

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, March 17, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, March 17, 2009** at 7: 04 p.m. in the City Council Chamber with all Members present except for Councilor Kolofoles. Councilor Silva arrived at 7:10 p.m. and Councilor Abdoo arrived at 7:28 p.m.

Approximately Twenty-eight [28] 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 February 3, 2009 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Moran to accept the minutes as presented duly seconded by Councilor Twomey, the Council Members present voted unanimously [6-0] to accept the minutes.

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:

Michelle Downer 198 Essex Street, Lawrence, MA requested the handicapped doorway remain “open” in advance of City Council Meetings. She thanked Councilor Moran for his quick response regarding necessary D.P.W. repairs.

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Ellie Curtin, residence, Brunswick House City, Lawrence, MA discussed the lack of available parking and confusing parking signs near the Brunswick House.

Dick Blatchford, 3 Harrison Street, Lawrence, MA stated that he supports the latest version of the proposed use of the Saunders School Building.

Tennis Lilly, 110 Spruce Street, Lawrence, MA asked the Council Members to vote favorable for the Saunders School Building Project.

Robert O’Koniewski, 3 Summer Avenue, Lawrence, MA spoke in support of the proposed Saunders School Project.

John Lydon, 9 Monroe Street, Lawrence, MA spoke in support of David Abdo for Mayor. He also spoke in opposition to the proposed Saunders School Building Project.

Patricia Riddle, 18 Grant Rd., Lawrence, MA spoke in opposition of the proposed Saunders School Building Project.

Larry Oaks, 536 Grante Street, Braintree, MA, a representative from Peabody Properties, Inc., spoke of the efforts and actions of Peabody Properties, Inc. to address concerns expressed by the residents near the Saunders Street School in an effort to advance the development project.

Barbara Torres of Greenfield Street, Lawrence, MA spoke in opposition to the proposed Saunders School development project.

Joseph D’Amico, 11 Lorenzo Road, Lawrence, MA discussed past measures regarding traffic controls at the McDonalds establishment located at Essex and Broadways Streets. He commented that the Saunders School is still a functional building.

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Donna Barrieaie of Chester Street, Lawrence, MA stated that there were many “drug dealers” congregating near Chester Street and around the Saunders School area and suggested that placing housing for recovering addicts and children of homeless people is not a good idea.

Michael Sweeney, 104 Dascomb Rd., Andover, MA, Planning Director for the City of Lawrence, MA, discussed specific aspects of the Saunders School Development Plan and suggested that the project should be approved by the Lawrence City Council.

III. PUBLIC HEARINGS:

Handicapped Parking – Ordinance to be deleted – Sec. 10.36.340 – Salem Street, north side 230 feet east Burke Street – Hearing held – DELETION 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 Silva, as seconded by Councilor Twomey, the Council Members

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present voted unanimously [8-0] to approve the measure.

Doc. 35/09: DELETION Approved

Doc.42/09: Bay State Gas – request received from Mass. Highway Dept. to temporarily move its existing gas main on the Duck Bridge to support the planned rehabilitation – 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.

Thomas Schiavone, Community Development Director, spoke in favor of the measure and urged the Council Members to vote in favor.

Upon no further 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 Silva, as seconded by Councilor Alvarez-Rodriguez, the Council Members present voted unanimously [8-0] to approve the measure.

Doc. 42/09: Approved

Doc.87A/09: FY 2009-2010 Fiscal Recovery Plan – Demand Fees – hearing held – Approved

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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.

Budget & Finance Director, Mark Andrews informed the Council Members of the proposed item requesting the measure be adopted as part of the City Fiscal Recovery Plan.

Chet Sidel, an area business owner, spoke in favor of the measure and urged the Council Members to approve the item

Patricia Cook, Tax Collector, stated the urgency of approving the proposed measure. She informed the Council Members the financial losses that will result if tax payers continue not to pay tax bills timely without imposition of a reasonable penalty which the measure provides.

Alec Vega, Chairman of the Board of Assessors for the City of Lawrence, spoke in favor of the item presented and the proposed increases in parking fines.

James Barnes, Director of Community Development, spoke in support of approving the proposed increases in the demand fee and parking fines.

Gloria Schwartz, of Ferry Street, Lawrence, MA stated her support for the item presented.

David Camasso of Beresford Street, Lawrence, MA and City Comptroller spoke in support of the proposal to increase demand fees as a means to address timely payment of real property taxes.

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Lawrence Fire Chief Peter Takvorian spoke in favor of the proposed increase of demand fee and parking fines.

Frank Incropera, president of the Mount Vernon Neighborhood Association, spoke in favor of the proposed demand fee and parking fines increase.

Michael Sweeney, Planning Director, spoke in support of the proposed increases to the demand fee and parking fines.

Barney Riley, Director of the City of Lawrence Council on Aging, spoke in favor of the proposed increases to the demand fee and parking fines.

Maureen Nimmo, Library Director, spoke in favor of the proposal to increase of the demand fee and parking fines.

Michelle Downer, 198 Essex Street, Lawrence, MA spoke in favor of the proposed increases presented.

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA spoke in favor of the measure but questioned who would collect the monies.

