

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

**DATE: Tuesday, April 21, 2009**

A **REGULAR MEETING** of the City Council was held on **Tuesday, April 21, 2009** at 7: 10 p.m. in the City Council Chamber with all Members present except Councilor Nilka Alvarez-Rodriguez.

Approximately Sixteen [16] 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:

Homayoun Maali, 53 Chester Street, Lawrence, MA commented upon the public call for the resignation of Superintendent Laboy and urged the Council Members to take action that would lead to the resignation of Superintendent Laboy.

Francis Cialek, 260 South Union Street, Lawrence, MA stated that he believed the actions by Mark Rivera while working as an aide to the Superintendent of Schools were reprehensible and violated privacy rights of the people he performed background checks on without apparent authority. He also discussed the efforts of Lawrence High School students to clean the City.

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### **III. PUBLIC HEARINGS:**

#### **Doc. 98/09: Trench Safety Ordinance – 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 Silva, as seconded by Councilor Moran, the Council Members present voted unanimously [8-0] to approve the measure.

#### **Doc. 98/09: Approved**

#### **Doc. 106/09: Community Development Department – City Fiscal Year 2010 CDBG – Funding Recommendations – 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.

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James Barnes, Community Development Director informed the Council Members of the method of review and urged the Council Members to approve the item as submitted.

Rose Gonzalez of Groundworks Lawrence requested the City Council Members approve the Community Development Block Grant [hereinafter referenced as CDBG] recommendations as presented.

Sasha Cruz, recipient of CDBG funding asked the Council to continue support of the CDBG Programs.

Frank Cialek suggested that some of the funds allocated be spent on park upkeep.

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

Upon being granted the floor, Councilor Kolofos asked questions about the pending public input hearings to be held through May 9, 2009. Community Development Director Barnes explained that the pending hearings are part of the process required by HUD.

Upon being granted the floor, Councilor Twomey asked about the \$400,000.00 grant to “parks” and how the allocation would be used. Director Barnes explained the grant allocation and how matching funds would be used.

Council President Blanchette commented how the review and approval process has improved and how everyone in the process participates.

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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 Councilor Moran, as seconded by Councilor Fielding, the Council Members present voted unanimously [8-0] to approve the measure.

**Doc. 106/09: Approved**

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

**Doc.136/09: Graffiti Ordinance – to be discussed –  
Council Vice Pres. Kolofoles – Ref. to Ord.**

Council Vice President Kolofoles presented the item and discussed past measures before the City Council. Councilor Kolofoles suggested that graffiti has been a persistent problem in the City of Lawrence and that it has returned. Councilor Kolofoles stated that the problem cannot be ignored and must be addressed by adopting a graffiti ordinance.

Council President Blanchette referred the matter to the Ordinance Committee.

**Doc.136/09: Ref. to Ord.**

**Doc.139/09: Furlough for City Council Members – Council. Moran -  
Ref. to Budget and Finance**

Councilor Moran discussed the possibility that Council Members consider taking a 10 day furlough just as other city employees have done.

Council President Blanchette referred the item to the Budget & Finance Committee.

**Doc.139/09: Ref. to Budget & Finance**

**V. APPROPRIATIONS-ORDERS-RESOLUTION:**

**Doc. 108/09: Appropriation Transfer – DPW – National Grid – Lift Station -  
\$15,000.00 – 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 and presented the matter in the form of a motion to approve the measure. The motion to approve was seconded by Councilor Kolofoles and the Council Members present voted unanimously [8-0] to approve the appropriation transfer-DPW-National Grid-Lift Station for \$15,000.00

**Doc. 108/09: Approved**

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. 131/09: Appropriation Transfers –DPW - Pension Assessments in the Water and Sewer Funds – Frank McCann, Jr., Director – Ref to Budget & Finance**

**Doc. 111/09: Resolution – Budget Timeline – to be adopted – Budget and Finance Comm. – Approved**

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee to approve the measure. The report was presented in the form of a motion and seconded by Councilor Twomey.

Upon being granted the floor, Councilor Silva commented on the importance of approving a time line for the fiscal budget of the city. Councilor Silva discussed the particulars of the proposed time line leading to possible hearing and approval on June 16, 2009.

Director Mark Andrews explained the purpose and importance of using a time line for budget approval is to keep order in the process and to assure the timely preparation of the proposed FY 2010 Budget.

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Council President Blanchette stated that it is important that the FY 2010 Budget Hearing be presented “live” on television to involve the public as much as possible. Council President Blanchette stated that he believes neither Channel 8 nor Channel 22 have the ability to broadcast the budget hearings live.

Upon being granted the floor, Councilor Kolofoles posed questions about the FY2010 budget timeline.

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.

Councilor Kolofoles posed questions about the FY 2010 Budget timeline.

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

**Doc. 111/09: Approved**

**Doc. 140/09: Resolution – “Building Safety Week” – Mayor Sullivan – Approved**

Council President Blanchette presented the item and called upon the Council Members to consider the matter presented.

