

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

**DATE: Tuesday, September 15, 2009**

A **REGULAR MEETING** of the City Council was held on **Tuesday, September 15, 2009** at 7: 12 p.m. in the City Council Chamber with all Members present.

Approximately nineteen [19] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

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

**II. PUBLIC PARTICIPATION:**

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

Michelle Downer, 198 Essex Street, Lawrence, MA, stated that she have been trying to meet with Mayor Sullivan for more than a year without success in order to request the option of choosing Verizon Fios or Comcast television service at the Brunswick House residence.

Homayoun Maali, 53 Chester Street, Lawrence, MA, commented that solutions for school students must be addressed.

Fernando Landor, Tremont Street, Lawrence, MA congratulated the Mayoral candidates for their participation in the recent debate. He also stated that he believes that people should not be allowed to use cell phones while driving.

**III. PUBLIC HEARINGS:**

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**Doc.274/09: Parking – Mello’s Market – 187 Lawrence Street – two 15 minute spaces –  
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 presented by Councilor Kolofoles, as seconded by Councilor Gonzalez, the Council Members present voted unanimously [9-0] to approve the measure.

**Doc. 274/09: Approved**

**Doc. 291/09: Stop Signs and Flashing Red Signals–Lexington St.–southbound drivers  
on Lexington Street at Lawrence 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

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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 Kolofoles presented a motion to approve the measure, as seconded by Councilor Gonzalez.

A discussion ensued among the Council Members regarding the appropriateness of the ordinance.

Upon no further discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented. Upon a motion to approve the measure presented by Councilor Kolofoles, and seconded by Councilor Gonzalez, the Council Members present voted unanimously [9-0] to approve the measure.

**Doc. 291/09: Approved**

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

**Doc. 307/09: H1N1 Pandemic Preparedness in Lawrence – Principal Leaders of the City of Lawrence Emergency Management Operations, Public Health Operations & the Public School System to attend and provide a Summary–Counc. Abdo - Presented**

Council President Blanchette introduced the measure and recognized Councilor Abdo who provided information concerning the measure and stated that the information to be provided concerns a matter of great public information.

Myles Burke, Inspectional Services Commissioner, addressed the Council regarding the constant updates received by the City Health Department in regard to the H1N1 flu virus. Commissioner Burke also provided information to the Council Members concerning the arrival of vaccines to be administered to the public.

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Councilor Abdoos then posed questions to Commissioner Burke concerning particulars of the program for inoculation.

At the invitation of Council President Blanchette, Fire Chief Peter Takvorian addressed the Council Members regarding H1N1 preparedness through emergency response measures in place with the Lawrence Fire Department. Firefighter Jeffrey Deschenes provided additional information to the Council Members regarding methods and manner of response available in situations that may require disease response and control.

Upon recognizing Acting Superintendent Mary Lou Bergeron, the Superintendent provided information to the Council Members regarding the measure taken within the schools to assist with controlling the spread of the H1N1 virus and the effort and obligation of school administrators to keep the City schools open as much as possible.

Councilor Abdoos asked Superintendent Bergeron about plans to immunize students and to provide for substitutes staff if necessary.

Upon being granted the floor, Councilor Kolofos asked questions of Superintendent Bergeron about the possible time frame that H1N1 virus may infect the students in Lawrence.

Upon no further information or discussion on the matter, Council President closed the presentment of the item.

**Doc. 307/09: Presented**

**V. APPROPRIATIONS-ORDERS-RESOLUTION:**

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**Doc. 308/09: Resolution – Silver Star Banner Day – Council Pres. Blanchette**

Council President Blanchette called the item to the attention of the Council Members and stated he would forward the resolution organization referenced.

**Doc. 308/09: Resolution forwarded**

**Doc.317/09: Resolution – Domenic Scarpignato – (for his 20 year of volunteer service) – Councilor Alvarez-Rodriguez - Presented**

Council President Blanchette brought the measure to the attention of the Council Members present and called upon Councilor Alvarez-Rodriguez to present the Resolution. Councilor Alvarez-Rodriguez introduced the recipient of the Resolution and praised his efforts. Mr. Scarpignato thanked the Council Members for the recognition.

