

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, October 6, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, October 6, 2009** at 7: 07 p.m. in the City Council Chamber with all Members present except for Councilor Alvarez-Rodriguez. Councilor Silva arrived at 7:28 p.m.

Approximately Six [6] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES:

Council President Blanchette informed the Council Members present that the minutes of City Council Meetings conducted June 29, 2009, June 30, 2009 and July 7, 2009 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Fielding to accept the minutes as presented duly seconded by Councilor Twomey, the Council Members present voted unanimously [7-0] to accept the minutes.

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:

Homayoun Maali 53 Chester Street, Lawrence, MA stated the City of Lawrence is divided due to issues of race as evidence by the results of the Municipal Preliminary on September 22, 2009. Mr. Maali encouraged people to vote in the City Election to be held on November 3, 2009.

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III. PUBLIC HEARINGS:

Doc.276/09: Parking – Wilmot Street – alternative parking – (winter parking ban) – 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 Abdoo, as seconded by Councilor Fielding, the Council Members present voted unanimously [7-0] to approve the measure.

Doc.276/09: Approved

Doc. 277/09: Stop Sign–four way – Buswell and Trenton Streets – 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

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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 Council Vice President Kolofoles, as seconded by Councilor Moran, the Council Members present voted unanimously [7-0] to approve the measure.

Doc.277/09: Approved

**Doc. 283/09: Stop Signs – Intersection of Methuen Street and Mill Street (2 stop signs)
– 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 being granted the floor, Council Vice President Kolofoles presented a motion to approve the measure, as seconded by Councilor Abdo.

A brief discussion ensued between Councilor Twomey and Council Vice President Kolofoles regarding the purpose of the ordinance.

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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 Council Vice President Kolofoles, as seconded by Councilor Abdo, the Council Members present voted unanimously [6-Yes; 1-No] to approve the measure as follows.

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

Doc.283/09: Approved

Doc. 292/09: Handicapped Parking – 163 West 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.

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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 Council Vice President Kolofoles as seconded by Councilor Gonzalez, the Council Members present voted unanimously [7-0] to approve the Handicapped Parking at 163 West Street.

Doc. 292/09: Approved/30 days waived

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

Doc. 319/09: Ratification of Municipal Election Warrant for the Municipal Election on November 3, 2009 – William J. Maloney, City Clerk – Approved

Council President Blanchette introduced the measure informing Council Members of the Municipal Election schedule for November 3, 2009.

Upon being granted the floor, Council Vice President Kolofoles presented a motion to approve the item, as seconded by Councilor Twomey and the Council Members present voted unanimously [7-0] to approve the ratification of Municipal Election Warrant for the Municipal Election on November 3, 2009.

Doc. 319/09: Approved

Doc. 322/09: Sale of In-town Mall – Charles D. Boddy, City Attorney – Ref. to Housing

Council President Blanchette introduced the item providing the Council Members with the history of the item.

Northern Essex Community College [hereinafter NECCO] President addressed the Council requesting certain technical corrections.

Upon being granted the floor, Councilor Moran posed questions to NECCO President regarding the time frame of the project and why the transfer of title has to be three years.

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Upon being granted the floor, Council Vice President Kolofoles posed questions to NECCO President concerning the funding of the project and the source of funding to purchase the property.

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

Doc. 322/09: Ref. to Housing

V. APPROPRIATIONS-ORDERS-RESOLUTION: - None

VI. COMMITTEE REPORTS:

Doc. 23/09: Water Treatment Plant – contract approval – Budget and Finance Comm. – Charter Objection

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget and Finance Committee to refer the matter to the full Council without a recommendation. Councilor Silva presented stated she is presenting the report of the Budget and Finance Committee for consideration of the Council Members. Councilor Twomey presented a motion to accept the report presented.

Upon being granted the floor, Council Vice President Kolofoles posed questions to Timothy Rivard of Woodard and Curran, Inc., concerning the agreement subject to the Council consideration. Council Vice President Kolofoles posed questions to Budget & Finance Director Mark Andrews about the future plans to operate the City Water Department after June 2010.

Council President Blanchette posed questions to Budget & Finance Director Andrews regarding the chain of contracts that ran from approximately 2007 to run through FY 2010. Additional questions were posed to Assistant Purchasing Agent Rita Brousseau, concerning

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the effective date of the proposed contract and the bid process. Council President Blanchette expressed his concern that the “temporary contract provisions” have been in place over the past two years.

Upon being granted the floor, Councilor Abdoos posed questions to Assistant Purchasing Agent Rita Brousseau regarding the amounts presented in the proposed contract.

