

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, June 2, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, June 2, 2009** at 7: 08 p.m. in the City Council Chamber with all Members present. Councilors Twomey, Silva and Moran arrived at 7:13 p.m.

Approximately Eleven [11] 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:

Mayor Michael Sullivan informed the Council Members that he was appearing in person in an effort to support the Council Members reconsidering the prior vote to defeat the appointment of Thomas Schiavone to the position of Economic Development Director. Mayor Sullivan stated that although there may be issues the Council Members may have pertaining to the selection process leading to the recommendation presented, he believes that Mr. Schiavone is without question the most experienced and most qualified person for the position and that it would be a tremendous benefit to The City of Lawrence to have Mr. Schiavone approved as the Economic Development Director.

Luis Yepez, a business owner in The City of Lawrence, spoke in favor of approving Thomas Schiavone as the permanent Development Director.

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Mr. Maali spoke of the qualities The Mayor for the City of Lawrence must possess.

Sal Lupoli, Lawrence business owner, spoke in favor of the Council Members voting to reconsider the nomination of Thomas Schiavone as Economic Development Director.

Upon being granted the floor, Councilor Kolofoles asked the parliamentary procedure to take up a vote to reconsider and asked the Council to suspend The Rules of the City Council in order to proceed.

Council President Blanchette suggested that the motion presented should be offered at the proper time when “Old Business” matters appearing on the Council Agenda are called.

III. PUBLIC HEARINGS:

Doc.281/08: Revised Zoning Ordinances – Political Signage Regulations – Hearing held – Tabled

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above public notice 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 recognized, Councilor Kolofoles presented a motion to table the item. The motion failed due to the lack of a second.

Upon being recognized, Councilor Silva presented a motion to approve the item which was seconded by Councilor Alvarez-Rodriguez.

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Upon being granted the floor, Councilor Kolofoles discussed the use of political signs during prior elections particularly in B-1 business zones and R-1 and R-2 residential zones suggesting that the enforcement of the sign ordinance was discriminatory. Councilor Kolofoles stated that it would be best to have a full debate involving members of the State Delegation to comment on the matter. He also suggested that many of the Council Members violated the political sign ordinance during their campaigns.

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 recognized, Councilor Alvarez-Rodriguez presented a motion to table the item which was seconded by Councilor Fielding and approved by the Council Members present in accord with the following vote: 5-Yes; 4-No

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

Doc. 281/08: Tabled

Doc.116/09: Easements required for construction of the Lawrence Gateway: Prospect, Canal, Marston and Union Sts.-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

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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.

Upon a motion to approve the measure presented by Councilor Moran as seconded by Councilor Twomey, the Council Members present voted unanimously [9-0] to approve the easements required for construction of the Lawrence Gateway on Prospect Street Canal, Marston Street, and Union Street.

Doc. 116/09: Approved

Doc.117/09: Handicapped parking – 95 Alder 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.

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Upon a motion to approve the measure presented by Councilor Kolofoles as seconded by Councilor Twomey, the Council Members present voted unanimously [9-0] to approve handicapped parking at 95 Alder Street.

Doc. 117/09: Approved

Doc.130A/09: Parking problems – Essex between Newbury and Jackson Streets – ordinance to be amended – 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, Councilor Alvarez-Rodriguez presented a motion to approve the measure, as seconded by Councilor Moran.

Councilor President Blanchette commented favorably on the proposed measure and thanked Councilor Alvarez-Rodriguez for her diligence working with the local businesses who had been affected by the prior restrictive parking ordinance in effect.

Upon being granted the floor, Councilor Kolofoles suggested that a comprehensive design and engineering plan for parking throughout The City of Lawrence is necessary and should be conducted. He discussed the history of parking problems throughout The City of

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Lawrence. Councilor Kolofoles also discussed the feasibility of using parking meters to generate additional revenue.

Upon being granted the floor, Councilor Alvarez-Rodriguez moved to waive the 30 days period required by the Lawrence City Charter before any ordinance approved by the City Council becomes effective. She commented on suggestions to improve parking, submitted by area merchants.

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 Council Members present to consider the matter presented.

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 Councilor Alvarez-Rodriguez as seconded by Councilor Moran, the Council Members present voted unanimously [9-0] to approve amending the ordinance for Essex between Newbury and Jackson Streets.

Doc. 130A/09: Approved/30 days waived

IV: COMMUNICATION 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.200/09: Heavenly Donuts – request permission to place café seating outside their business- Thomas D. Schiavone, Mayor’s Office – Ref. to Ord. Cmt.

