

METHUEN CITY COUNCIL
RECESSED MEETING – SATURDAY
JUNE 27, 2009 – 9:00 a.m. – GREAT HALL

Chair Deborah Quinn called the recessed meeting back to order at 9:10 a.m. on Saturday, June 27, 2009 with all members present. The Chair recognized several people in the audience who wished to speak.

Ken Doherty from the Fire Department stated their President, Tim Sheehy, asked him to say a few words about their budget. After many hours of intense negotiations with Mayor Manzi, Methuen Fire Fighters Local 1691 has reached an agreement on salary cuts and other contractual concessions for the upcoming fiscal year. The cuts include working unpaid overtime, days off without pay, and forfeiture of holiday pay, among other concessions. This past Thursday, the union body voted to accept that agreement. Any agreement to reduction of wages and benefits is not something that anyone is happy with. They have families and financial obligations just like everybody else and these cuts will create a real struggle for these members. The Methuen Firefighters recognize the difficult economic situation the city is in. Mayor Manzi asked for help to get through these difficult times and they accepted the challenge without any deferrals to the future or any further agreement to recover these lost wages and benefits. The benefits to the citizens of Methuen are to keep our firefighters on the job and fire stations open and fully manned. It's not an easy thing for city employees to accept the whole burden of balancing the budget, a few hundred employees to carry the burden for the whole city. They hope this sacrifice is not forgotten once the crisis is over. The members have all agreed to do their part to help and hope that the City Council, the Mayor, as well as our legislatures at the state level work diligently to find ways to restore funds to provide our citizens with the level of services they have come to expect. It would certainly be unfair to our city employees to continue to take cuts. He thanked Mayor Manzi for his patience throughout the process and his willingness to meet with the union on several occasions. He noted although they did have differences on occasion, the Mayor remained cordial in these discussions and receptive to their ideas. Mr. Doherty also thanked the City Council for their patience while they reached this agreement.

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Lucille Donegan, 19 Somerset Street, read a prepared statement and stated that people are not happy with the ramifications of the proposed fiscal year 2010 school budget that the Superintendent has submitted. The onus or blame that has been placed on the teachers by the Superintendent is unconscionable. She stated that if no teacher took a raise, there would be no layoffs. The contract between the Superintendent and teachers and others was negotiated in good faith last November by the teachers and today is not worth the paper and ink that it's written on. The students are being discriminated against in fiscal year 2010. She asked, "Why can't they have the same thing that the Class of 2009 had?" Cuts were made to athletic program, cuts to the band lessons, cuts to all program assistants, some of them had twenty six years experience, cuts to the custodians, the cut of one principal. One principal can take care of Tenney and Timony. If that's so, then only one principal can take care of CGS and Marsh. She suggested that the school cut a principal's position rather than the teacher's position. If there is no principal needed at Tenney there should be no principal needed at any of the schools, just have the two assistants and the three teachers, upper and lower assistant principals and the lead teacher. She reiterated what she said to the School Committee and Superintendent while they were sitting warmly in their, in the Superintendent's office, nice and dry and comfortable at 10 Ditson Place, while outside parents, teachers, students were demonstrating in the rain with their umbrella's rain coats, several baby carriages, and only fifteen people at a time were allowed to go in and talk. She saw Superintendent Whitten talking to the Human Resource Director while Donna Gogas was talking. That is incomprehensible because public participation is everything in any meeting. Later on she found out when people were speaking, several members, and not the members that are present here, were rolling their eyes as people were speaking during public participation. She had to leave the meeting so others could go in and speak or view part of the meeting. It wasn't televised; no web cam, only J.J. Huggins was there from the Tribune. If budgetary cuts are necessary, let it start at the top with the salary of the Superintendent. Some principals are receiving raises while other unions are getting ten percent cuts and more in their salaries. The proposed school budget is top heavy, incomplete and many positions have no figures. She asked how Council could vote on a budget with no figures or vote on a budget that has not been approved by the School Committee. Grant money and stimulus figures are unknown. Before there are any cuts to teachers' salaries, lets start researching the need for so many administrators. Publish the job title, job description, annual salary of fiscal year 2010 as compared to annual salary for fiscal year 2009 and ask why the positions are necessary, which of them received salary increases and why. The Methuen School Committee and Council should not pass this budget until all questions are answered. There is no law that says the budget must be passed by June 30th, 2009, the end of the fiscal year. A supplemental could be passed or a 1/12 budget. Everybody still gets paid. Our educational system is in a downward spiral. Methuen should be hiring more band teaches, not less. For example, raises should not be given to a favored few of the upper echelon while teachers are taking cuts. Nurses are taking cuts and some secretaries are taking cuts but not all secretaries because the secretaries at the Central all got pretty large increases. She saw the budget and can't believe it. What was stated in the newspaper is not entirely true or not entirely complete. Students of Methuen should be given the best possible education just as we received and our children received in earlier years. Under the former leaders of the