Upon being granted the floor, Councilor Moran posed questions to Director Andrews and Public Works Director Frank McCann regarding the number of employees necessary to operate the Water Department. Director Andrews reviewed the history of the Water Department and reasons that the State intervened with City operation of the plant. Councilor Moran stated that The City needs to have a plan in place, in order to save money and regain city oversight of its own Water Department.

Upon being granted the floor, Councilor Gonzalez stated his concern about the measure presented. He stated he would not support the measure.

Upon being granted the floor, Councilor Twomey discussed the fact that the consent Decree issued by the Court remains in existence regardless of whether or not the Council Members approved the agreement s presented. Director McCann provided the Council Members with information regarding the manner of compliance with the terms of the Court Order. Councilor Twomey posed further questions to Mr. Rivard concerning the status of the City Employees with Woodard and Curran if they continue in service.

Upon being granted the floor, Councilor Silva posed questions to Assistant Purchasing Agent Rita Brousseau regarding how the contract may impact the resident’s water

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bills over the term of the contract. She also stated her concern that there is not a plan in place to assure future service delivery beyond the proposed contract.

Upon being granted the floor, Council Vice President Kolofoles asked Rivard further questions about the licensing requirements for employees of the Water Treatment Plant and water distribution facility. Council Vice President Kolofoles discussed how sampling and testing was performed by the Water Department in the past. Further questions were posed to Mr. Rivard concerning the demand and use of water in The City of Lawrence.

Upon being granted the floor, Councilor Moran asked Director McCann about whether or not the city is ready to operate the Water Plant independent of any oversight. Director McCann stated that additional employees are necessary to operate the Water Plant under the terms of the Court Order.

Upon being granted the floor, Councilor Twomey asked Mr. Rivard if the contract were approved, if the savings would cover the cost of the three employees. Mr. Rivard stated it would.

Council President Blanchette asked questions to Mr. Rivard and Director McCann about the contractor hired to design and run the Water Plant.

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. Upon submitting the item to the Council Members, the Council Members present voted unanimously [7-0] to accept the committee report.

Upon being recognized Councilor Twomey presented a motion to approve the measure presented which was seconded by Councilor Silva.

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Council President Blanchette presented a Charter Objection pursuant to the City Charter suspending all further action regarding the item presented.

Doc. 23/09: Charter Objection

Doc. 316/09: Prior Year Bill – Woodard & Curran for the Water Enterprise Fund authorization for payment – B & F 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 payment of prior year bills outstanding to Woodard & Curran. The motion was seconded by Councilor Twomey.

Upon being granted the floor, Council Vice President Kolofoles asked Public Works Director McCann about the petition presented.

Upon no further discussion or comment offered by the Council Members present, Council President Blanchette called upon the Members present to consider the matter presented.

Upon a motion to approve the measure presented by Council Silva, as seconded by Councilor Twomey, the Council Members present voted unanimously [8-0] to approve the measure.

Doc. 316/09: Approved

VII. WITHDRAWALS: - None

VIII. OLD BUSINESS:

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Council Vice President Kolofoles addressed the Council regarding the legislative history of Documents 305C, D, E, F, and G. Documents 305D, E, F, and G were removed from the agenda.

Doc. 305C/09: Electrical Inspections Fee – reconsideration – Council Vice President Kolofoles – Approved

Council Vice President Kolofoles presented a motion to reconsider the Electrical Inspections Fee, as seconded by Councilor Fielding and the Council Members present voted to approve the reconsideration as follows: 6-Yes; 2-No; 1-Absent

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

Council Vice President Kolofoles presented a motion for the approval of the Electrical Inspections Fee increases proposed by the measure which was seconded by Councilor Abdo and approved by the Council Members follows: 6-Yes; 2-No; 1-Absent.

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

Doc. 305C/09: Approved

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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.

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:

- 320/09 Parking – 330 Lowell Street – 15 minute parking – Council Vice Pres. Kolofoles – Ref. to Ord.
- 321/09 Abandoned Property – 22 Hancock Street – condition – declared nuisance property – Council Vice Pres. Kolofoles – Ref. to Ord.
- 323/09 No Parking Zone – Tremont Street – beginning at a point of 20 feet east of West Street for a distance of 80 feet – Council Vice Pres. Kolofoles – Ref. to Ord.
- 324/09 No Parking Zone – West Street - beginning at a point of 20 feet north of Tremont Street for a distance of 120 feet – Council Vice Pres. Kolofoles – Ref. to Ord.

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XI. ADJOURNMENT:

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

**ADJOURNED
(9:02p.m.)**

Attest:

William J. Maloney
City Clerk