

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

**DATE: Wednesday, September 30, 2009**

A **SPECIAL MEETING** of the City Council was held on **Wednesday, September 30, 2009** at 7: 25 p.m. in the City Council Chamber with all Members present except for Council President Blanchette and Councilor Alvarez-Rodriguez.

Council Vice President Kolofoles presided over the Council Meeting.

Approximately Three [3] 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:**

<b>Doc. 305C/09:</b>	<b>Electrical Inspections Fee – Ord. Comm.-Hearing held - Defeated</b>
<b>Doc. 305D/09</b>	<b>Weights and Measures – Ord. Comm.-Hearing held - Approved</b>
<b>Doc. 305E/09:</b>	<b>Late Fees on Licenses – Ord. Comm.-Hearing held - Approved</b>
<b>Doc. 305F/09:</b>	<b>Swimming Pools – Ord. Comm.-Hearing held - Approved</b>
<b>Doc. 305G/09:</b>	<b>Commercial Application Fee for Plumbing – Ord. Comm.- Hearing held – Approved</b>

At the request of Council Vice President Kolofoles, the City Clerk read the public hearing notice regarding the above documents as published. Upon the conclusion of the Clerk's reading of the public notice, Council Vice President Kolofoles opened the public hearing portion of the proceedings and invited the Budget and Finance Director Mark Andrews to address the Council Members regarding the purpose and intent of the proposed fee change recommendations to Doc. 305C/09 Electrical Inspections Fee.

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Upon no further discussion or comment offered by anyone present, Council Vice President Kolofoles closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being recognized Councilor Silva moved to approve Doc. 305C/09 which was seconded by Councilor Abdoo.

Upon being granted the floor, Councilor Twomey discussed the need to make The City more efficient rather than increasing fees. He stated he is in opposition to the measures presented. Budget Director Andrews stated that the fees address commercial and industrial fees charged to businesses which were not requested through petition with other fee measures presented in December of 2008 as a result of a typographical error and should have been included in 2008.

Council Vice President Kolofoles stated the proposed fee increases would not have a great impact on the City Budget or significantly resolve any of the financial problems that currently exist.

Upon being granted the floor, Councilor Moran asked Director Andrews questions about the last time fees were increased. Councilor Moran stated that fee increases may be necessary to assure that pace is met with other costs and expenses.

Upon being granted the floor, Councilor Gonzalez stated that an increase in fees to commercial entities are passed on to the residents who ultimately pay for any increased fees. For this reason he cannot support the measure.

Upon being granted the floor, Councilor Silva discussed the recent announcement by Governor Patrick concerning the State deficit which, in turn, will require The City of

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Lawrence to make a concerted effort to generate additional revenue. She stated she supports this measure and measures that would help generate additional funds to keep City Government operational.

Upon being granted the floor, Councilor Abdoo commented on the revenue shortfalls occurring in all Cities and Towns throughout the Commonwealth of Massachusetts. He stated the proposal presented concerns user fees and not taxes directly to taxpayers. Councilor Abdoo stated that he is not pleased with the situation but an increase in the proposed fees may be necessary.

Upon being granted the floor, Councilor Silva discussed past budget hearings that made it difficult to address revenue shortfalls. She also cited City Council's authority to act promptly in order to assure taxes are implemented in order to reduce the impact upon the property owners of Lawrence.

Council Vice President Kolofoles posed questions to Commissioner Burke about the proposed electrical fee increases and whether or not an increase will have an impact on the public generally. Commissioner Burke informed the Council Members of the benefit the increases bring to City operations and stated that the fee increases being presented reflect the cost of similar fees in other Cities and Towns in the area. Council Vice President asked Commissioner Burke to discuss and explain the fees proposed for electrical meters as advertised. Commissioner Burke stated that the proposed fee increases address electrical inspections of meters by the Fire Department.