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School Committee and former Superintendents there was never a layoff or a cut. To her it is unacceptable that Superintendent Whitten and the Human Resource Director are preparing the budget.

Jack Burke, 49 Canobieola Road, said he doesn't know why in this city June is always a dark month. Every June we are fixing our budget with one time revenues, selling land or whatever and now there are one time adjustments to contracts. He asked, "What are we going to do next year? Where is the long-term five-year capital improvement plan? Where is the process that this city is going to use to move forward to maintain its sustainability for the citizens? This one time revenue, one time reductions, is not a plan." Methuen needs a plan.

TR-09-42 Resolution Providing for The Adoption of the Fiscal Year 2010 General Government Budget

MOTION BY: Councilor Cronin, seconded by Councilor Leone to adopt.

Councilor Cronin took the opportunity to recognize the efforts of the unions involved on the city side of government, recognizing the need and recognizing the fact that they took some big hits. They not only took a hit on insurance, there is no three percent increase in their pay this year; but there is also a ten percent decrease, major hits on behalf of our local unions. If your house is on fire you want the fire department to show up and if you are in the east end and that station is shut down, you don't want them coming from the west. The same note, if someone is breaking into your house, you want the police officer to show up. He recalled the water break on Reservoir Street, which happened in the middle of winter when it's close to zero. These DPW workers certainly perform every day and especially in emergencies. Their efforts to save their membership by taking these cuts and these hard votes during this time shows what kind of workers we have on the city side of government. He appreciates it. Our Mayor was proactive and worked tirelessly on this budget, recognizing early on there was some serious problems with the state and their funding. But he everyday came to work, while he was sick, every day had his door open and every day he just stood up and said, "This is what I have to do." "This is the number I have to reach and he made whatever he felt were the tough hard decisions on how to get there." Councilor Cronin noted that everyone involved did a great job and he appreciates it, on behalf of the citizens. This was accomplished without cutting services and without raising a dime in property taxes. That speaks magnums of the effort that was put forward by all.

Councilor Willette echoed what Councilor Cronin just stated. To him, it's a night and day comparison between the city budget and the school department budget, very much in terms of the level of sacrifice, he doesn't think it is comparable to any city and town in Massachusetts. When we see a police officer, a fire fighter, a DPW worker, or a city employee, please recognize the level of sacrifice that they have undertaken and it starts from the top and the Mayor started the process by taking an \$8,000 pay cut. There is no comparison with the School Department. Unfortunately, the Superintendent is not engaging in dialogue. She is not engaging in side meetings. She is not forwarding proposals to the various negotiating groups. There are two school committee members here today, Evan Chaisson and Bob Vogler and to him they represent a reasonable voice on that School Committee. He encourages everyone who is interested in the bands,

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music and teachers and services with the School Department to go to the School Committee meeting on Monday because when there is a two percent reduction in Chapter 70, plus have the backfill of the stimulus funds and telling him that they still need to have 24 people laid off, that is totally unacceptable. There's ways of reconciling that budget and saving jobs. The Superintendent should at least engage in dialogue with the negotiating groups, start the process of doing concessions herself. He is not witnessing that at all. There is no opportunity at the last moment. Council voted against the School department budget to send a message and he doesn't think the Superintendent has received that message. She is not here today, not talking to Council separately. She has her votes on the School Committee for Monday's meeting. Evan Chaisson and Bob Vogler, and Barbara Grondine, are the voice of reason. The fire department, the police department, all the city departments, took ten percent cut backs in their salaries. They have families, have homes, mortgages to pay but yet we have to sacrifice the bands, the music and the teachers and custodians and everyone that goes into that school department. It's an absolute shame. He commended the Mayor and Tom Kelly for their efforts, long hours for this process. He is not witnessing a shared sacrifice the School Department. It should start at the top with the Superintendent.