Upon being granted the floor, Councilor Kolofoles presented a motion to approve the measure which was seconded by Councilor Gonzalez and unanimously [8-0] approved by the Council Members present to approve the Resolution- “Building Safety Week”.

**Doc. 140/09: Approved**

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**VI. COMMITTEE REPORTS:**

Councilor Silva presented a motion to take documents #124/09, #125/09 and #126/09 out of the order appearing on the agenda. The motion was duly seconded and unanimously approved by the Council Members present [8-0].

**124/09: Appointment – Lawrence Cultural Council – Richard Reyes, 42 Canton Street, Lawrence - Mayor Sullivan - Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to appoint Richard Reyes to the Lawrence Cultural Council. The motion was seconded by Councilor Twomey and the Council Members present voted unanimously [8-0] to appoint Richard Reyes to the Lawrence Cultural Council for a three year term.

**124/09: Approved**

**125/09: Appointment – Lawrence Cultural Council – Rafael Tejada, 71 Greenwood Street, Lawrence - Mayor Sullivan - Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to appoint Rafael Tejada to the Lawrence Cultural Council. The motion was seconded by Councilor Twomey and the Council Members present voted unanimously [8-0] to appoint Rafael Tejada to the Lawrence Cultural Council for a three year term.

**125/09: Approved**

**126/09: Appointment - Library Board of Trustees – Father Jorge Reyes – 300 Haverhill Street, Lawrence Mayor Sullivan – Defeated**

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At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to appoint Father Jorge Reyes to the Library Board of Trustees. The motion was seconded by Councilor Twomey.

Council President Blanchette stated that Father Reyes called to inform the Council Members that he had to tend to an emergency and would not be present at the Meeting of the City Council this evening.

Upon being granted the floor, Councilor Moran commented that no term should be for life and be limited.

Upon being granted the floor, Councilor Kolofoles commented that he has proposed amending the Library Trustees provision by eliminating the life appointment

Council President Blanchette suggested that the item be tabled.

Upon being recognized, Councilor Kolofoles presented a motion to table the item as seconded by Councilor Silva and the Council Members present defeated the motion to table the item as follows. 4-Yes; 3-No; 2-Absent

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

Further discussion ensued among the Council Members regarding the item.

Council President Blanchette and Council Vice President Kolofoles stated they would abstain if the question were called for a vote.

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Upon being granted the floor, Councilor Moran questioned the reason for lifetime appointments on any board. [Discussion ensued among Council Members regarding the term of lifetime appointment].

Upon being recognized, Councilor Kolofoles presented a motion to table the item for a second time. The motion was seconded by Councilor Moran and the Council Members present defeated the motion to table the item as follows. 4-Yes; 4-No; 1-Absent

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

Further discussion among Council Members ensued.

Upon being granted the floor, Councilor Silva commented favorably on the recommendation of Fr. Reyes as more than suitable for the position. She suggested that it may be prudent to delay appointment in order to review and possibly amend the ordinance particularly concerning the provision for “lifetime” appointment.

Upon being granted the floor, Councilor Abdoo stated that issues pertaining to the structure of the current ordinance should not be considered as a reason to defeat an otherwise viable candidacy. Councilor Abdoo suggested that the consideration of any candidate for any position concerns the conditions that exist under the provisions of the current ordinance and not what may occur eventually. He suggested that the issue of “life” appointments should be

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considered as an issue on its own merit by the Ordinance Committee and not be intertwined to defeat qualified applicants to City Boards.

Upon being granted the floor, Councilor Moran reiterated that the issue concerns the process and does not concern Fr. Reyes.

Upon being granted the floor, Councilor Twomey posed questions to Councilor Kolofoles about the status of a proposed ordinance to eliminate life terms.

Upon no further discussion or comment Council President Blanchette called upon the Council Members present to consider the motion for the approval of Fr. Reyes as presented.

Upon vote of the Council Members present, the recommendation of for the approval of Fr.

Reyes as a lifetime member of the Library Board of Trustees was defeated as follows: 4-

Yes; 2-No; 2-Abstain; 1-Absent

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

**126/09: Defeated**

**Doc.102/09: Stop Sign – Lenox Street at Lenox Circle – Ord. Comm. –  
 Public Hearing Ordered**

At the request of Council President Blanchette, Councilor Kolofoles 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 to order a public hearing which was seconded

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by Councilor Twomey and unanimously approved by the Council Members present [8-0].

**Doc. 102/09: Public Hearing Ordered**

**Doc.82/09: Iglesia Pentecostal Senda Antigua II – use of Campagnone Common on 8/22/09 & 8/23/09 – Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the measure, which was seconded by Councilor Silva and unanimously [8-0] voted upon by Council Members present.

**Doc. 82/09: Approved**

**Doc.109/09: Old Gold Dealer License – Julio Ormaza – Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve Old Gold Dealer License for Julio Ormaza which was seconded by Councilor Moran and unanimously [8-0] voted upon by Council Members present.