Upon no further discussion or comment offered by the Council Members present, Council Vice President Kolofoles closed the discussion portion of the hearing and called

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upon the Members present to consider the matter presented. Upon a motion to approve the measure presented by Councilor Silva, as seconded by Councilor Abdoo, the Council Members present defeated the motion as follows: 4-Yes; 3-No; 2-Absent. The motion failed due to the lack of a fifth favorable vote as required.

Councilor Fielding – Yes  
 Councilor Gonzalez – No  
 Councilor Moran – Yes  
 Councilor Abdoo – Yes  
 Councilor Alvarez-Rodriguez – Absent  
 Councilor Twomey - No  
 Councilor Silva – Yes  
 Council Vice President Kolofoles – No  
 Council President Blanchette – Absent

**Doc. 305C/09: Defeated**

**Doc. 305D/09: Weights and Measures – Ord. Comm.-Hearing held – Approved**

Council Vice President Kolofoles read the Sub-Committee report and a discussion ensued regarding the committee report presented.

Council Vice President Kolofoles opened the public hearing portion of the proceedings and invited Commissioner Burke to provide the Council Members with information concerning the proposed fee increases in regards to the Weights and Measures Department. Commissioner Burke described the proposed fees and reason for increases.

Council Vice President Kolofoles posed questions to Commissioner Burke regarding how the fees are determined and collected.

Upon no further public comment offered on the matter, Council Vice President Kolofoles closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion.

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Upon being granted the floor, Councilor Silva stated that the proposed fee increases are reasonably and necessary.

Upon no further discussion or comment offered by the Council Members present, Council Vice President Kolofoles 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 Silva, as seconded by Councilor Moran, the Council Members present voted as follows to approve the measure. 5-Yes; 2-No; 2-Absent

Councilor Silva - Yes  
 Councilor Twomey - No  
 Councilor Alvarez-Rodriguez - Absent  
 Councilor Abdoo - Yes  
 Councilor Moran – Yes  
 Councilor Gonzalez - No  
 Councilor Fielding - Yes  
 Council President Blanchette – Absent  
 Council Vice President Kolofoles – Yes

**Doc. 305D/09: Approved**

**Doc. 305E/09: Late Fees on Licenses – Ord. Comm.-Hearing held – Approved**

Council Vice President Kolofoles introduced the measure and read the report of the Ordinance Committee.

Council Vice President Kolofoles opened the public hearing portion of the proceedings and invited Commissioner Burke to explain the reason and purpose for the proposed fee increase for late fees on licenses.

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Upon no further public comment offered on the matter, Council Vice President Kolofoles closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being recognized, Councilor Fielding presented a motion to approve the measure, as seconded by Councilor Moran.

Upon being granted the floor, Councilor Twomey posed questions to Commissioner Burke regarding the method of notifying license holders to renew licenses. A discussion ensued among the Council Members regarding delinquent license holders and the imposition remedy of closing establishments. Councilor Twomey stated he will vote to approve the measure.

Upon no further discussion or comment offered on the matter, Council Vice President Kolofoles closed the discussion portion of the proceedings and called upon the Council Members present to consider the matter presented.

Upon a motion to approve the measure presented by Councilor Silva as seconded by Councilor Moran, the Council Members present voted to approve the measure as follows: 6-Yes; 1-No; 2-Absent

Councilor Fielding – Yes  
 Councilor Gonzalez – No  
 Councilor Moran – Yes  
 Councilor Abdoo – Yes  
 Councilor Alvarez-Rodriguez – Absent  
 Councilor Twomey - Yes  
 Councilor Silva – Yes  
 Council Vice President Kolofoles – Yes  
 Council President Blanchette – Absent

**Doc. 305E/09: Approved**

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**Doc. 305F/09: Swimming Pools – Ord. Comm.-Hearing held – Approved**

Council Vice President Kolofoles 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 Vice President Kolofoles closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being granted the floor, Councilor Silva presented a motion to approve the item, as seconded by Councilor Fielding.

Upon being granted the floor, Councilor Twomey posed questions to Commissioner Burke regarding which pools will be subject to the proposed increase if approved.