**Doc.317/09: Presented**

**Doc. 318/09: Resolution–Council Vice President Nicholas J. Kolofoles- Council President Blanchette - Presented**

Council President Blanchette brought the measure to the attention of the Council Members and presented the resolution to Council Vice President Kolofoles for his recent confrontation resulting in averting the robbery attempt at the Tower Hill Market in Lawrence.

Chief Romero addressed the Council Members and spoke on behalf of the Lawrence Police Department and commended Council Vice President Kolofoles for taking active part in helping stop crime in Lawrence.

Council Vice President Kolofoles [bruised and humbled] humbly thanked Police Chief Romero, Council President Blanchette and the Council Members for the recognition.

**Doc. 318/09: Presented**

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**VI. COMMITTEE REPORTS:**

Councilor Silva presented a motion to take documents 213/09, 216/09 and 301/09 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. 213/09: Appointment – Lawrence Human Rights Commission – Frank Urena – Pers. Comm. – Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to appoint Frank Urena to the Lawrence Human Rights Commission. The motion was seconded by Councilor Twomey and the Council Members present voted unanimously [9-0] to approve the appointment of Frank Urena to the Lawrence Human Rights Commission for a three year term.

**Doc. 213/09: Approved**

**Doc. 216/09: Appointment – Lawrence Human Rights Commission – Androvel Tejada – Pers. Comm. – Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to appoint Androvel Tejada to the Lawrence Human Rights Commission. The motion was seconded by Councilor Twomey.

Upon being granted the floor, Councilor Alvarez-Rodriguez spoke in favor of the applicant and urged the Council Members to approve the appointment.

Mr. Tejada briefly addressed the Council Members and thanked them for the opportunity to serve the City of Lawrence as a member of the Human Rights Commission.

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Upon no further discussion or comment the Council Members present voted unanimously [9-0] to appoint Androvel Tejeda to the Lawrence Human Rights Commission for a two year term.

**Doc. 216/09: Approved**

**Doc. 301/09: Appointment – Bellevue Cemetery Board – Susan T. Dowd – Pers. Comm. – Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to appoint Susan T. Dowd to the Bellevue Cemetery Board. The motion was seconded by Councilor Twomey.

Upon being granted the floor, Councilor Kolofoles informed the Council Members about the length of the term of appointment required by the City charter and suggested the term of appointment be two years for this term of office. Councilor Kolofoles proposed the two year term as an amendment, which was accepted by Councilor Abdo.

Council President Blanchette thanked Mrs. Dowd for applying for the position and stated that she will do well as a Board Member.

Upon being granted the floor, Councilor Abdo spoke favorably about the applicant and provided additional information regarding the applicant to the Council Members.

Upon being asked by Councilor Moran, Council Vice President Kolofoles explained the purpose and function of the Bellevue Cemetery Board.

A discussion ensued between Council President Blanchette and Council Vice President Kolofoles regarding the current membership of the Cemetery Board.

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Upon no further discussion or comment the Council Members present voted unanimously [9-0] to appoint Susan T. Dowd to the Bellevue Cemetery Board for a two year term.

**Doc. 301/09: Approved**

**Doc. 276/09: Parking – Wilmot Street – alternative parking – (winter parking ban) – Ord. Comm. & Public Hearing ordered**

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

**Doc. 276/09: Public Hearing Ordered**

**Doc. 277/09: Stop Sign – four way – Buswell and Trenton Streets – Ord. Comm. & Public Hearing ordered**

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

**Doc. 277/09: Public Hearing Ordered**

**Doc. 283/09: Stop Signs – Intersection of Methuen Street and Mill Street – (2 stop signs) – Ord. Comm. & Public Hearing ordered**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee in the form of a motion to order a public hearing on the measure presented. The motion was seconded by Councilor Alvarez-Rodriguez and

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

**Doc. 283/09: Public Hearing Ordered**

**Doc.292/09: Handicapped Parking – 163 West Street – Ord. Comm. & Public Hearing ordered**

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

**Doc. 292/09: Public Hearing Ordered**

**Doc. 297/09: Transient Vendor Dealer License – Ysidro Grant – 169 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 petition presented which was seconded by Councilor Alvarez-Rodriguez and unanimously [9-0] approved by the Council Members present.

