

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, November 17, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, November 17, 2009** at 7: 00 p.m. in the City Council Chamber with all Members present except for Councilor Alvarez-Rodriguez. Councilor Silva [arrived at 7:03 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 themselves and address the City Council. Upon the invitation of Council President Blanchette, the following individuals addressed the City Council:

Fernando Landour, 59 Tremont Street, Lawrence, MA, thanked those Councilors that were not re-elected for their years of service.

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA, discussed the lack of management of the City Budget.

III. PUBLIC HEARINGS: - None

IV: COMMUNICATIONS 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. 343/09: Handicapped Parking Sign – 18 Orchard Street – to be placed - Mayor Sullivan – Ref. to Ord.

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Doc. 353/09: Inspectional Services Department – Compensation for Building Inspector per settlement agreement – Council Vice Pres. Kolofoles – Tabled

Council President Blanchette left the Chamber and relinquished the Chair to Council Vice President Kolofoles.

As Chairman of the City Council, Council Vice President Kolofoles presented the item to the Council Members.

Council Vice President Kolofoles proceeded by inviting Budget and Finance Director Mark Andrews to address items of inquiry posed by Council Vice President Kolofoles concerning the events surrounding the reinstatement to employment of Building Inspector Greg Arvanitis. Additional questions were posed to Comptroller David Camasso regarding the same matter. Council Vice President Kolofoles also asked Inspector Arvanitis questions concerning his reasons for returning to work which Mr. Arvanitis stated that his return to work was part of an agreement with the City of Lawrence to settle claims presented on his behalf.

Upon being granted the floor, Councilor Silva asked Council Vice President Kolofoles what the intended goal was concerning the item presented.

Council Vice President Kolofoles stated that the settlement agreement is the reason Inspector Arvanitis has returned to his former position and that the reason for inquiry into the matter was to assure that the employee was being treated fairly. Council Vice President Kolofoles proceeded to ask additional questions to Comptroller Camasso regarding the obligation to assure employees are paid for work performed.

Upon being granted the floor, Councilor Silva presented a motion to refer the matter to the Personnel Committee. Council Vice President Kolofoles stated that the motion was

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not recognized by the Chair. A discussion ensued between Council Vice President Kolofoles and Councilor Silva regarding parliamentary procedure. Council Vice President Kolofoles stated that he wished to pursue the matter presented before the full Council at this time due to concerns that Mr. Arvanitis is not being paid wages earned for work performed by the City of Lawrence. He further stated that it is the obligation of the Administration to assure that sufficient funds are appropriated to pay wages of City employees and particularly for the payment due to Inspector Arvanitis. Council Vice President Kolofoles continued to inquire about the source of funding for Mr. Arvanitis to Budget and Finance Director Andrews.

Upon being granted the floor, Councilor Moran asked Council Vice President Kolofoles where the money for Mr. Arvanitis wages was to be drawn since the position was not provided in the original Inspectional Services FY 2010 Budget approved by the City Council. Director Andrews interposed and stated that funding would likely be drawn from the Inspectional Services Budget until exhausted and then from other monies not used throughout the City.

Upon being granted the floor, Councilor Abdo confirmed that funds were not part of the FY 2010 Inspectional Services Budget. [A discussion ensued between Council Vice President Kolofoles and Councilor Abdo regarding the issue of appropriation].

Council Vice President Kolofoles asked Assistant City Attorney D'Agostino about the terms of the settlement agreement between Mr. Arvanitis and the City of Lawrence. [A discussion ensued between Councilor Silva and Council Vice President Kolofoles regarding the appropriate means of addressing matter pertaining to employment and litigation].

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Upon being granted the floor, Councilor Gonzalez asked about the manner by which Mr. Matteo was recently reinstated to his position with the City of Lawrence.

Upon being granted the floor, Councilor Silva presented a motion to refer the item to the Personnel Committee.

Upon being granted the floor, Councilor Twomey asked if the Personnel Committee had any authority to remedy the lack of appropriation. Councilor Twomey presented a motion to forward a written communication to Mayor Sullivan requesting the Administration take measures to appropriate sufficient funds to assure the payment of wages to Mr. Arvanitis. The motion was seconded by Councilor Gonzalez and defeated by the Council Members present as follows: 3-Yes; 3-No; 1-Abstain; 2-Absent

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

Upon being recognized Councilor Abdoo presented a motion to table the item which was seconded by Councilor Silva and unanimously approved by the Council Members [7-0].

