

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

**DATE: Tuesday, October 20, 2009**

A **REGULAR MEETING** of the City Council was held on **Tuesday, October 20, 2009** at 7: 05 p.m. in the City Council Chamber with all Members present. Councilor Moran arrived at 7:06 p.m. Councilor Silva arrived at 7:06 p.m. Councilor Alvarez-Rodriguez arrived at 7:16 p.m. and left at 9:40 p.m. Councilor Abdoo arrived at 7:28 p.m.

Approximately Eight [8] 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:

Joseph Quartarone, 8 West Kenneth Street, Lawrence, MA, spoke in opposition to the pending new trash pick up system to be implemented on Nov. 10, 2009.

Homayoun Maali, 53 Chester Street, Lawrence, MA, spoke about the Municipal Election to take place on November 3, 2009.

Dalia Diaz 315 Mt. Vernon Street, Lawrence, MA spoke about corruption government.

**III. PUBLIC HEARINGS:**

**Doc.255/09: City Take Home Vehicles – regulating the use of Municipal Vehicles – ordinance – Hearing held - Approved**

[Tuesday, October 20, 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 being granted the floor, Councilor Gonzalez presented a motion to approve the item, as seconded by Council Vice President Kolofoles.

Council President Blanchette provided the Council Members with an overview of the legislative history of the ordinance in its current form.

Upon being granted the floor, Council Vice President Kolofoles stated that he believes the ordinance is necessary.

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 Gonzalez, as seconded by Council Vice President Kolofoles, the Council Members present voted as follows to approve the measure.

6-Yes; 1-No; 1-Abstain; 1- Absent

Councilor Fielding – Yes  
Councilor Gonzalez – Yes  
Councilor Moran – Yes  
Councilor Abdoo – Absent

[Tuesday, October 20, 2009]

Councilor Alvarez-Rodriguez – Abstain  
 Councilor Twomey - Yes  
 Councilor Silva – Yes  
 Council Vice President Kolofoles – Yes  
 Council President Blanchette – No

**Doc. 255/09: Approved**

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

**Doc.325/09: Department of Public Works Employee – rehire/settlement of terminated – Councilor Moran – Presented/Letter**

Councilor Moran discussed his reasons for presenting this matter stating that he believes the person who was rehired poses liability risks to The City of Lawrence.

Council President Blanchette read an e-mail from City Attorney Charles Boddy regarding his disagreement for the reinstatement of Mr. Matteo to the Department of Public Works. Council President Blanchette further expressed his disagreement with the Administration's manner of handling employee cases concerning substance abuse in general.

Upon being granted the floor, Councilor Silva discussed employee policies and procedures recommended to the Administration and the implementation of standards in other communities. She suggested taking measures to terminate the individuals who were reinstated as a result of settlement reached with the employees through the Mayor's Office.

Council President Blanchette asked Attorney Boddy to be present for further inquiry.

Upon being granted the floor, Councilor Moran posed questions to Attorney Boddy regarding whether or not the re-hired employee has been drug tested. Attorney Boddy stated that he did not know the answer to the question and recommended the Council consider convening into executive session to discuss certain aspects regarding an employee who is

[Tuesday, October 20, 2009]

presently in litigation. Councilor Moran posed further questions to Attorney Boddy regarding the manner that the settlement agreement was reached.

Upon being granted the floor, Councilor Twomey posed questions about how the agreement was reached and entered.

Upon being granted the floor, Councilor Moran inquired whether or not there was any legal recourse available to the City Council to possibly reverse the terms of the agreement to reinstate this employee. Attorney Boddy responded by stating that there is no recourse available to the City Council Members to reverse the settlement reached.

Council President Blanchette posed questions to Attorney Boddy about the repayment of salary to this individual. Attorney Boddy stated that he had no information regarding that matter.

Upon being granted the floor, Councilor Moran presented a motion to convene in executive session in order to discuss personnel matters which was seconded by Councilor Gonzalez.