Marie Gosselin, former Lawrence City Council Member, 4 East Gilbert Street, Lawrence, MA spoke in support of the proposed measure.

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 being granted the floor, Councilor Alvarez-Rodriguez presented a motion to approve the item as seconded by Councilor Fielding.

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Upon a call for discussion, Councilor Twomey questioned which taxes the demand fee assessments would apply. Budget and Finance Director Mark Andrews indicated that the assessment would apply to personal property taxes, real estate taxes and excise taxes. Treasurer Cook informed the Council Members that the proposed demand assessments would only be applied once a year despite quarterly property tax bills being issued by the Tax Collector's Office.

Upon being granted the floor, Councilor Alvarez-Rodriguez commented that she supports the proposed measure and questioned Treasurer Cook about how the late fees would be applied and how it would raise revenue. Budget and Finance Director Andrews responded by discussing the importance of receiving timely payment which would increase revenue by the incentive that an additional assessment would create.

Upon being granted the floor, Councilor Moran asked Budget and Finance Director Andrews about engaging the services of a collection agency to pursue delinquent tax monies due to the City of Lawrence. Director Andrews stated that professional collection services were already being provided by the Kelly & Ryan firm and commented on the necessity of retaining that service to assure revenues collected continue to have a positive impact on the overall City income.

Council President Blanchette posed questions about the collection methods employed by Kelly & Ryan and the rate of payment for their services is calculated.

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 as

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presented by Councilor Alvarez-Rodriguez, and seconded by Councilor Fielding, the Council

Members present voted as follows to approve the measure. 7-Yes; 1- No; 1-Absent

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

Doc. 87A/09: Approved

**87B/09: FY 2009-2010 Fiscal Recovery Plan – Violations – Penalties – (10.08.170) –
 Increases – hearing held – Defeated**

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.

Budget and Finance Director Mark Andrews, explained the proposed measure and informed the Council Members of the reasons for the approval of the item.

Director Schiavone commented in favor of approval of the proposed measure.

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Lawrence Police Chief John Romero spoke in support of the measure.

Upon no further 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 recognized, Councilor Twomey presented a motion to approve the item as seconded by Councilor Abdo.

Upon being granted the floor, Councilor Silva stated that she cannot support the measure presented and commented that other means of raising revenue need to be considered before approving any measure that will increase the financial burden of Lawrence residents as being proposed.

Upon being granted the floor, Councilor Alvarez-Rodriguez expressed concerns about the impact the measure would have on Lawrence residents if the measure were approved. She stated that proposing fine and fee increases for violations for occasional improper snow removal that are “inadvertent” with other acts that are “intentional” is questionable.

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 Twomey as seconded by Councilor Abdo, the Council Members present defeated the motion to approve the item as follows. 3-Yes; 5-No; 1-Absent

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

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

Doc. 87B/09: Defeated

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

Council President Blanchette called the following four matters to the attention of the Council Members as appearing on the Agenda which were referred to standing committees as indicated:

97/09: Acceptance of funding from the Commonwealth of Massachusetts – Thomas D. Schiavone, Mayor’s Office – Ref. to Budget & Finance Cmt.

98/09: Trench Safety Ordinance – Charles D. Boddy, Jr., City Attorney – Ref. to Ord. Cmt.

106/09: Community Development – City Fiscal Year 2010 CDBG Funding Recommendations – Mayor Sullivan – Ref. to Budget & Finance Cmt.

107/09: Non-Union Reclassification Study – Mayor Sullivan & Mark J. Andrews, Budget and Finance Director – Ref. to Budget & Finance Cmt.

V. APPROPRIATIONS-ORDERS-RESOLUTION: -None

VI. COMMITTEE REPORTS:

Doc. 31/09: Iglesia Pentecostal y Misionera – request to use the Campagnone Common– various dates for religious services- Ord. Comm.

At the request of Council President Blanchette, Councilor Moran presented the report from the Ordinance Committee in the form of a motion to approve Iglesia Pentecostal y Misionera’s request to use the Campagnone Common Park for various dates for religious services, which was duly seconded by Councilor Alvarez-Rodriguez and unanimously [8-0]

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voted upon by Council Members present.

Doc. 31/09: Approved

**Doc. 40/09: Speeding – Essex Street – Milton & Ames Street – restrictions – 20 mph –
Ord. Comm. & Public Hearing ordered**

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

Doc. 40/09: Public Hearing Ordered

Doc. 88/09: Verizon – permission to place underground electric conduits –on Union St. (remove one) & (expand one) and on South Union Street – (expand one) - Ord. Comm. & Public Hearing ordered

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

Doc. 88/09: Public Hearing Ordered

**Doc. 92/09: Wholesale Junk License – Winfield Alloy, Inc. –
Ord. Comm. – Approved**

At the request of Council President Blanchette, Councilor Moran presented the report from the Ordinance Committee in the form of a motion to approve the wholesale Junk License application submitted by Winfield Alloy, Inc., which was duly seconded by Councilor Silva and unanimously [7-0] voted upon by Council Members present. [Councilor Gonzalez absent from the Council Chamber]

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Doc. 92/09: Approved

**Doc. 93/09: Iglesia Cristo Misionera – use of Campagnone Common– various dates –
Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Moran presented the report from the Ordinance Committee in the form of a motion to approve Iglesia Cristo Misionera use of the Compagnone Common on various dates, which was duly seconded by Councilor Alvarez-Rodriguez and unanimously approved [7-0] by the Council Members present.