Upon being granted the floor, Councilor Kolofoles posed questions to Commissioner Burke regarding the last time the fees were increased for this item.

Upon no further discussion or comment offered on the matter, Council Vice President Kolofoles closed the discussion portion of the proceedings and called upon the Council Members present to consider the matter presented.

Upon a motion to approve the measure presented by Councilor Silva as seconded by Councilor Fielding, the Council Members present voted to approve the measure as follows:

6-Yes; 1-No; 2-Absent

Councilor Silva - Yes  
Councilor Twomey - Yes  
Councilor Alvarez-Rodriguez - Absent  
Councilor Abdoo - Yes  
Councilor Moran – Yes  
Councilor Gonzalez - No

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Councilor Fielding - Yes  
Council President Blanchette – Absent  
Council Vice President Kolofoles – Yes

**Doc. 305F/09: Approved**

**Doc. 305G/09: Commercial Application Fee for Plumbing – Ord. Comm.-Hearing held  
– Approved**

Council Vice President Kolofoles 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 Vice President Kolofoles closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being granted the floor, Councilor Fielding presented a motion to approve the item, as seconded by Councilor Silva.

Upon being granted the floor, Councilor Twomey posed questions to Commissioner Burke regarding the purpose and intent of the proposed fee increases.

Upon no further discussion or comment offered on the matter, Council Vice President Kolofoles closed the discussion portion of the proceedings and called upon the Council Members present to consider the matter presented.

Upon motion of Councilor Fielding to approve the measure, as seconded by Councilor Siva, the Council Members present voted to approve the measure as follows: 6-Yes; 1-No; 2-Absent

Councilor Fielding – Yes  
Councilor Gonzalez – No  
Councilor Moran – Yes

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Councilor Abdoo – Yes  
 Councilor Alvarez-Rodriguez – Absent  
 Councilor Twomey - Yes  
 Councilor Silva – Yes  
 Council Vice President Kolofoles – Yes  
 Council President Blanchette – Absent

**Doc. 305G/09: Approved**

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

- None

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

**VI. COMMITTEE REPORTS:**

**Doc.305/09: Recovery Plan – City of Lawrence FY2010 – an update from Budget and Finance Director Mark Andrews – B & F Dept. Director, Mark Andrews – Partial Approvals**

Council Vice President Kolofoles and Councilor Silva discussed how this item was placed on the agenda.

At the request of Council Vice President Kolofoles, Councilor Silva read the report from the Budget and Finance Committee.

At the request of Council Vice President Kolofoles, Budget and Finance Director Mark Andrews provided the Council Members with information regarding the recommendations presented.

Upon being granted the floor, Councilor Silva presented a motion to accept the committee report. The motion dies for lack of a second. Councilor Silva moved to approve item #7 [Special Reserve Account for the Sale of Surplus Property], as seconded by Councilor Gonzalez.

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A discussion ensued between Budget & Finance Director Mark Andrews and Council Vice President Kolofoles regarding the proposed motion.

Upon being granted the floor, Councilor Twomey posed questions to Director Andrews as to whether Council approval is required.

Council Vice President Kolofoles posed questions to Director Andrews concerning the source of monies from the sale of surplus properties. Director Andrews explained the necessity of applying the monies obtained from the sale of property to reduce the debt service. A discussion ensued between Council Vice President Kolofoles and Director Andrews regarding monies owed and paid for delinquent property taxes contracted for collection.

Upon being granted the floor, Councilor Gonzalez posed questions to Director Andrews regarding item #7.