Upon further consideration, Councilor Moran withdrew his motion to convene in executive session.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked Attorney Boddy questions about the usual protocol regarding legal settlements and whether or not these protocols were followed in this instance. Attorney Boddy stated that the usual practice of presenting the matter to the City Attorney's Office was not followed and that the terms of the settlement agreement were provided to the City Attorney with instruction to implement the agreement. [A discussion ensued between Councilor Alvarez-Rodriguez and Attorney

[Tuesday, October 20, 2009]

Boddy regarding the possible criminality of the employee's actions and whether termination could be pursued for these reasons]. Councilor Alvarez-Rodriguez suggested that The City Charter may need to be changed to allow the City Council to secure Counsel independently in order to provide a measure of protection to the legislative arm of the City and to the public.

Upon being granted the floor, Councilor Abdoo asked questions about the form of the settlement agreement and whether there were discussions with the Office of the City Attorney and union Counsel to construct the agreement. Attorney Boddy stated that he is not sure if that was the case.

Upon being granted the floor, Councilor Silva asked about whether arbitration was entered into between the City and the union representing the employee. [A discussion ensued between Attorney Boddy and Councilor Silva regarding the manner by which settlement was reached]. [Further discussion ensued between Councilor Moran and Council President Blanchette regarding the ability of the City Council to engage independent legal counsel without executive approval].

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that the City Council should pursue a definite answer regarding the ability to engage Counsel on legal matters as an independent legislative branch of government. Councilor Alvarez-Rodriguez stated that she believes the City Charter should be changed to allow for independent legal counsel to be hire to address issues that concern only the City Council.

Council President Blanchette discussed the prevalent issues that need to be addressed in regard to the matter presented. He stated that it would be important to receive a copy of

[Tuesday, October 20, 2009]

the settlement agreement and any Employment Action Form from the City Comptroller. Council President suggested that it would be helpful to obtain a list of all pending suits against the City of Lawrence filed by employees and that the Council should forward a written request to Mayor Sullivan asking who drafted the settlement agreement on behalf of the City of Lawrence.

Councilor Moran presented a motion communication be present to the Mayor on behalf of the City Council requesting the Mayor provide the City Council Members with a list of all pending suits against the City of Lawrence filed by employees and further requesting the Mayor provide the Council Members with the name of the individual who drafted the settlement agreement on behalf of the City of Lawrence. The motion was seconded by Councilor Twomey.

Upon being granted the floor, Councilor Kolofos posed questions to Attorney Boddy about the practical use of the Employment Action Form.

Upon being granted the floor, Councilor Moran suggested that the questions posed to the Comptroller inquire about the payments made to the reinstated employee. Councilor Moran posed further questions to City Attorney Boddy concerning the authority of the Mayor to enter into settlement agreements with employees.

Upon being granted the floor, Councilor Abdo posed questions about whether or not negotiations were pending concerning the building inspector who was terminated.

Council President Blanchette inquired about the questions regarding budget questions.

[Tuesday, October 20, 2009]

Upon no further inquiry, discussion or comment, Council President Blanchette called upon the Council Members present to consider the matter presented. Upon motion of Councilor Moran, seconded by Councilor Twomey the Council Members present voted unanimously [9-0] to forward a written request for information pertaining to the termination and subsequent reinstatement of Anthony Matteo and Greg Arvanitis. In particular, the Council Members approved written correspondence be sent requesting the following information:

- (1) A copy of any and all agreements or documents between the City of Lawrence and either employee named above that concern the employment, termination from employment or reinstatement of employment with the City of Lawrence for either employee;
- (2) The name of any and all individuals who drafted or assisted in drafting any of the agreements or documents referenced in paragraph #1 above;
- (3) A copy of any document evidencing compensation paid or to be paid either employee during any period of termination or suspension;
- (4) A copy of any and all employment action forms [EAF] for either employee named above regarding employment with the City of Lawrence at any time within the past year;
- (5) A list of all causes of action filed against the City of Lawrence or any governmental agent for the City of Lawrence filed by any and all employees noticed by way of complaint filed with any court in any jurisdiction that remains pending as of the date of this letter;

The Council Members directed the request to be sent to the City Attorney, Comptroller, Budget and Finance Director, and Personnel Director to assure the same is presented to each individually and collectively.

**Doc.325/09: Presented/Letter to be sent**

**Doc. 329/09: Automated Trash Proposal – “Let the Residents be heard” – Council Pres. Blanchette – Letter/Tabled**

[Tuesday, October 20, 2009]

Council President Blanchette introduced the item and informed the Council Members regarding the implementation of the automated trash disposal system that is to be implemented.

