

**MINUTES OF THE MEETING**  
**OF THE LAWRENCE CITY COUNCIL**

**DATE: Thursday, August 30, 2007**

A SPECIAL MEETING of the City Council was held on **Thursday, August 30, 2007** at 7: 09 p.m. in the City Council Chamber with all Members present except for Councilor Parolisi.

Approximately Eighty-seven [87] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

**I. ACCEPTANCE OF MINUTES:** - None

**II. PUBLIC PARTICIPATION:** - None

**III. PUBLIC HEARINGS:** - None

**IV: COMMUNICAITON 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 – Recessed**

Upon being recognized Councilor Silva read a prepared statement into the record.

Upon being recognized Mayor Sullivan commented on the positive aspects of the progress the City Of Lawrence has made recently. He commented that based upon information received by D.O.R. and its Council, he believes the budget has been approved.

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Council President Blanchette stated that Mayor Sullivan has submitted an opinion from D.O.R. stating that the FY'08 Budget has been approved as submitted in June of 2007.

Upon being granted the floor, Councilor DiMarca commented about the administration before the Council this evening. He discussed the rate of unemployment, rate of having foreclosures and other matters pertaining to the budget. Councilor DiMarca discussed possible areas of financial savings possible through the elimination of unnecessary spending.

Council President Blanchette stated that the opinion presented by the Mayor needs to be reviewed on behalf of Council.

Upon being recognized Councilor DiMarca stated that he believes the Council has taken "action" sufficient to be considered lawful "action as required".

Upon being granted the floor, Councilor Frechette discussed the multiple version of the FY2008 Budget submitted by the Mayor. He stated that he believes a clarification is necessary regarding the standing of the City Council.

Council President Blanchette read from D.O.R. Representative Nunes' position as submitted by the Mayor. He stated that there are serious questions as to whether the opinion of City Attorney Boddy and the D.O.R. stands for the proposition it was presented to stand for by the Mayor.

Upon being recognized Councilor DiMarca discussed the historical application of State Law.

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Council President Blanchette stated that the Council should make contingency plans to assure the city remains operational.

Upon being granted the floor, Councilor Alvarez-Rodriguez suggested that the U.S. Attorney should be contacted or the State Attorney's Office should be contacted regarding this matter. Council President Blanchette stated that he does not believe the U.S. Attorney or Attorney General will intercede in matters of local concern. Councilor Alvarez-Rodriguez continued discussing the possible methods of seeking further action.

Council President Blanchette stated that some immediate action is necessary to assure that the city remains operational. He stated that further inquiry of Attorney Boddy is necessary.

Upon being granted the floor, Councilor Kolofos stated that he disagrees with the opinion of Attorney Boddy.

Upon being recognized Councilor Frechette presented a motion to send a letter to Attorney Boddy for a ruling on the measure. The motion was seconded by Councilor Alvarez-Rodriguez.

Upon a call for discussion Councilor Silva stated that the letter from D.O.R. was addressed to Director Michael Sweeney and not the Mayor or the City Council. She stated that she does not believe the opinion submitted this evening is competent.

Upon being granted the floor, Councilor Gosselin commented that she is disappointed at the demonstration of arrogance as presented this evening. She stated that whoever orchestrated this fiasco should be removed. Councilor Gosselin further stated that the tactic is a poor one done at a crucial time.

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Upon being granted the floor, Councilor Gonzalez stated that 91 out of 101 calls he received in favor of approving the FY2008 Budget were from individuals being outside of Lawrence. He commented on his disdain for the action presented by the Mayor this evening.

**At 8:10 p.m. Councilor Alvarez-Rodriguez presented a motion to recess the Council proceedings in an effort to reach Attorney Boddy. The motion was duly seconded by Councilor Gosselin and unanimously approved by voice vote of the Council Members present.**

**At 9:10 p.m. Councilor Frechette presented a motion to come out of recess. The motion was duly seconded by Councilor Gosselin and unanimously approved by voice vote of the Council Members present.**

Council President Blanchette reviewed the proceedings occurring during the evening. Upon the appearance of City Attorney Boddy, Council President Blanchette asked him to explain his opinion concerning the claim that the budget for FY2008 was approved pursuant to the City Charter and Mass. General Law. Attorney Boddy discussed his engagement by the Mayor's Office to review and analyze G.L.Ch.44 Sec.32 and City Charter provision 7.2. He stated that his research commenced at about 4:00 p.m. today [8-30-07] and did not conclude until about 7:00 p.m. this evening.

Council President Blanchette inquired about what extent his opinion was solicited and who had asked for his opinion. Attorney Boddy stated he was asked only to perform a comparative analysis of the City Charter and State Law regarding the budget approval process only and not whether the budget was approved. He stated he was asked by the Mayor.

Upon being granted the floor, Councilor DiMarca discussed prior conversations he had with Attorney Boddy recently.

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Upon being granted the floor, Councilor Silva asked Attorney Boddy concerning the required course of conduct for reporting. Attorney Boddy stated he works for the City Of Lawrence and not for the Mayor or Council. He stated that the Council Members should set ground rules concerning dissemination of opinions that may be requested by Council. Councilor Silva asked if the City Attorney has the authority to rule upon an issue of opinion. Attorney Boddy agreed and stated that rulings are reserved for Courts. Councilor Silva commented about alleged violation of budgetary process by the Mayor and suggested that City Attorney agree that the Mayor's Office committed violations of law in the budget process.