Councilor Lahey said he voted against the School Budget because Council didn't have a budget to vote on and will probably vote against it today for the same reason. Don't take that as support for anything in the school. The administrators did a terrible job and he is not thrilled with the unions. He hears the administrator and a union saying their only concern is the children. On the city side, employees did more than talk. They didn't freeze a raise. They gave up ten percent. He appreciates the fire fighter coming up, not only saying, that they went along with the ten percent but now they are looking at us. We passed a budget on the city employees' backs and now they are asking us maybe we should contribute a little something to it also. He appreciates the action that was done on the city side.

Councilor Leone said he appreciates, like Councilor Cronin said, the activity between the union representatives and the Mayor but there's another group of people here, the Department Heads that are not a member of any union that took the same cut that all the others did. They deserve the same respect from the Council for pitching in that union people received.

Councilor Kannan commented that she shares the same sentiments that both Councilor Cronin and 100% what Councilor Willette. The Mayor did a tremendous job. But she agrees wholeheartedly with what Lucille Donegan said and will not vote on a School Department budget that has no numbers. Most of the Council feels that way and unless they get a budget adopted by the School Committee, she won't be voting on the School budget.

Councilor Willette said the President of the Federation of Teachers indicated the main reason for the stimulus package in terms of education was to save jobs. When we have 24 people and the numbers are fluctuating 24 people at this stage are being laid off as part of the school department budget and they only had a two percent reduction in Chapter 70 and there is a good influx of 4.3 million dollars in stimulus funds between this year and next year, there has to be a reconciliation on that budget. For the city side that received no stimulus whatsoever, he thinks as a City Council, they should be sending a letter to our Congressional delegation that firefighters, police officers, public safety

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workers, made a tremendous sacrifice and shame on our congressional leaders for not having the stimulus funds to preserve jobs. Methuen had to make the sacrifice to keep the police officers and the fire fighters on the streets but this should not have been a discussion of layoffs because there should have been additional monies from the stimulus to protect police and fire. It's a huge void of not having any stimulus money for our police and fire.

Chair Quinn said the City Council should definitely send a letter for that from the whole Council.

Councilor Zanni commended the Mayor, the unions, and employees that stepped up to the plate for their efforts in determining some of these cuts that have to be made for the betterment of the government. When Council deals with the budget itself, there is a request for a stabilization fund for the Methuen School Department. He said he asked earlier what the surplus amount is and his understanding was it is between \$150,000 and \$175,000. If they have X amount of money left as of today, going into the next fiscal year, the school department had an opportunity to negotiate to keep positions and that wasn't done. The end result is it is important to understand that one particular group had not done those things that had been done by other groups and everybody had an opportunity. He asked if Council has to approve the individual contracts.

Mayor Manzi said he would incorporate the contracts as part of the budget submission so that Council approval of the budget would reflect an approval of those, like they do when they change wage and salary ordinances, as part of the budget, including the patrolmen's.

Councilor Willette said comments made by Councilor Zanni is reflective of the Superintendent. There was no background information on the stabilization fund, no memo, no explanation. Without documentation his vote is "no".

Mayor Manzi said this item was previously on the Council agenda, but there were some issues relative to statutory language. On the advise of the Solicitor, it was withdrawn. He would estimate, in talking to the School Department, that the correct figures would be between \$100,000 and \$125,000. It could not be carried forward next year, without Council approval, as part of the process. If Council were to allow it, it could conceivably be used to fill gaps in areas we are looking to fill. This could be a tool that would be utilized to help in that process. It is there for Council consideration.

Councilor Willette asked if the correct assumption would be that it would require School Committee approval as well as City Council approval.

Attorney McQuillan stated that is correct, but also the understanding has to be made that the administration of this account would be through the city.

Councilor Willette said he would support it if it can restore jobs.

Councilor Lahey said at the workshop, he really didn't get answers regarding the salvage account, of \$93,000.

Mr. Kelly said it is a recycling account, large portion of that has come from the recycling of the water meters. Mr. DiFiore explained to him that when a meter breaks down, they strip it down so it goes into various recycling. Part of that money goes into the recycling program.