Upon being granted the floor, Councilor Fielding presented a motion to approve the item. The motion failed to obtain a second.

Council President Blanchette asked Norman Nimmo, Recycling Coordinator to address the Council Members regarding the scheduled implementation of the automated trash disposal program. Council President Blanchette posed questions to Mr. Nimmo about the manner of staggered implementation.

Upon being granted the floor, Councilor Gonzalez stated that the current disposal system doesn't work well and that the proposed "new" disposal system is even less effective than the current system and therefore will not work.

Council President Blanchette informed Attorney Boddy that he will forward a request for a legal opinion whether the contract providing for the automated trash disposal system requires Council. Attorney Boddy suggested that another issue that would have to be determined is whether or not there is an appropriation contained within the FY 2010 Budget to provide for payment of the contract entered into with the disposal company.

Upon being recognized, Councilor Alvarez-Rodriguez yielded the floor to Councilor Silva

Upon being granted the floor, Councilor Silva posed questions to City Attorney Boddy regarding the validity of the trash disposal contract. She stated that the proposed waste pick-up system will cause chaos if implemented. Councilor Silva also informed the

[Tuesday, October 20, 2009]

Council Members that the new waste disposal system contains additional costs and charges to be paid by the residents. Councilor Silva posed questions to Recycling Coordinator Norman Nimmo concerning the businesses that have been contacted about the new trash disposal system. Councilor Silva posed further questions to DPW Director McCann about the financial savings or costs when the new trash disposal system is put into effect.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions to DPW Director, McCann regarding the method of implementing the test program upon specific residents to sample the effectiveness of the new trash retrieval system. Additional questions were posed to Mr. Nimmo regarding resident sampling as well.

Upon being granted the floor, Councilor Kolofoles asked Attorney Boddy if the City Council can prevent the implementation of the trash disposal agreement. Attorney Boddy stated that many unanswered questions about the manner in which the contract was approved and the validity of the agreement based upon proper and lawful appropriation have to be considered before responding to the question posed.

Council President Blanchette suggested a request for an opinion should be presented to the City Attorney to determine if there is a valid agreement under the contract ordinance. He stated that a request should be sent to the Budget and Finance Director to obtain the supporting financial information supporting the agreement.

Upon being granted the floor, Councilor Kolofoles posed additional questions to Attorney Boddy regarding the necessity of separate appropriations. Councilor Kolofoles asked DPW Director McCann if the implementation of the new trash disposal program will result in cost savings to The City of Lawrence. Councilor Kolofoles stated that it does not

[Tuesday, October 20, 2009]

appear the program can reasonably be implemented. He also expressed his concerns that the added costs imposed upon the residents is prohibitive. [A discussion ensued among the Council Members regarding a proposal to try and block the implementation of the new trash disposal contract].

Upon being granted the floor, Councilor Alvarez-Rodriguez presented a motion to send a letter to Attorney Boddy, the Mayor and DPW Director to provide an evaluation of the program in order to determine the validity of the contract. The motion was seconded by Councilor Silva.

Councilor Kolofoles suggested the Comptroller be required to provide detailed information concerning the sufficiency of the contract appropriation supporting the execution of the agreement.

Upon no further inquiry, discussion or comment, Council President Blanchette called upon the Council Members present to consider the matter presented. Upon motion of Councilor Alvarez-Rodriguez, seconded by Councilor Silva, the Council Members present voted unanimously [9-0] to send a letter to Attorney Boddy, the Mayor and DPW Director requesting evaluative information of the new trash disposal program to determine the validity of the contract.

Upon being granted the floor, Councilor Silva moved to table the measure, as seconded by Councilor Kolofoles and unanimously [9-0] voted upon by the Council Members present.

**Doc. 329/09: Letter/Tabled**

[Tuesday, October 20, 2009]

Councilor Alvarez-Rodriguez presented a motion to take document 295/09 out of the order appearing on the agenda. The motion was seconded by Councilor Silva and unanimously approved by the Council Members present [9-0].

