

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

**DATE: Tuesday, September 1, 2009**

A **REGULAR MEETING** of the City Council was held on **Tuesday, September 1, 2009** at 7: 09 p.m. in the City Council Chamber with all Members present.

Approximately Twelve [12] 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 them-selves and address the City Council. Upon the invitation of Council President Blanchette, the following individuals addressed the City Council:

Homayoun Maali, 53 Chester Street, Lawrence, MA, stated that the delay of construction of the Robert Frost Playground is not justified.

Michelle Downer, 198 Essex Street, Lawrence, MA, inquired about pending Department of Public Works repairs to be completed throughout the city. She stated that the streets of Lawrence need to be cleaned. She stated that cars constantly speed on Essex Street and the residents of Brunswick House needs parking.

Frank Bonet, 33 Dartmouth Street, Lawrence, MA, informed the Council Members that the current Administration is unlawfully providing salary increases for non-union employees without obtaining Council approval. He spoke in favor of several items appearing on the agenda for the consideration of the Council Members.

[Tuesday, August 18, 2009]

[Tuesday, September 1, 2009]

Ellie Curtin, resident of Brunswick House, Lawrence, MA, spoke in favor of resident parking provisions necessary for residents of Brunswick House. She stated that a sticker parking program should be in place for all Brunswick House residents.

### **III. PUBLIC HEARINGS:**

#### **Doc.130A/09: Parking – Essex Street – intersection of Union Street to Jackson Street – Hearing held – Approved/Letter**

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 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 and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Alvarez-Rodriguez as seconded by Councilor Abdo, the Council Members present voted unanimously [9-0] to approve the measure and send a letter to Lawrence Police Chief John Romero and the Acting Public Works Director Michael Morley.

[Tuesday, September 1, 2009]

[Tuesday, September 1, 2009]

**Doc. 130A/09: Approved-30days Waived/Letter**

**Doc. 240/09: National Grid and Verizon New England –permission to locate poles, wires and fixtures on Springfield St.-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 presented by Councilor Kolofoles seconded by Councilor Gonzalez, the Council Members present voted unanimously [9-0] to approve the measure presented.

**Doc. 240/09: Approved**

**Doc. 258/09: National Grid and Verizon New England– permission to locate poles, wires and fixtures on Hampshire St. - 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, September 1, 2009]

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 presented by Councilor Kolofoles seconded by Councilor Gonzalez, the Council Members present voted unanimously [9-0] to approve the measure presented.

**Doc. 258/09: Approved**

**Doc.251/09: Loading Zone – Senator William X. Wall Experiment Station -37 Shattuck 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.

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.

[Tuesday, September 1, 2009]

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

**Doc. 251/09: Approved**

**Doc. 254/09: Parking–Broadway (west side) between Arlington and Stafford Sts. & Broadway (east side) one hr. parking-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 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 and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles seconded by Councilor Gonzalez, the Council Members present voted unanimously [9-0] to approve the measure presented.

**Doc. 254/09: Approved/30 days Waived**

**Doc.262/09: Handicapped Parking – 245 Broadway St. – Hearing held- Approved**

[Tuesday, September 1, 2009]

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

**Doc. 262/09: Approved-30days Waived**

Councilor Kolofoles presented a motion to take document 265/09 out of the order appearing on the agenda. The motion was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

**IV. COMMITTEE REPORTS:**

**Doc. 265/09: Pawnbroker Dealer License – Francisco Marcelino – 24A Jackson Street –  
Ord. Comm. - Approved**

[Tuesday, September 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 Pawnbroker Dealer License petition presented by Francisco Marcelino, 24A Jackson Street, Lawrence, MA, which was seconded by Councilor Moran and unanimously [9-0] approved by the Council Members present.

**Doc. 265/09: Approved**

**Doc. 266/09: Old Gold Dealer License – Francisco Marcelino –  
24A Jackson Street – Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve an Old Gold Dealer License petition presented by Francisco Marcelino, 24A Jackson Street, Lawrence, MA, which was seconded by Councilor Abdoo and unanimously [9-0] approve by the Council Members present.

**Doc. 266/09: Approved**

**Doc. 278/09: Transient Vendor Dealer License – Mr. Kontier Mok –  
Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve Transient Vendor Dealer License petition presented by Mr. Kontier Mok, which was seconded by Councilor

[Tuesday, September 1, 2009]

Gonzalez and unanimously [9-0] approved by the Council Members present.