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Councilor Lahey said based on what the other unions are asking, for us to kind of contribute to what they've already done, he doesn't see why we can't take this account, a line item in the budget that's \$100,000. It would seem to him that this would be a proper venue to replace it. Council can't add but it is a suggestion

Mayor Manzi said the recycling account has been there for recycling purposes and we expend money out of it to promote recycling efforts, recycling initiatives, purchase bins, etc. Since its been derived from that, he would prefer to leave it like that.

Water and Sewer enterprise fund

Councilor Zanni referred to page 79, the head clerk and the principle clerk have taken reductions of 10%. The others have kept their salary amounts intact because a certain amount got taken out of longevity. However, with the \$3900 figure for longevity, if you put the other positions on line, there is over \$20,000 if they were to take the 10% cut. He asked how that equates to a 10% cut across the board there.

Mr. Kelly said the labors didn't take their longevity and they didn't take their clothing allowance but he has a mixture of other unions in the enterprise fund, which would be middle management, AFSME and they do get their longevity.

Councilor Zanni said, on Page 79, it does not include laborers.

Mr. Kelly said that is correct.

Councilor Zanni noted, looking strictly to that group with the bottom line of \$388,000, looking at those positions where people are not taking ten percent, and look at longevity, ten percent does not equate to that.

Mr. Kelly said the ten percent is not ten percent of the bottom line, its ten percent of all their wages that are in there.

Mayor Manzi noted that these employees are not all members of the same union. It is done by unit.

Councilor Zanni referred to page 79 and commented there is basically just the same amount of money in 2008, 2009, going into 2010. There is no decrease at all on the ten percent. Everybody is taking ten percent. He asked, "Where is the ten percent coming from?"

Mr. Kelly explained that the ten percent was taken out of all the longevity and clothing allowance. The employees in the DPW did not get a ten percent cut. They are getting 100% of their salary but they did away with their longevity.

Councilor Zanni said the longevity only adds up to \$3911.

Mr. Kelly said it included the clothing allowance.

Councilor Zanni asked where the clothing allowance is. He's just trying to get numbers here.

Mr. Kelly said that is another \$16,800.

Councilor Zanni said the numbers are not going to add up. He asked Mr. Kelly to look at the numbers and on the next page, from the top of the page starting with the foreman all the way down there is no ten percent cuts. There is no longevity taken out there. He asked, "How does that add up?" On page 80 if you look at longevity, longevity is taken out. But if you look at all those individuals and look at the previous page, the ones he just mentioned, he can't see how that adds up to the amount of a ten percent cut. The other ones are self-explanatory but these to him are not.

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Councilor Lahey commented that it is not a ten percent across the board in DPW because some people get more or less in longevity.

Mayor Manzi said that's correct. Each union came to different agreements and there is some allowance for vacancy attrition inside the laborer's unit. That's the difference. There's some allowance for attrition in the contract given to Council. Each unit took a ten percent cut.

Councilor Zanni said not everyone is taking a ten percent cut.

Mayor Manzi said within each unit, they achieved that ten percent cut. They used different methodologies to get to the ten percent and it's all reflected in the agreements that Council has. Its ten percent cut for each unit and each unit arrives at the ten percent differently. In the case of the laborers, they used attrition bodies and gave them credit for that as they did with a couple of other unions. The goal for the city was to save the dollars. We saved the dollars in each and every case.

Councilor Zanni questioned the lab service contract listed on page 81 and the cost of telephones \$15,000.

Mr. Russo explained that the lab service contract is for outside testing that we don't have the equipment to test for. The regulations are more stringent and we have to provide different analysis.

Mayor Manzi said in some cases they want independent analysis now, not analysis provided by the city that is doing the service.

Mr. Russo said the cost for telephones decreased from \$29,000 two years ago to \$15,000. This is basically the cell phones and repairs of them.

Councilor Zanni said he doesn't know if that's contractual or not but maybe that should be reviewed. Last year security improvements the line item was \$40,000 and this year there is another \$40,000. He asked how we are enhancing the security program.

Mr. Russo explained that there are various things, for instance, at the water treatment plant. There are cameras that they had to install last year around the intake structure of the new facility. This year it was planned for the new water tank on Morgan Drive. That cost alone is \$39,000 to get camera visual access from the water tank to the treatment plant.

Councilor Zanni said there is telephone line item also listed under Sewer.