Upon no further inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion of Councilor Silva, as seconded by Councilor Gonzalez the Council Members present voted unanimously [6-0] to approve item #7 [Special Reserve Account for the Sale of Surplus Property] 6-Yes; 3-Absent

Councilor Fielding – Absent  
Councilor Gonzalez – Yes  
Councilor Moran – Yes  
Councilor Abdoo – Yes  
Councilor Alvarez-Rodriguez – Absent  
Councilor Twomey - Yes

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Councilor Silva – Yes  
 Council Vice President Kolofoles – Yes  
 Council President Blanchette – Absent

**Doc. 305/09 [Item #7] – Approved**

Upon being granted the floor, Councilor Silva presented a motion to approve item #9(a) [motion to reduce the appropriation for chemicals in the Water Enterprise Fund on page 175 of the FY 2010 Budget \$150,000.] as seconded by Councilor Abdo.

A discussion ensued between Councilor Silva and Councilor Gonzalez regarding the manner of voting required.

Council Vice President Kolofoles posed questions to Director Andrews about the method of operations of the Water Department and the purchase of certain chemicals. Further discussion ensued between Council Vice President Kolofoles and Director Andrews regarding the final amount to be appropriated for FY 2010 if the item is approved.

Upon no further inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion of Councilor Silva, as seconded by Councilor Abdo the Council Members present voted unanimously [5-0] to approve item #9(a) as follows: 5-Yes; 4-Absent

Councilor Silva - Yes  
 Councilor Twomey - Yes  
 Councilor Alvarez-Rodriguez - Absent  
 Councilor Abdo - Yes  
 Councilor Moran – Absent [during vote]  
 Councilor Gonzalez - Yes  
 Councilor Fielding - Absent  
 Council President Blanchette – Absent  
 Council Vice President Kolofoles – Yes

**Doc. 305/09 [Item #9(a)] - Water Enterprise Fund – Approved**

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Upon being recognized, Councilor Silva presented a motion to approved item #9(b) [to reduce the appropriation for Charcoal Filters in the Water Enterprise Fund on page 176 of the FY 2010 Budget, \$150,000. Line item 284223-5583], as seconded by Councilor Abdoo.

Council Vice President Kolofoles posed questions regarding the continued quality of water in Lawrence.

Upon no further inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion of Councilor Silva, as seconded by Councilor Abdoo the Council Members present voted unanimously [5-0] to approve item #9(b) as follows: 5-Yes; 4-Absent

Councilor Fielding – Absent  
 Councilor Gonzalez – Yes  
 Councilor Moran – Yes  
 Councilor Abdoo – Absent [during vote]  
 Councilor Alvarez-Rodriguez – Absent  
 Councilor Twomey – Yes  
 Councilor Silva – Yes  
 Council Vice President Kolofoles – Yes  
 Council President Blanchette – Absent

**Doc. 305/09 [Item #9(b)] – Charcoal Filters – Approved**

Upon being recognized, Councilor Silva presented a motion to approve item #9© [to reduce the appropriation for Repairs and Maintenance in the Water Enterprise Fund on page 174 of the FY 2010 Budget, \$25,000. Line item 294220-5240], as seconded by Councilor Twomey.

A discussion ensued between Councilor Kolofoles and Director Andrews regarding the input and oversight being provided by the contractor for the Water Enterprise Fund. Director Andrews explained the manner and method of reduction.

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Upon no further inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion of Councilor Silva, as seconded by Councilor Twomey, the Council Members present voted unanimously [6-0] to approve item #9© as follows: 6-Yes; 3-Absent

Councilor Silva - Yes  
 Councilor Twomey - Yes  
 Councilor Alvarez-Rodriguez - Absent  
 Councilor Abdoo - Yes  
 Councilor Moran – Yes  
 Councilor Gonzalez - Yes  
 Councilor Fielding - Absent  
 Council President Blanchette – Absent  
 Council Vice President Kolofoles – Yes

**Doc. 305/2009 [Item #9©] – Repairs & Maintenance – Approved**

Upon being recognized, Councilor Silva presented a motion to approve item #9(d) [to reduce the appropriation for Other Purchased Services in the Water Enterprise Fund on page 171 of the FY 2010 Budget, \$18,000. Line item 284210-5380], as seconded by Councilor Twomey.