**Doc. 278/09: Approved**

Councilor Kolofoles presented a motion to take document 281/09 out of the order appearing on the agenda. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

**Doc. 281/09: Billboard Transfer from Clear Channel to Riverwalk Realty Trust -423 Merrimack Street – Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee to accept the report and approve the item as presented. The motion was seconded by Councilor Gonzalez and the Council Members called for discussion.

Upon invitation of Council President Blanchette, Sal Lupoli, of Salvatore's Restaurant, addressed the Council on the petition presented and explained the purpose of the measure presented for consideration of the Council Members.

Council President Blanchette suggested that all other licenses and approvals will still have to be followed if the item presented were approved.

Upon being granted the floor, Councilor Kolofoles discussed maximizing the use of charitable funds for philanthropic events that may be sponsored by The City.

Upon being granted the floor, Councilor Alvarez-Rodriguez commented that she believes the proposal is a good idea and that she supports the measure.

Upon no further comments Council President Blanchette called the motion to the attention of the Council Members present and the Council Members present voted

[Tuesday, September 1, 2009]

unanimously [9-0] to approve the measure presented.

**Doc. 281/09: Approved**

**Doc. 294/09: Caesar's Restaurant Café Outside seating on Essex Street – Ord. Comm. – Approved**

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 item presented. The motion was seconded by Councilor Gonzalez and unanimously [9-0] approved by the Council Members present.

**Doc. 294/09: Approved**

Councilor Abdo presented a motion to take document 58/08 out of the order appearing on the agenda. The motion was seconded by Councilor Fielding and unanimously approved by the Council Members present [9-0].

**Doc. 58/08: Disposition – 66-70 Hancock Street – Housing Comm. – Approved**

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report from the Housing Committee in the form of a motion to approve the item presented which was seconded by Councilor Abdo.

Upon invitation of Councilor Alvarez-Rodriguez, Lawrence Housing Authority Director Domenic O'Neil and Mary Maher from Bread and Roses presented the proposed use and development of the housing areas.

Upon being granted the floor, Councilor Twomey inquired about the construction to clarify that the homes will be duplex homes.

[Tuesday, September 1, 2009]

At the request of Councilor Kolofoles, Mary Maher informed the Council Members about the drastically reduced cost of energy for heat and utilities required for these newly constructed homes.

Upon being granted the floor, Councilor Moran inquired how individuals are qualified for assisted housing.. Ms. Maher stated that people/families who meet the criteria established by the Federal Government are qualified to participate in assisted housing programs and receive approval based on that criteria.

Upon no further comments Council President Blanchette called the motion to the attention of the Council Members present and the Council Members present voted unanimously [9-0] to approve the transfer of title to the real property located at 66-70 Hancock Street to Lawrence Housing Authority in the amount of \$8,000.00.

**Doc. 58/08: Approved**

Councilor Alvarez-Rodriguez presented a motion to take documents 286/08 and 299/08 out of the order appearing on the agenda. The motion was seconded by Councilor Moran and unanimously approved by the Council Members present [9-0].

**Doc. 286/08: Disposition – 17 Beacon Street – Housing Comm. - Approved**

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report from the Housing Committee in the form of a motion to approve the item presented as seconded by Councilor Kolofoles. The Council Members present voted to unanimously [9-0] approve the transfer of title to the real property located at 17 Beacon Street to the Lawrence Housing Authority in the amount of \$8,000.00.

**Doc. 286/08: Approved**

[Tuesday, September 1, 2009]

**Doc. 299/08: Disposition – 219-225 Park St. – Housing Comm. – Approved**

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report from the Housing Committee in the form of a motion to approve the item presented, as seconded by Councilor Kolofoles and unanimously approved by the Council Members [9-0] for the transfer of title to the real property located at 219-225 Park Street to the Lawrence Housing Authority in the amount of \$8,000.00.

**Doc. 299/08: Approved**

**V: COMMUNICATION FROM MAYOR, CITY OFFICIALS & CITY ATTORNEY:**

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. 301/09: Appointment – Bellevue Cemetery Board – Susan T. Dowd – 17 Ridge Road – Mayor Sullivan – Ref. to Personnel**

**Doc.302/09: School Waiver Process – request update from Budget and Finance Dept., Director Mark Andrews – Counc. Twomey – Withdrawn**

Council President Blanchette introduced the item and recognized Councilor Twomey to present the matter.

Upon request of Councilor Twomey, Budget and Finance Director Mark Andrews presented the item and provided the Council Members with an up date of the process for applying for a waiver from The Department of Education which would allow the City of Lawrence to utilize funds provided to the Lawrence School Department for general purposes in the City of Lawrence. A discussion ensued between Councilor Twomey and Director Andrews regarding the content of information provided by the Commonwealth and the

[Tuesday, September 1, 2009]

determination that funds allotted for educational use could not be used for any other purpose under the conditions presented in the application for waiver.