**Doc. 297/09: Approved**

**Doc. 299/09: Iglesia Vision Cristiana – request permission to use the Campagnone Common Park for religious festivities on 10/4/09 from 12:00 p.m. to 7:00 p.m. – 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 petition presented which was seconded by Councilor Gonzalez and unanimously [9-0] approved by

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the Council Members present.

**Doc. 299/09: Approved**

**305A/09: Compost Program – Ord. Comm. – Tabled**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to order a public hearing on the measure which was seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that further action on this matter without direction for implementation should not be considered.

Upon being granted the floor, Councilor Kolofoles discussed the necessity of the proposed program.

Councilor Kolofoles presented a motion to table the matter, which was seconded by Councilor Fielding and unanimously [7-0] approved by the Council Members present. [Councilor Abdoo and Councilor Moran absent from the Council Chamber at the time of the vote].

**305A/09: Tabled**

Upon the motion of Councilor Kolofoles , seconded by Councilor Moran, the following items were unanimously approved by the Council Members present [9-0] to be considered as a block. **[305C/09, 305D/09 305E/09, 305F/09 and 305G/09]**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee in the form of a motion to order a public hearing on each item. The motion was seconded by Councilor Moran and unanimously [8-0] approved by the Council Members present. [Councilor Abdoo was absent]

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**Doc.305C/09: Electrical Inspections Fee – Ord. Comm. – Public Hearing Ordered**

**Doc. 305D/09: Weights and Measures – Ord. Comm. – Public Hearing Ordered**

**Doc. 305E/09: Late Fees on Licenses – Ord. Comm. – Public Hearing Ordered**

**Doc. 305F/09: Swimming Pools – Ord. Comm. – Public Hearing Ordered**

**Doc. 305G/09: Commercial Application Fee for Plumbing – Ord. Comm. – Public Hearing Ordered**

### **VII. WITHDRAWALS:**

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting matters concerning the withdrawal of matters currently pending before the Ordinance Committee. The motion was seconded by Councilor Alvarez-Rodriguez and Council Members present voted unanimously [9-0] to withdraw the following matter from the City Council Agenda:

**Doc. 305B/09: Increase in Parking Tickets – Ord. Comm. - Withdrawn**

### **VIII. OLD BUSINESS:** - None

### **IX. 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

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- 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

**X. NEW BUSINESS:**

Council President Blanchette brought the matters listed below to the attention of the

Council Members present and referred each to the Council Subcommittee as indicated

- 295/09: Taxi License – Villa Jaragua Transportation, Inc.-Carlos A. Gonzalez – Sgt. Melix Bonilla – Ref. to Ord.
- 309/09: Handicapped Parking – 14 Cambridge Street – Counc. Twomey – Ref. to Ord.
- 310/09: Handicapped Parking–Jackson St.–(between Essex and Methuen Sts.)– Council Vice Pres. Kolofoles & Counc. Silva – Ref. to Ord.
- 311/09: Stop Sign – Lenox Circle (north east corner) @ Lenox Circle and Lenox Street – Counc. Twomey – Ref. to Ord.
- 312/09: Willow Street (between Center and Arlington Streets) – remove from the alternate street sweeping ordinance – Counc. Alvarez-Rodriguez-Ref. to Ord.
- 313/09: Stop Signs – 4 way – Essex St. at Nesmith St. – (currently existing 2-way stop sign)- Council Vice Pres. Kolofoles – Ref. to Ord.
- 314/09: Stop Signs – 4 way – Essex St. at Towerhill St. - (currently existing 2-way stop sign)-Council Vice Pres. Kolofoles – Ref. to Ord.
- 315/09: Stop Signs – 4 way –Essex St. at Cypress Ave. - (currently existing 2-way stop sign)-Council Vice Pres. Kolofoles – Ref. to Ord.
- 316/09: Prior year bills – for Woodard & Curran for the Water Enterprise Fund – authorization for payment – Mark J. Andrews, Budget and Finance Director – Ref. to Budget & Finance

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**XI. ADJOURNMENT:**

Upon Motion of Councilor Silva duly seconded by Council Vice President Kolofoles, the Council Members present voted unanimously to Adjourn.

**ADJOURNED  
(8:38p.m.)**

Attest:

William J. Maloney  
City Clerk