Mr. Russo said yes, for those individuals under the Sewer Department.

Councilor Kannan asked the Mayor for clarification on what Councilor Zanni said regarding the line items in DPW. It almost looks like it is level funded. At some point, everybody in the town took the ten percent. We may not see it in their base pay. It comes out in the form of either longevity, maybe through attrition, or clothing allowance. Mayor Manzi –agreed. Councilor Kannan suggested that next, the Mayor, as the negotiator, look into the line items for telephone, gas, mileage, and the vehicles. In her opinion, these are extras.

Councilor Pappalardo asked Mr. Russo if his salary is listed on page 79, \$80,309.00, and which agreement it is listed under, "Water Registrar and Superintendent".

Mayor Manzi said Mr. Russo's position would be reflected in the Middle Management agreement.

Mr. Russo said he is not the Superintendent.

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Mayor Manzi said Mr. Russo is Water Registrar and Chief Engineer.

Councilor Pappalardo asked who fills the position of Superintendent.

Mayor Manzi said the Superintendent is Daryl Laurenza and he would be in the Superintendents' bargaining unit.

Councilor Pappalardo asked if the Water Registrar is in the same agreement.

Mayor Manzi noted that the Water Registrar is in middle management.

Councilor Pappalardo said she read the agreements. They have the ten percent cut, whether it is longevity, or something else, and it all evens out to be the ten percent.

Mayor Manzi responded, yes, each unit has given the city the ten percent number, either through attrition, through longevity, or through base salary.

Councilor Pappalardo said it is stated in the agreements.

Mayor Manzi responded, yes.

Councilor Giordano asked who is in the Water Registrar's position.

Mr. Russo explained that right now he assumes most of those duties.

Councilor Giordano asked if Mr. Russo received a stipend in addition to his salary.

Mr. Russo responded, yes

Councilor Cronin asked the Mayor, "Of the personnel that are actually taking the ten percent cut, is their longevity part of that?" "Are you adding the longevity to their pay and taking the ten percent or is it ten percent out of their base pay?"

Mayor Manzi said the ten percent would affect their longevity payment, a reduction through the reduction of base pay.

Councilor Cronin said he was always under the impression that, and he agrees that different unions have different ways of achieving it, whether it be by days off, unpaid days off or what have you, he was under the impression that financially every employee was taking ten percent cut. He doesn't know if attrition was ever brought up until today as part of the agreement.

Mayor Manzi said they negotiated, obviously parity bargaining is not legal, but they negotiated the best deals they could with each union to get to the ten percent. Each one had different component parts to it but they were able to achieve the number different ways and some of those ways were innovative and they tried to do what they could to make it as easy to swallow for the unions as possible but at the same time achieving the aggregate number needed, which the flexibility on our end was that we wanted the number and as long as we got to the number we got to, we were willing to work along those lines and that's why we got the agreements. That is why each one is different

TR-09-44 Resolution Providing for the Adoption of the Fiscal Year 2010 Greater Lawrence Regional Vocational Technical High School Budget.

MOTION BY: Councilor Cronin, seconded by Councilor Kannan to reconsider for the purpose of reinstating the \$10,000 for the police officer.

UPON VOTE: 8 yes, 1 no (Clr. Leone)

MOTION BY: Councilor Cronin, seconded by Councilor Kannan to adopt and include the \$10,000 figure for the police officer. UPON VOTE: 8 yes, 1 no (Clr. Leone)

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Councilor Zanni questioned the Sanitary District line item, page 86, noting the number has gone up considerably. He asked if this is a negotiable item.

Mr. Russo said it is not negotiable. It is based upon the flow of the previous year and our flows have gone up. It is based upon the operating costs. The costs went from 2,900,000 to 3,100,000 - \$245,000 more. It is based upon our flows.

Councilor Zanni said Methuen has individuals representing us at that facility.

Mr. Russo stated Methuen has two representatives.

Mayor Manzi said there are two representatives and the Greater Lawrence Sanitary District is an ownership issue. Methuen has a percentage ownership in two different areas: 1) the operating portion of the Sanitary District and 2), the Capital portion of the Sanitary District. Methuen owns different percentages in each category and our amounts are set by the founding legislation of the Sanitary District. There really is no way to change that. It is not a negotiable item.