[Councilor Gonzalez absent from the Council Chamber].

Doc. 93/09: Approved

VII. WITHDRAWALS:

Council President Blanchette granted Councilor Moran the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Ordinance Committee. Councilor Moran moved to present the matters listed below in “block” form for withdrawal from the Council agenda. The motion was seconded by Councilor Silva and Council Members present voted unanimously [7-0] to withdraw the following matters from the City Council Agenda: [Councilor Gonzalez absent from the Council Chamber].

Doc. 202/08: Zoning Issue - 155 Arlington Street – Ord. Comm. - Withdrawn

**Doc. 34/09: Bailey Street – one way east Blanchard and Parker Sts. St. Patrick’s
School area – Ord. Comm. – Withdrawn**

Doc. 36/09: PERAC – Chapter 467 – Acts of 2008 – Ord. Comm. – Withdrawn

VIII. OLD BUSINESS: - None

IX. TABLED MATTERS:

**Doc. 289/07: Disposition – Saunders School Project – 243 South Broadway Street –
Housing Committee – Approved**

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Councilor Silva presented a motion to remove the item from the table which was seconded by Councilor Twomey and unanimously approved by the Council Members present [7-0]. [Councilor Gonzalez absent from the Council Chamber].

Councilor Silva presented a motion to approve the item as seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Silva discussed the necessity of approving the item presented commenting that it is both socially and financially responsible as it will have a positive impact on the Saunders School area and the City of Lawrence.

Upon being granted the floor, Councilor Twomey posed questions to Mr. Oaks. [Representative of Peabody Properties, Inc] about the project presented. Upon conclusion of his inquiry, Councilor Twomey stated he would not vote in favor of the item presented.

Upon being granted the floor, Councilor Abdo stated he would not vote in favor of the item presented.

Upon being granted the floor, Councilor Alvarez-Rodriguez discussed her reasons for supporting the measure presented and stated that the proposed development would serve to provide assistance and housing to those most in need. She commented further that she believes the City of Lawrence would benefit both socially and economically from the development.

Council President Blanchette thanked Councilor Abdo and Councilor Alvarez-Rodriguez for their assistance arranging meetings with the developers and the area residents. Council President Blanchette commented that the recommendations and changes generating from the neighborhood meetings represent a cooperative positive interchange between the

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developer, the area residents, and City Officials. Council President Blanchette also stated that students who attend educational institutions in the City of Lawrence who will be placed in the available housing created at the former Saunders School Building will benefit directly while the City will realize additional students who otherwise reside in other location throughout the City of Lawrence.

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.

Upon vote of the Council Members present, the measure was approved as follows: 6-YES; 2-NO; 1 ABSENT:

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

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.
 256/08: Parking–Prospect St/East Haverhill St-removal of a 20 minute parking sign
 39/09: Water Commissioner – lay off – compliance with MGL Chapter 111 Section 160- City Attorney invited to attend

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 Subcommittees as indicated:

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- 94/09 Parking – Hale Street – review of parking ordinances – Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt
- 95/09 Lawrence Public School Teachers Union - Citizen Request for Public Hearing – Homayoun Maali – Ref. to Committee on the Whole
- 96/09 Lawrence Little Leagues – So. Lawrence West; So. Lawrence East; Prospect Hill; Central & Tower Hill - Tag Days – Sy Uliano, Jr., Little Leagues Coordinator – Ref. to Ord. Cmt.
- 99/09 Zoning Ordinance proposed changes – Michael Sweeney, Planning Director – Ref. to Ord. Cmt.
- 100/09 Wholesale Junk Licenses – request to amend ordinance – Vice Pres. Kolofoles – Ref. to Ord. Cmt.
- 101/09 Parking – An Act Relative to Parking on Inman Street – Counc. Abdoo – Ref. to Ord. Cmt.
- 102/09 Stop Sign – An Ordinance to be provided on Lenox Circle – Counc. Abdoo – Ref. to Ord. Cmt.
- 103/09 Greater Lawrence Technical School District – establishment of a stabilization fund for capital expenditures - Mark J. Andrews, B & F Director – Ref. to Budget & Finance Cmt.
- 104/09 Greater Lawrence Family Health Center Prevention & Education Department – request permission to use the Campagnone Common Park for a community event planned for April 8, 2009 – Perla Roberts. Program Supervisor – Ref. to Ord. Cmt.
- 105/09 Colonial Drive (End) – request to use city owned land for Boy Scout Troop #13 – Counc. Twomey – Ref. to Ord. Cmt.

XI. ADJOURNMENT:

Upon Motion of Councilor Silva duly seconded by Councilor Fielding, the Council

Members present voted unanimously to Adjourn.

ADJOURNED
(8:47p.m.)

Attest:

William J. Maloney
City Clerk