Upon no further inquiry, comment or discussion, Councilor Twomey moved to withdraw the item, as seconded by Councilor Silva and the Council Members present voted unanimously [9-0] to withdraw document 302/09 from the Council Agenda.

**Doc.302/09: Withdrawn**

Council President Blanchette called the following two matters to the attention of the Council Members as appearing on the Agenda which were referred as indicated:

**Doc. 303/09: FY'2010 Budget–request Budget and Finance Dept. Director Mark Andrews to explain ramifications with regard to Dept. of Revenue letter stating city's FY'2010 Budget is \$10.9 Million over the levy limit – Council. Twomey – Ref. to Budget & Finance**

Council President Blanchette introduced and recognized Councilor Twomey to present the item.

Councilor Twomey stated that he has reviewed the information provided by the Department of Revenue, which Director Andrews explained and discussed.

Upon being granted the floor, Councilor Moran discussed the authority to close FY 2009 accounts while approving FY 2010 Budget with Director Andrews.

Council President Blanchette inquired about more information regarding the \$10.9 million dollar deficit.

Upon being granted the floor, Councilor Kolofos inquired of Director Andrews about closing FY 2009 accounts in relation to the proposed FY 2010 Fiscal Recovery Plan.

[Tuesday, September 1, 2009]

[Tuesday, September 1, 2009]

Upon being granted the floor, Councilor Twomey asked to have the breakdown of the \$10.9 million by the time the Budget and Finance Committee meets.

Upon being granted the floor, Councilor Alvarez-Rodriguez suggested that all Council Members obtain a copy of the accounting report.

Upon no further inquiry, comment or discussion, Council President Blanchette referred the item to the Budget and Finance Committee.

**Doc. 303/09: Ref. to Budget & Finance**

**Doc. 304/09: Executive Response to August 19, 2009 Letter to Mayor Sullivan to include Specific Status of Actions Taken in regard to January 7, 2009 DOR Requirements, the Status of Union Negotiations (if any), and Plans to Adequately Address the DOR September 30 Deadline for a Corrective Action Plan – Councilor Abdoo – Ref. to Budget & Finance**

Council President Blanchette recognized Councilor Abdoo for the purpose of introducing the matter. Councilor Abdoo inquired of Budget and Finance Director Andrews about the fiscal corrective measures taken to address issue related to the financial deficits.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions to Director Andrews regarding various proposals to provide balanced spending within the FY 2010 Budget.

Upon being granted the floor, Councilor Moran posed questions to Director Andrews regarding personnel expenditures in FY 2010 to date.

Upon being granted the floor, Councilor Abdoo asked Director Andrews about the 450 million dollars generated from the sale of the Saunders School Building. Director Andrews stated that the closing has been delayed but the amount should be available by September 15, 2009.

[Tuesday, September 1, 2009]

Upon no further discussion, Council President Blanchette referred the matter to the Budget and Finance Committee.

**Doc. 304/09: Ref. to Budget & Finance**

Council President Blanchette introduced Doc. 305/09 and stated that the measure has been divided into seven measures in order to adequately precisely address each of the items contained in the original document. In particular, the document is now presented as Doc. 305A-2009, Doc. 305B-2009, Doc. 305-2009, Doc. 305-2009, Doc. 305D-2009, Doc. 305E-2009, Doc. 305F-2009, Doc. 305F-2009 and Doc. 305G-2009. Council President Blanchette informed the Council Members that all the newly identified documents would be referred to the Budget and Finance Committee for further proceedings. Council President Blanchette asked Director Andrews to provide the City Council Members with all final bills that he may received from the various sources.

**VI. APPROPRIATIONS-ORDERS-RESOLUTION:** - None

**VII. COMMITTEE REPORTS:**

**Doc. 274/09: Mello's Market – (2) 15 minute parking spaces on 187 Lawrence Street – Ord. Comm. & Public Hearing ordered**

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

**Doc. 274/09: Public Hearing Ordered**

**Doc. 290/09: Essex Market – 175 Essex Street – 2 tables outside dining – Ord. Comm. - Approved**

[Tuesday, September 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 item presented as seconded by Councilor Gonzalez and unanimously [9-0] approved by the Council Members present.