Doc. 353/09: Tabled

V. APPROPRIATIONS-ORDERS-RESOLUTION:

**Doc. 331/09: Lawrence Fire Department – Prior Year Bill –Budget and Finance
 Comm. - Approved**

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At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee for the approval of the measure. The report was presented in the form of a motion to approve, seconded by Council Vice President Kolofoles and unanimously approved by the Council Members present [8-0].

Doc. 331/09: Approved

**Doc. 332/09: Department of Public Works – Prior Year Invoices – SGS Testcom., Inc.-
Budget and Finance Comm. – Approved**

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee for the approval of the measure presented.

The report was presented in the form of a motion to approve and seconded by Council Vice President Kolofoles.

Upon being granted the floor, Councilor Moran inquired about the item purchased. Budget & Finance Director Mark Andrews provided the Council Members with an explanation of the purchase.

Upon no further inquiry, comment or discussion, the Council Members present voted unanimously [8-0] to approve the payment of the invoice presented.

Doc. 332/09: Approved

VI. COMMITTEE REPORTS:

Doc. 338/09: Tax Increment Financing – discussion and approval of decertify the existing (TIF) Agreement approved for ADTEC Electroplating at 125 Glenn Street in Lawrence, MA – Budget and Finance Comm. – Approved

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee for the approval of the measure presented.

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The report was presented in the form of a motion to approve, seconded by Council Vice President Kolofoles and unanimously approved by the Council Members present [8-0].

Doc. 338/09: Approved

Doc. 339/09: Tax Increment Financing – discussion and approval of amending the existing (TIF) Agreement approved for Daxad, LLC at 25 Marston Street in Lawrence, MA – Budget and Finance Comm. - Approved

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee for the approval of the item presented.

The report was presented in the form of a motion to approve, seconded by Council Vice President Kolofoles and unanimously approved by the Council Members present [8-0].

Doc. 339/09: 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.
- 281/08 Revised Zoning Ordinance – Political Signs – hearing
- 23/09 Water Treatment Plant – contract approval
- 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
- 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
- 222/09 Brook Street – request to have alternate parking year round

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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
- 279/09 Fire Department – Budget Status
- 305A/09 Compost Program – Ord. Comm.
- 329/09 Automated Trash Proposal – “Let the Residents be heard”
- 340/09 Pro-forma Submission – Council Pres. Blanchette

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:

- 344/09: Stop Sign – 4-way – Williams and Wesley Streets – Counc. Twomey – Ref. to Ord.
- 345/09: Handicapped Parking – 155 Salem Street – to be removed – Counc. Fielding – Ref. to Ord.
- 346/09: Parcel at 101-103 Woodland St. rear – land to be given as a gift to the City of Lawrence – Wayne L. Belair, Esq. – Ref. to Housing
- 347/09: National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures on Sherman Street – Ref. to Ord.
- 348/09: Proposed Rezoning of 66 Parker Street – William J. Passamante – Ref. to Ord. & Planning
- 349/09: Parking – 110 Bennington Street – to place a “No Parking” sign 20 feet from driveway entrance-Councilor Moran – Ref. to Ord.
- 350/09: Parking – 19 Newbury Street – to relocate a “No Parking” sign to 20 feet from corner – Councilor Moran – Ref. to Ord.
- 351/09: Tax Increment Financing (TIF) Agreement for a doctors’ consortium at 25 Marston Street, Lawrence, MA – Frank O’Connor, Jr., Economic Development Officer – Ref. to Budget & Finance
- 352/09: Tax Increment Financing (TIF) Agreement for ACE Metal at 125 Glenn Street – discussion and approval of proposed (TIF) – Frank O’Connor, Jr., Economic Development Officer – Ref. to Budget & Finance

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354/09: Disclosure of Financial Interest by Municipal Employee, certification by Head of Contracting Agency and Approval as required by G.L. C. 268A & 20(b) – Frank Martin, Captain Lawrence Fire Department – Ref. to Ord.

Doc.355/09: World Aids Day – Walk-a-Thon on 12/1/09 – William R. Perez -Greater Lawrence Family Health Center - Approved

Councilor Gonzalez presented a motion to have Doc. 355/09 declared an emergency measure and to suspend the Rules of the City Council in order to address the matter. The motion was seconded by Councilor Silva and the Council Members voted unanimously [8-0] to declare Doc. 355/09 an emergency measure.

Councilor Gonzalez further presented a motion to approve the item. The motion was seconded by Councilor Silva and unanimously approved by the Council Members present 8-0].

Doc. 355/09: Approved

XI. ADJOURNMENT:

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

**ADJOURNED
(7:50p.m.)**

Attest:

William J. Maloney
City Clerk