Chair Deborah Quinn called a brief recess

City Auditor, Mr. Kelly read resolution TR-09-42 a Resolution Providing for the adoption of the Fiscal Year 2010 General Government Budget.

MOTION BY: Councilor Cronin, seconded by Councilor Leone to adopt.

Councilor Zanni and Councilor Pappalardo requested a copy of the resolution.

Councilor Pappalardo noted that she would vote for the budget even though there are some things that she is not happy with but she is very pleased with the fire and the police, the way they came up with their agreement and the city employees. She asked that next year when the Mayor is doing the new budgets, that he look into putting a freeze on some of the things like, she doesn't think the employees need to see a raise next year, like other people have gotten. We need to think of the citizens of Methuen. The taxpayers are the ones that are footing 99% of this whole bill. Her opinion is that next year is going to be a tougher year and she is hoping that the Mayor could come up with more innovative ways to cut the budget without raising the taxes. She will vote for the budget today.

Councilor Lahey said although he is not thrilled with what the unions had to do, but he would support the budget. Employees took a ten percent cut once and that should be enough. The frontline workers don't make a lot and that ten percent cut is more than substantial. That should be enough for any employee. Next year it will be our turn and hopefully we can do our job as well as you've done yours. He thanked the employees.

Mayor Manzi thanked the Patrolmen's union, the fire union, which ratified this week, and Police Superiors union, (Tim Sheehy from the Fire Union, Larry May from the Patrolmen, Frank Korn from the Superiors, all of the unions that came in and worked with him. He would not have been able to balance the budget this year without their full participation. He is indebted to them and grateful to all nine of them for being willing to work with him. The Mayor thanked the Auditor Tom Kelly who really every year does it flawlessly. He worked hard, worked weekends, worked night and day and did a wonderful job. Without Tom, no matter what, they would not produce this type of budget without him. He realizes not all nine Councilors agree with every item in the budget and there are some areas they would like to see a different outcome. He'll continue to listen and take Council input and will try to be reflective of some of the priorities in the next

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budget cycle. He further stated this budget was not built on one-time revenues. Its built on a partnership with our unions but that is ultimately where the expenditures are, in our personnel services and again, it was not an attempt to balance the budget on their backs but more accurately an attempt to bring a balanced budget in light of the fact that state aid was cut to Methuen over the past year and a half by 3.4 million. Now that cut alone means that this city is moving forward with no layoffs of active bodies, with full services and with an ability to go forward and give our taxpayers relief in this fiscal cycle. He congratulated the employees, Council and the city for having done something that no city in the Commonwealth of Massachusetts has done. He thanked all of the employees, his department heads that have worked hard, and thanked Council for helping to produce a budget that everyone should be proud of.

UPON VOTE: UNANIMOUS.

TR-09-45 Resolution Providing for the Adoption of the Fiscal Year 2010 Sewer and Water Enterprise Fund Budget

MOTION BY: Councilor Zanni, seconded by Councilor Kannan to adopt.

UPON VOTE: UNANIMOUS.

TR-09-43 Resolution Providing for the Adoption of the Fiscal Year 2010 School Department Budget (reconsideration) (request of Clr. Zanni)

MOTION BY: Councilor Zanni, seconded by Councilor Kannan to reconsider.

Councilor Kannan asked if Council reconsiders this budget, is it possible to table it to a meeting after the School Committee votes to approve the budget.

Attorney McQuillan said if Council moves to reconsider and the motion is approved, it is back on the floor.

Councilor Lahey asked if the Council votes to reconsider and it is voted down again, what happens?

Attorney McQuillan it's voted down, until a budget is approved.

Councilor Cronin said Council could only reconsider once.

Councilor Lahey said if this is reconsidered and Council votes no, then we are not eligible to vote for the School budget after.

Attorney McQuillan said that is correct.

Councilor Zanni noted Council could reconsider and table the budget.

Mayor Manzi said let me just shed a little bit of parliamentary light on it, Council can only reconsider once but that is for a budget that would remain the same. If the budget changes at all, even by one dollar, then it's a new item and Council could take it up again. If it's the Council's determination that they did not wish to pass it this morning, then they could just leave it alone. Council could not make a second to the motion and leave it be and it would stay that way. If you wish to vote it, then Council needs to take it up and vote it.