**Doc. 109/09: Approved**

**Doc.114/09: Pawnbroker Dealer License – Belkis Oslan – 442 Essex Street – Ord. Comm. – Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the Pawnbroker Dealer License for Belkis Oslan which was seconded by Councilor Moran and unanimously [8-0] voted upon by Council Members present.

**Doc. 114/09: Approved**

**Doc.115/09: Old Gold Dealer License – Belkis Oslan – 442 Essex Street – Ord. Comm. - Approved**

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At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the Old Gold Dealer License for Belkis Oslan, which was seconded by Councilor Silva and unanimously [8-0] voted upon by Council Members present.

**Doc. 115/09: Approved**

**Doc.120/09: Christian Missionary Church – Use of Campagnone Common on 7/18/09, 7/19/09 & 8/15/09 – Ord. Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve Christian Missionary Church use of Campagnone Common on July 18, 2009, July 19, 2009 and August 15, 2009 which was seconded by Councilor Silva and unanimously [8-0] voted upon by Council Members present.

**Doc. 120/09: Approved**

**Doc.123/09: Veteran’s Services Office – Air Show at Municipal Airport – 10/30/09 & 10/31/09 – Ord. Comm. - Approved**

Francisco Urena, Director of Veterans Affairs, introduced Mr. McCloud who provided information about the air show to take place if allowed by the Council Members on the dates noted in the petition.

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the Veteran’s Services Office an Air Show at the Municipal Airport on October 30 and October 31, 2009

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which was seconded by Councilor Silva and unanimously [8-0] voted upon by Council Members present.

**Doc. 123/09: Approved**

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

**Doc.141/09: Resolution – Delila Rivera – Council Pres. Blanchette – Tabled**  
Council President Blanchette introduced the item.

Upon being granted the floor, Councilor Silva presented a motion to table the item. The motion was seconded by Councilor Kolofoles and the Council Members present voted unanimously [8-0] to table the item.

**Doc. 141/09: Tabled**

**VIII. COMMITTEE REPORTS:**

**Doc.127/09: Sick Day Legislation – Ord. Comm. – Tabled**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Ordinance Committee and moved to table the item. The motion was seconded by Councilor Kolofoles and unanimously [8-0] voted upon by Council Members present.

**Doc. 127/09: Tabled**

**IX. WITHDRAWALS:** - None

**X. OLD 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:

**281/08: Zoning Amendments – Political Signage Regulations – Michael Sweeney, Planning Dept. Director – Ref. to Ord.**

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**41/09: Zoning Ordinances – 85 Manchester Street – proposed re-districting – Michael Sweeney, Planning Dept. Director – Ref. to Ord.**

Upon being recognized, Councilor Kolofoles presented a motion to have the Doc. #137/09 declared an emergency measure and to suspend the Rules of the City Council in order to presently address the matter. The motion was seconded by Councilor Moran and the Council Members present voted unanimously [8-0] to approve the item as an emergency.

**XI. NEW BUSINESS:**

**Doc.137/09: Tower Hill Little Leagues–permission to close off Providence Street between Shawmut Street and Community Ave.- for their Opening Season on May 2, 2009 – Council Vice Pres. Kolofoles – Approved**

Upon being granted the floor, Councilor Kolofoles presented a motion to approve the item which was seconded by Councilor Silva and unanimously approved by the Council Members present [8-0].

**Doc.137/09: Approved**

**XII. TABLED MATTERS:**

Councilor Kolofoles presented a motion to remove the item from the table which was seconded by Councilor Moran and unanimously approved by the Council Members present [8-0].

**Doc. 236/08: National Grid–req. permission to place underground electric conduits on Green St.-hear. – Letter**

Upon being granted the floor, Councilor Kolofoles stated he discussed the meeting with National Grid and Verizon and suggested a letter to Andrews with an update, and that was in the form of a motion. The motion was seconded by Councilor Moran and the Council Members present voted unanimously [8-0] to send Budget and Finance Director Andrews a

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letter requesting that an update be provided to the Council Members regarding the financial status of the requested repairs necessary to the sidewalk for the convenience of the people accessing Green Street.

**Doc. 236/08: Letter**

**XIII. 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.
- 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

**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:

- 132/09: Lawrence High School Campus Scholarship Check – Thomas D. Sharkey, Headmaster – Ref. to Budge & Finance Cmt.
- 133/09: Pawnbroker Dealer License – Jon M. Wolf – 92 Broadway Street-Ref. to Ord. Cmt.
- 134/09: Second Hand Dealer License – Jon M. Wolf – 92 Broadway Street-Ref. to Ord. Cmt.
- 135/09: Old Gold Dealer License – Jon M. Wolf – 92 Broadway Street-Ref. to Ord. Cmt.
- 138/09: City owned Property– 389 Water St. (Map 204, Lot 22) – conditions – needs fencing –Council Vice Pres. Kolofoles – Ref. to Housing Cmt.

**XV. ADJOURNMENT**

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

**ADJOURNED**  
**(8:36p.m.)**

Attest:

William J. Maloney  
City Clerk