded as vote no. 5; 8-23-07] and defeated by roll call vote of the Council Members present as follows: 3-Yes; 6-No.

Councilor Frechette – No
 Councilor Silva - No
 Councilor Alvarez-Rodriguez - Yes
 Councilor Kolofoles - Yes
 Councilor DiMarca - Yes
 Councilor Parolisi – No
 Councilor Gonzalez - No
 Councilor Gosselin - No
 Councilor Blanchette – No

Doc. 184/07: Discussed

IX. TABLED MATTERS:

The following items remained “tabled” without further action:

60/06	Zoning Board of Appeals, Planning Board, Lawrence Redevelopment Authority & Conservation Commission – hearing held
215/06	Good Citizenship Award – Mayor
128/06	Acting Jobs Positions and Consultants – on more than 90 days
367/06	Water Treatment Center – Fiber Optics – update on who authorized such work to occur – Where is the contract and the bid? – Council President Blanchette
46/07	Sign Ordinance – new sign – discussion – Peter Blanchette, Building Inspector
42/07	Lawrence Community Works – FY 2006 unpaid invoice - \$4,217.66
14/07	Temporary Appointments – proposed amendments to Section 2.04.081 of the Municipal Code
107/07	Legal Pending Litigation and Claims against the Police Dept. and the City- Counc. Silva
123/06	Revisiting Residency Requirements
309/05	Surplus Declarations – 128 Newbury Street
34/07	Arlington Mills Smart Growth District – hearing held
228/07	Proclamation – Maggie Super Church

X. NEW BUSINESS: - None

XI. ADJOURNMENT:

Upon Motion of Councilor Frechette as seconded by Councilor Kolofoles, the Council Members present voted as follows to Adjourn [recorded as vote no. 10; 8-23-07].

Councilor Gosselin – Yes
 Councilor Gonzalez – No
 Councilor Parolisi – Yes

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Councilor DiMarca – No
Councilor Kolofoles – Yes
Councilor Alvarez-Rodriguez – No
Councilor Silva – No
Councilor Frechette – Yes
Councilor Blanchette – Yes

ADJOURNED
(9:37p.m.)

Attest:

William J. Maloney
City Clerk