Attorney McQuillan noted that Council has already taken formal action to reject the budget. That is the official action of the Council right now as we speak, prior to any action on reconsideration.

Councilor Cronin - point of information - If the numbers do change and it does become a new item, does it set up the public hearing process from the very beginning?

Attorney McQuillan responded, no, Council would have an amended measure.

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Councilor Kannan Point of Information – the numbers have changed though, correct?
Chair Deborah Quinn responded, yesterday
Councilor Leone suggested reconsideration and then motion to table it to a certain date.

UPON VOTE: (to reconsider) UNANIMOUS.

MOTION BY: Councilor Leone, seconded by Councilor Giordano to table until Wednesday, July 1st, at 7:00 p.m. UPON VOTE: 8 yes, 1 no (Clr. Zanni).

Chairwoman Quinn said the vote has been taken and asked the Mayor and the Solicitor, “Where does the budget stand now with the table?”

Councilor Cronin- point of order - with all due respect, if a motion to table is put on the floor, even though it is a privileged motion, you are entitled to debate that particular motion. You can't debate the content but you can debate the motion to table.

Councilor Zanni said, if Council tables it to July 1st as stated, which is going into the new fiscal year, does that stop payment even if Council votes that budget on July 1st Mr. Kelly said he spoke to the Department of Revenue on this and what they said is we'll get our first quarterly payment, no matter what. It will still come here. When Council sets the tax rate, if they don't have a budget in place or don't have a number that matches the net-school spending requirement, they'll hold back on our Chapter 70. As it stands right now, the Department of Revenue said, if the City Council fails to act on the School Department Budget, in essence they do not have an appropriation and therefore they have no budget, effective July 1st and he cannot pay them. The City Council is the authority that creates that number for them and if Council doesn't vote a budget in, they have nothing. They can keep the doors shut July 1st because he has no authority to pay payroll, invoices, or vendors. It's all gone.

Councilor Zanni noted that Council could vote a 1/12 budget.

Mr. Kelly said that is correct and they can do that for three months.

Chair Deborah Quinn - Point of Fact - When you have a motion to table, it is non-debatable. We've done that this year, Councilor Cronin.

Councilor Cronin said he would look at the rules and look at Roberts Rules. The way he remembers it is the motion to table is debatable but you are not suppose to debate the contents.

Councilor Leone asked Mr. Kelly if it would be sufficient if Council enacts a budget on July 1st.

Mr. Kelly said it would have to be done in the morning.

Attorney McQuillan it's going to have to be. It's the only alternative.

Councilor Leone said the alternative is enacting a budget today that Councilors don't have any idea what it is and the School committee hasn't approved it.

Councilor Zanni noted he'd like to be recorded as a “no” to the motion to table.

METHUEN CITY COUNCIL SPECIAL MEETING
SATURDAY, JUNE 27, 2009 - 9:00 a.m.

TR-09-44 Resolution Providing for the Adoption of the Fiscal Year 2010 Greater Lawrence Regional Vocational Technical High School Budget

Ordered: That in accordance with the provisions of Chapter 44, Section 32 of the General Laws, an amount of \$1,769,122, be and hereby is appropriated as Methuen's share in the support in Fiscal Year 2010 of the Greater Lawrence Regional Vocational Technical High School as initially recommended by the Mayor. Provided however that said appropriation shall be reduced from the Tax Levy in the amount of \$1,769,122, to affect the Greater Lawrence Regional Vocational Technical High School appropriation, and

Be It Further Ordered: That a certified copy of said resolution be submitted to the Office of the City Auditor upon adoption.

(Previously reconsidered and adopted 8 to 1)

Request to remove from the table

Contract C-09-19A Sealcoating, Inc. 120 Industrial Park Road, Hingham, MA 02040 for Pavement recycling/Road Sealing in the amount of \$1,810,200.00

Mr. Russo explained that he couldn't apply for Chapter 90 projects, for instance the roadwork on Cypress Avenue and in a number of locations until there is an approved contract to state what the funding is going to be used for.

Councilor Lahey requested a list of the streets that they have planned for sealcoating.

Mayor Manzi said he would provide those. Mr. Russo agreed.

MOTION BY: Councilor Giordano, seconded by Councilor Zanni to remove C-09-19A from the table.

UPON VOTE: UNANIMOUS.