**V. COMMITTEE REPORTS:**

**Doc. 295/09: Livery License – Villa Jaragua Transportation – Ord. Comm. – Approved**

At the request of Council President Blanchette, Council Vice President Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the Livery License for Villa Jaragua Transportation , which was seconded by Councilor Alvarez-Rodriguez and unanimously [9-0] voted upon by Council Members present.

**Doc. 295/09: Approved**

**VI: COMMUNICATIONS FROM MAYOR, CITY OFFICIALS & CITY ATTORNEY:**

**Doc.330/09: City Contracts – review and enforcement of all city contracts – Council Vice Pres. Kolofoles – Ref. to Ord.**

Council Vice President Blanchette introduced the item and discussed the execution of contracts without following approved ordinance requirements. He suggested that the requirement should require that all contracts over \$25,000.00 be approved.

Upon no further discussion, Council President Blanchette referred the matter to the Ordinance Committee.

**Doc.330/09: Ref. to Ord.**

**Doc.333/09: Economic Report – all bills/contracts/payment and sign-offs for the phony “Economic Report” – 2<sup>nd</sup> request- Council Pres. Blanchette - Letter**

[Tuesday, October 20, 2009]

Council President Blanchette introduced the matter and informed the Council of his reasons for placing the matter on the City Council Agenda.

Upon being granted the floor, Councilor Silva presented a motion to send written communication to the Budget and Finance Director and Comptroller requesting the City Council Members be provided with a copy of all contract payments and sign offs. The motion was seconded by Councilor Fielding and the Council Members present unanimously [8-0] voted to approve the motion. [Councilor Alvarez-Rodriguez was absent at the time of the vote].

**Doc.333/09: Letter**

**Doc.334/09: Fiscal Year 2009 – all outstanding bills/invoices – 4<sup>th</sup> requests – Council Pres. Blanchette – Letter**

Council President Blanchette introduced the matter to the Council Members present.

Upon being granted the floor, Councilor Silva presented a motion to forward written communication to the Comptroller requesting information concerning all outstanding bills and invoices for FY 2009. The motion was seconded by Councilor Fielding and unanimously [8-0] approved by the Council Members present.

**Doc.334/09: Letter**

**VII: APPROPRIATIONS-ORDERS-RESOLUTION:**

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. 331/09: Lawrence Fire Department – prior year bill – Brian Murphy, Acting Fire Chief – Ref. to Budget & Finance**

**Doc. 332/09: Department of Public Works – prior year invoices for SGS Testcom Inc. – Frank McCann, Jr., Director – Ref. to Budget & Finance**

[Tuesday, October 20, 2009]

**VIII. COMMITTEE REPORTS:**

**Doc. 237/09: Outdoor Café Seating – proposed ordinance – 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 Silva and unanimously approved by the Council Members present [8-0].

**Doc. 237/09: Public Hearing Ordered**

Upon the motion of Councilor Abdo, seconded by Councilor Kolofoles, the following items were unanimously approved by the Council Members present [8-0] to consider them as a block.

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 measure referenced below. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [8-0].

**Doc.300/09: Handicapped Parking – 8 Brookfield Street – Ord. Comm. & Public Hearing ordered**

**Doc.306/09: Handicapped Parking – 101 Olive Avenue – Ord. Comm. & Public Hearing ordered**

**Doc.320/09: Parking – 303 Lowell Street – 15 minutes – Ord. Comm. & Public Hearing ordered**

**IX. WITHDRAWALS:**

Council President Blanchette granted Council Vice President Kolofoles the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the

[Tuesday, October 20, 2009]

Ordinance Committee. Council Vice President Kolofoles moved to present the matters listed below in “block” form for withdrawal from the Council agenda. The motion was seconded by Councilor Gonzalez and Council Members present voted unanimously [8-0] to withdraw the following matters from the City Council Agenda:

- 213/07: Resident Sticker – Oak Street (between Short and Jackson Street ) – Ord. Comm. - Withdrawn
- 214/07: Recreation Park – 70 Myrtle Street – Ord. Comm. - Withdrawn
- 284/07: Saratoga Street – one way –Lawrence Street to Fern Street – Ord. Comm.- Withdrawn
- 285/07: Vacant Lot – Open Space – 10-12 Trenton Street – Ord. Comm.-Withdrawn
- 286/07: Vacant Lot – Open Space – 12-22 Eutaw Street – Ord. Comm.- Withdrawn
- 39/08: Limitation on Acceptance of cash – (repeal of ordinance) – Ord. Comm.- Withdrawn
- 44/08: School Opening/Closing – one way streets – Ord. Comm. - Withdrawn
- 109/08: North Lawrence Common Park – improper use – Ord. Comm.-Withdrawn
- 246/08: Lawrence Police Department – Deputy Chief – proposed amendment – Ord. Comm. - Withdrawn
- 277/08: Demolition Delay – 15.37 – City Ordinance – Ord. Comm.-Withdrawn
- 278/08: Local Wetlands Ordinance – proposed amendments – Ord. Comm.- Withdrawn
- 21/09: Bridge Closing – South Union Street – Ord. Comm. - Withdrawn
- 21A/09: Bridge Closing – Casey – Ord. Comm. - Withdrawn
- 21B/09: Bridge Closing – O’Leary – Ord. Comm. - Withdrawn
- 37/09: Municipal Records – Storage – Task Force – Ord. Comm. - Withdrawn
- 99/09: Zoning Ordinance – proposed changes – Ord. Comm. - Withdrawn
- 130/09: Parking – Essex Street between Jackson & Newbury Street – problems – Ord. Comm. - Withdrawn
- 155/09: Lawrence Post 15 Baseball – Toll Day – Ord. Comm. - Withdrawn
- 195/09: Transient Vendor License – Jose Calcano – Ord. Comm. - Withdrawn
- 202/09: Parking – Haverhill Street – ordinance – Ord. Comm. - Withdrawn
- 203/09: Retainer Wall – 14 E. Platt Street – Ord. Comm. - Withdrawn
- 204/09: Tower Hill Little League – building dedication – Ord. Comm. - Withdrawn
- 206/09: Transient Vendor – Siria Jacinto – Ord. Comm. - Withdrawn
- 220/09: Memorial Dedications – establish uniform policy – Ord. Comm. - Withdrawn
- 223/09: Dr. Scarito Park – lights near entrance of Brook Street – Ord. Comm. - Withdrawn
- 248/09: Municipal Primary – elimination – Ord. Comm. - Withdrawn
- 260/09: Iglesia La Shekina de Jehovah – use of Scarito Park – Ord. Comm. - Withdrawn
- 298/09: GIS/MIS Position – Ord. comm. - Withdrawn

[Tuesday, October 20, 2009]

**X. TABLED MATTERS:**

Councilor Kolofoles presented a motion to remove the item from the table which was seconded by Councilor Silva and the Council Members present voted as follows to remove Doc. 6B/08 from the table: 6-Yes; 2-No; 1-Absent

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

**Doc.6B/08: City Contract Ordinance – Section 3.04.230- Ord. Comm. – Tabled**

Upon being granted the floor, Council Vice President Kolofoles asked the Council Members to review section 3.04.230 of the City Contract Ordinance.

Council Vice President Kolofoles moved to again table Doc. 6B/08 which was seconded by Councilor Silva and unanimously approved by the Council Members present.

**Doc.6B/08: Tabled**

**XI. OLD BUSINESS:**

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

Council President Blanchette introduced the matter to the Council Members present.

Upon being granted the floor, Councilor Silva presented a motion to table Doc. 23/09 which was seconded by Councilor Twomey and unanimously approved by the

[Tuesday, October 20, 2009]

Council Members [8-0].

**Doc.23/09: Tabled**

**XII. 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.

**XIII. 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:

- 326/09: Lawrence Fire Department - Fees – to be increased – Mark J. Andrews, Budget and Finance Director – Ref. to Ord.
- 327/09: Stop Sign – 4 way – Buswell and Lexington Streets – Counc. Twomey – Ref. to Ord.
- 328/09: Parking – (two) 15 min. spaces - La Vecina Restaurant and Grocery Store – 202 Broadway Street-Council Vice Pres. Kolofoles – Ref. to Ord.

[Tuesday, October 20, 2009]

**XIV. ADJOURNMENT:**

Upon Motion of Councilor Silva duly seconded by Councilor Abdo, the Council Members present voted unanimously [8-0] to Adjourn.

**ADJOURNED  
(9:50p.m.)**

Attest:

William J. Maloney  
City Clerk