Council President Blanchette asked Attorney Boddy what constitutes "action" in regard to a budget submitted June 5, 2007, rejected on July 19, 2007, resubmitted July 25, 2007 and subject to Council discussion. He stated that certain information was not presented by the Administration regarding the course of conduct by the Mayor's Office.

Attorney Boddy states that he would have to review the matter in greater detail to provide a meaningful opinion. A discussion ensued concerning the possible meaning of D.O.R.'s opinion. He suggested that he would probably have to discuss the matter with the Department of Revenue. A discussion ensued about the course of conduct of the City Council regarding the budget.

Upon being granted the floor, Councilor Frechette asked Attorney Boddy to assist to resolve the current dilemma concerning the status of the budget. A discussion by Councilor Frechette ensued concerning the historic practice of the City Council regarding the budget approval process.

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Upon being granted the floor, Councilor Alvarez-Rodriguez concurred with Councilor Frechette regarding comments and citations to “action” taken by the Council. She suggested that the City Attorney be authorized to proceed by way of an “injunction” against the claim of an existing budget. A discussion ensued regarding the appropriate process to be followed.

Upon being granted the floor, Councilor DiMarca stated his disgust with the process being followed in regard to the current budget.

Upon being granted the floor, Councilor Gosselin asked Attorney Boddy about the content on the conversation between Attorney Boddy and Planning Director Sweeney. Attorney Boddy discussed the contents of that conversation. A discussion ensued about the opinion rendered today as presented by the Administration and how it was misused.

Attorney Boddy discussed the limited information he has received from the Administration concerning the matter and possibly there is other information being provided in support of the proposition that a budget has effectively been approved.

Upon being granted the floor, Councilor Gonzalez inquired about the time he began the process of preparing an opinion. Attorney Boddy discussed the opinion and further pointed out the research he would have to perform on the matter to render an opinion.

Upon being granted the floor, Councilor Kolofoles discussed receipt of a budget document by police delivery on July 25, 2007 as being the third submission. He stated his disgust for the action of the Administration this evening.

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Council President Blanchette explained the motion and discussed the importance regarding this matter.

Upon being granted the floor, Councilor Silva commented that Attorney Boddy's work should not be diverted. She discussed her disagreement with the opinion being advanced by the Administration. She advocated proceeding to court to obtain a ruling regarding a thirty day budget.

Upon being recognized Councilor Kolofoles discussed the importance of proceeding.

Council President Blanchette explained the time line of events:

June 5, 2007-Council referred FY'08 Budget to Budget & Finance Cmt.

June 12, 2007-Budget & Finance Committee – review

July 17, 2007-report from B & F –rejected as a whole

July 25, 2007-New Budget

July 27, 2007-Special Meeting-Public Hearing ordered  
30 Day Budget for August/2007

Aug. 16, 2007-recessed/discussed

Aug. 23, 2007-Adjourned after discussion

Upon being granted the floor Councilor Frechette pointed out Charter Rule 7.4, Capital Budget.

As presented by Councilor Frechette and seconded by Councilor Alvarez-Rodriguez, Council President Blanchette called the motion to contact City Attorney Boddy to render an opinion regarding whether or not there is an effective FY'08 Budget

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as claimed by the Mayor. The Council Members present voted as follows to approve the motion. 8-Yes; 0-No; 1-Absent

Councilor Gosselin – Yes  
 Councilor Gonzalez – Yes  
 Councilor Parolisi – Absent  
 Councilor DiMarca – Yes  
 Councilor Kolofoles – Yes  
 Councilor Alvarez-Rodriguez – Yes  
 Councilor Silva – Yes  
 Councilor Frechette – Yes  
 Councilor Blanchette – Yes

Upon being recognized a motion was presented by Councilor Frechette to recess to Friday, August 31, 2007 @ 2:00 p.m. The motion was seconded by Councilor DiMarca and the Council Members present voted

as follows to recess. 8-Yes; 0-No; 1-absent

Councilor Frechette – Yes  
 Councilor Silva - Yes  
 Councilor Alvarez-Rodriguez - Yes  
 Councilor Kolofoles - Yes  
 Councilor DiMarca - Yes  
 Councilor Parolisi – Absent  
 Councilor Gonzalez - Yes  
 Councilor Gosselin - Yes  
 Councilor Blanchette – Yes

**Doc. 184/07: Recess**

**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

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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- Council. Silva
123/06	Revisiting Residency Requirements
34/07	Arlington Mills Smart Growth District – hearing held
228/07	Proclamation – Maggie Super Church

**X. NEW BUSINESS:** - None

**XI. RECESS:**

Upon Motion of Councilor Frechette duly seconded by Councilor DiMarca, the  
Council Members present voted unanimously to Recess to Friday, August 31, 2007 @ 2:00  
p.m.

**RECESSED  
(10:30p.m.)**

Attest:

William J. Maloney  
City Clerk