MOTION BY: Councilor Zanni, seconded by Councilor Kannan to waive the rules for Council to act upon this today. UPON VOTE: 8 yes, 1 no (Clr Lahey)

C-09-19A Sealcoating, Inc. 120 Industrial Park Road, Hingham, MA 02040 for Pavement recycling/Road Sealing in the amount of \$1,810,200.00

MOTION BY: Councilor Zanni, seconded by Councilor Cronin to adopt.

Councilor Lahey said the reason he is asking for the names on all of these is because it's been pretty well proven that the sealcoating is not the best treatment for some of the main roads. For example, East Street has been done two or three times. He'd like to vote no or at least table the sealcoating one.

Councilor Quinn asked that would affect Chapter 90 money, if Council doesn't incorporate any one of these into this whole cluster of contracts.

Mr. Russo said this doesn't affect Chapter 90. It's just that they cannot apply for those funds. For instance, how do they hot top Cypress Avenue?

Council Lahey noted that doesn't apply to the sealcoating contract? Mr. Russo responded that's correct. It does not. That's the only one.

MOTION BY: Councilor Cronin, seconded by Councilor Pappalardo to table Contract C-09-19A to the July 13th City Council meeting. UPON VOTE: 8 yes, 1 no (Clr. Zanni)

METHUEN CITY COUNCIL SPECIAL MEETING
SATURDAY, JUNE 27, 2009 - 9:00 a.m.

MOTION BY: Councilor Zanni, seconded by Councilor Kannan to adopt contracts C-09-20 Benevento Asphalt Corp., 900 Salem Street, Wilmington, MA for Bituminous Concrete in the amount of \$1,745,900.00

C-09-21 Sealcoating, Inc., 20 Industrial Park Road, Hingham, MA 02040, for Random Crack Sealing in the amount of \$174,750.00

C-09-22 Concord Winwater Works, Co., 12 Sandquist Street, Concord, NH 03301 for PVC Pipe and fittings in the amount of \$117,970.00

C-09-23 Brox Industries, Inc., 1471 Methuen Street, Dracut, MA 01826 for Sand, Stone and Gravel in the amount of \$121,500.00

C-09-24 Murray Paving & Reclamation, Inc., 55 Whitney Street, Holliston, MA 01746 for Bituminous Concrete Pavement Reclamation in the amount of \$165,240.00

C-09-25 Brox Industries, Inc., 1471 Methuen Street, Dracut, MA 01826 for Bituminous Concrete and Cold Patch in the amount of \$503,500.00

UPON VOTE: UNANIMOUS.

TR-09-48 Resolution Approving the Establishment of a Stabilization Fund for the Methuen School Department (EPA REQUESTED)

MOTION BY: Councilor Zanni, seconded by Councilor Leone

MOTION BY: Councilor Cronin, seconded by Councilor Leone to adopt an EPA for the good and welfare of the community. 6 yes, 3 no (Clr. Kannan, Clr. Giordano, Clr. Pappalardo)

(Councilor Giordano changed his vote for the EPA to yes, 7 yes, 2 no (Clr. Kannan, Clr. Pappalardo))

Councilor Cronin requested more information.

Mayor Manzi said as the Solicitor mentioned it is a reserve fund that would allow in the case of fiscal year 2009 to allocate school funds that may be taken from some other accounts if for lack of a better term, some surplus funds, placed into the reserve and that reserve annually would have to be approved by the City Council. This could help bring back a couple of things people said they wanted for fiscal year 2010.

Councilor Cronin said that is main reason he wants to support this in the hopes that the School Department can find the money to fund the music teachers.

Mayor Manzi said it gives the City Council, the safeguard that per chance that if Councilors are not in agreement with some of the things happen, their failure to reauthorize kills the account. That is on an annual basis.

MOTION BY: Councilor Cronin, seconded by Councilor Kannan to adopt.
UPON VOTE: 7yes, 2 no (Clr. Kannan, Clr. Pappalardo)

MOTION BY: Councilor Leone, seconded by Councilor Kannan to recess the meeting until Wednesday, July 1st at 7:00 p.m. UPON VOTE: UNANIMOUS.

I do hereby certify that at a meeting of which a quorum was present, the foregoing minutes were adopted by the Methuen City Council by a unanimous vote on September 8, 2009.

COUNCIL CLERK