**Doc. 290/09: Approved**

**Doc. 291/09: Stop Signs & Flashing Red Signals – Ord. Comm. & Public Hearing ordered**

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

**Doc. 291/09: Public Hearing Ordered**

**Doc. 289/09: Drinking Water State Revolving Loan Fund Application – Budget and Finance 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 measure presented as seconded by Councilor Kolofoles.

A discussion ensued between Councilor Silva and Councilor Alvarez-Rodriguez concerning the vote rendered by the Budget & Finance Committee.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions to Director Andrews regarding the terms of the revolving loan as contained in the application. Mr. James Rivard from Woodward and Curran appeared at the request of Councilor Alvarez-

[Tuesday, September 1, 2009]

Rodriguez and explained the term of funding being provided through the Commonwealth of Massachusetts.

Upon being granted the floor, Councilor Kolofoles discussed the costs to repair the Mount Vernon water tower with Mr. Rivard. Councilor Kolofoles poses additional questions to Director Andrews regarding obtaining additional funding from the State Rehabilitation Fund. Director Andrews stated that the priority of repairs is issued by order of The Department of Environmental Protection. Mr. Rivard reviewed the order of repair entered by The DEP.

Upon being granted the floor, Councilor Twomey discussed the proposed repairs to water lines near Beacon Street.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked additional questions about the method of payment of Director Andrews.

Upon being granted the floor, Councilor Abdoo commented that he favors the proposed project and believes the repairs are necessary due to expanded construction in the area.

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 present and the Council Members present voted unanimously [9-0] to approve the item as presented.

**Doc. 289/09: Approved**

**VIII. WITHDRAWALS:** - None

**IX. OLD BUSINESS:** - None

[Tuesday, September 1, 2009]

**X. TABLED MATTERS:**

The following items remained “tabled” without further action:

- 275/07: Marion Avenue – park to be named – Ord. Comm.
- 6B/08: City Contract Ordinance – Section 3.04.230- Ord. Comm.
- 22/08: Personnel Department – Re-organization
- 236/08: National Grid–req. permission to place underground electric conduits on Green St.-hear.
- 39/09: Water Commissioner – lay off – compliance with MGL Chapter 111 Section 160- City Attorney invited to attend
- 141/09: Resolution – Delilah Rivera – Council Pres. Blanchette
- 281/08: Revised Zoning Ordinance – Political Signs – hearing
- 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
- 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
- 245/09: Audit Bid Process – Council Pres. Blanchette
- 222/09: Brook Street – request to have alternate parking year round
- 279/09: Fire Department – Budget Status

**XI. NEW BUSINESS:**

**Doc.296/09: Marlboro Street at South Union Street – dead and proposed – Councilor Twomey – Withdrawn**

Councilor Kolofoles presented the above matter for withdrawal from the City Council Agenda in the form of a motion to withdraw. The motion was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

**Doc. 296/09 Withdrawn**

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

- 297/09: Transient Vendor Dealer License – Ysidro Grant – 169 Essex Street – Ref. to Ord.
- 298/09: GIS/MIS Position – approval to remove from the Community Development Department Organization Chart –James Barnes, Director-Ref. to Ord.

[Tuesday, September 1, 2009]

- 299/09: Iglesia Visión Cristiana – request permission to use the Campagnone Common Park for religious festivities on October 4, 2009 from 12:00 p.m. to 7:00 p.m. – Pastor Luis Osorio – Ref. to Ord.
- 300/09: Handicapped Parking – 8 Brookfield Street – Council. Moran-Ref. to Ord.
- 305/09: Recovery Plan – City of Lawrence FY2010 – an update from Budget and Finance Director Mark Andrews –B & F Dept. Director, Mark Andrews – Ref. to B & F
- 306/09: Handicapped Parking – 101 Olive Avenue – Council Vice Pres. Kolofoles – Ref. to Ord.

**ITEMS ADDED AT THE MEETING**

- 305/09A: Compost Program - Ref. to Ord.
- 305/09B: Increase in Parking Tickets - Ref. to Ord.
- 305/09C: Electrical Inspections Fee - Ref. to Ord.
- 305/09D: Weights and Measure - Ref. to Ord.
- 305/09E: Late Fees on Licenses - Ref. to Ord.
- 305/09F: Swimming Pools - Ref. to Ord.
- 305/09G: Commercial Application Fee for Plumbing - Ref. to Ord.

**XII. ADJOURNMENT:**

Upon Motion of Councilor Kolofoles duly seconded by Councilor Alvarez-Rodriguez, the Council Members present voted unanimously to Adjourn.

**ADJOURNED  
(9:05p.m.)**

Attest:

William J. Maloney  
City Clerk