Upon no inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion of Councilor Silva, as seconded by Councilor Twomey, the Council Members present voted unanimously [6-0] to approve item #9(d) as follows: 6-Yes; 3-Absent

Councilor Fielding – Absent  
 Councilor Gonzalez – Yes  
 Councilor Moran – Yes  
 Councilor Abdoo – Yes  
 Councilor Alvarez-Rodriguez – Absent  
 Councilor Twomey – Yes  
 Councilor Silva – Yes

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Council Vice President Kolofoles – Yes  
Council President Blanchette – Absent

**Doc. 305/09 [Item #9(d)] –Other Purchased Services – Approved**

Upon being recognized, Councilor Silva presented a motion to approve item #3, as seconded by Councilor Twomey. [To reduce the appropriation for Personal Services in the Water Enterprise Fund on page 174 of the FY 2010 Budget, \$29,239.33. Line item 284210-5110]

Upon being granted the floor, Councilor Twomey posed questions about the source of monies being transferred from personal services.

Upon no further inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion of Councilor Silva, as seconded by Councilor Twomey, the Council Members present voted unanimously [6-0] to approve item #3 as follows: 6-Yes; 3-Absent

Councilor Silva - Yes  
Councilor Twomey - Yes  
Councilor Alvarez-Rodriguez - Absent  
Councilor Abdoo - Yes  
Councilor Moran – Yes  
Councilor Gonzalez - Yes  
Councilor Fielding - Absent  
Council President Blanchette – Absent  
Council Vice President Kolofoles – Yes

**Doc. 305/09 [Item #3] – Personal Services – Approved**

Upon being recognized, Councilor Silva presented a motion to approve item #4, as seconded by Councilor Twomey. [to appropriate up to \$3,733,728., from the City of Lawrence Stabilization Fund.]

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Upon being granted the floor, Councilor Twomey posed questions to Director Andrews regarding future appropriations of funds necessary to replenish the Stabilization Fund. Director Andrews provided information to the Council Members regarding the intention to allocate future funding through the budget process. Councilor Twomey stated he could not support the measure.

Upon being granted the floor, Councilor Abdoo posed questions of the borrowing process and requirements of repayment of monies borrowed.

Council Vice President Kolofoles posed questions to Director Andrews concerning the expected impact that \_\_\_\_ to adopt the proposed measure may have upon City Finances. [A discussion ensued between Council Vice President Kolofoles and Director Andrews regarding the proposed appropriation.]

Upon being granted the floor, Councilor Twomey asked if the Budget Office has closed out FY 2009. Director Andrews stated FY 2009 is almost fully accounted and explained about the final items to be addressed.

**[Councilor Moran presented a motion to conduct Council business past 10:00 p.m. which was duly seconded by Councilor Abdoo and unanimously approved by the Council Members present]**

Further discussion ensued between Councilor Twomey and Director Andrews concerning the possible results if this item is not approved and the budget balanced.

Council Vice President Kolofoles asked Director Andrews if there are copies of all outstanding bills remaining for FY 2009.

Upon no further inquiry, comment or discussion, Council Vice President Kolofoles called upon the Council Members to consider the matter presented. Upon motion

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of Councilor Silva, as seconded by Councilor Twomey, the Council Members present voted unanimously [6-0] to approve item #4 as follows: 6-Yes; 3-Absent

Councilor Fielding – Absent  
 Councilor Gonzalez – Yes  
 Councilor Moran – Yes  
 Councilor Abdoo – Yes  
 Councilor Alvarez-Rodriguez – Absent  
 Councilor Twomey – Yes  
 Councilor Silva – Yes  
 Council Vice President Kolofoles – Yes  
 Council President Blanchette – Absent

**Doc. 305/09 [Item #4] – Lawrence Stabilization Fund - Approved**

**VII. WITHDRAWALS:** - None

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

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**X. NEW BUSINESS:** - None

**XI. ADJOURNMENT:**

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

**ADJOURNED  
(10:12p.m.)**

Attest:

William J. Maloney  
City Clerk