V. APPROPRIATIONS-ORDERS-RESOLUTION:

Doc.201/09: Resolution – Roberto Jaree Garcia – Counc. Alvarez-Rodriguez - Presented

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Council President Blanchette brought the measure to the attention of the Council Members present and called upon Councilor Alvarez-Rodriguez to present the Resolution.

Councilor Alvarez-Rodriguez read the Resolution into the record of The Lawrence City Council and presented the honor to the recipient.

Roberto J. Garcia, thanked the Council Members for the honor bestowed upon him by the recognition of The Council Members.

Doc.201/09: Presented

Doc. 199/09 – [Added to the Agenda for Discussion]

Doc.199/09: FY 2010 Budget Submission – 2nd Proposal – Mark Andrews, Budget and Finance Director – Discussed

Council President Blanchette commented that the departmental meetings for the review of the FY 2010 Budget will resume soon through the efforts of the Budget and Finance Committee of The Lawrence City Council.

Upon being granted the floor, Councilor Silva confirmed that the Budget and Finance Committee will resume the FY 2010 department budget hearings in the near future. She stated that the hearings will be continue to be conducted in an efficient and professional manner.

Upon being granted the floor, Councilor Alvarez-Rodriguez inquired about the time limits required to vote on the FY 2010 Budget. Council President Blanchette informed The Council Members of the time line in place and the expected final date for approval or disapproval of the item.

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Upon being granted the floor, Councilor Twomey commented on the work being done by Councilor Silva to accomplish the review and presentation of the 2010 FY City Budget.

Upon being granted the floor, Councilor Kolofos also stated that the work being done by Councilor Silva on the FY 2010 Budget is exemplary.

Doc.199/09: Discussed

VI. COMMITTEE REPORTS:

**Doc.132/09: Lawrence High School Scholarship Fund –
Budget and Finance 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 Lawrence High School Scholarship Fund, which was seconded by Councilor Kolofos and unanimously [9-0] approved by Council Members present.

Doc. 132/09: Approved

**Doc.148/09: Lexington Street - convert to one-way – Lawrence St. to Myrtle St.
– Ord. Comm. - Public Hearing Ordered**

At the request of Council President Blanchette, Councilor Kolofos 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 by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 148/09: Public Hearing Ordered

**Doc. 149/09: Lexington Street – right side parking only – Lawrence St. to Myrtle St. –
Ord. Comm. - Public Hearing ordered**

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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 by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 149/09: Public Hearing Ordered

**Doc.150/09: Parking – Jackson Street – add 2 spaces – 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 by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 150/09: Public Hearing Ordered

**Doc.152/09: Myrtle Street – onto Lawrence Street – right turn only – 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 by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 152/09: Public Hearing Ordered

**Doc.154/09: Pawnbroker Dealer License – amendment – fee and term – 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

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report was presented in the form of a motion to order a public hearing which was seconded by Councilor Abdoo and unanimously approved by the Council Members present [9-0].

Doc. 154/09: Public Hearing Ordered

Doc. 194/09: Technical Sport Association – Walk – use of Campagnone Common – 7/26/09 – 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 Technical Sport Association-Walk-use of Campagnone Common on July 26, 2009, as seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Alvarez-Rodriguez informed the Council Members about the event and its purpose.

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 who voted unanimously to approve the measure [9-0].

Doc. 194/09: Approved

Doc. 197/09: Semana Hispana – use of Campagnone Common – (6/18 to 6/21/09) – Ord. Comm. – Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to approve Semana Hispana-use of the Campagnone Common from June 18, 2009 to June 21, 2009. The report was presented in the form of a motion to approve the measure which was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

Doc. 197/09: Approved

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VII. WITHDRAWALS:

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Ordinance Committee. The motion was seconded by Councilor Twomey and Council Members present voted unanimously [9-0] to withdraw the following matter from the City Council Agenda:

**Doc. 151/09: Fitz Street – right turn at Lawrence Street –
Ord. Comm. – Withdrawn**

VIII. OLD BUSINESS:

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

249/04 Disposition – 1 Keilhau Court – (Tax Map #110, Lot 22) – Michael Sweeney,
Planning Dept. Director – Ref. to Housing Cmt.

112/08 Disposition – 9 Freeman Court – (Tax Map #163, Lot 30) – Michael Sweeney,
Planning Dept. Director – Ref. to Housing Cmt.

113/08 Disposition – Nesmith Street – (Tax Map #225, Lot 74) – Michael Sweeney, Planning
Dept. Director – Ref. to Housing Cmt.

197/08 Disposition – 3 Keilhau Court – (Tax Map #110, Lot 22/A – Michael Sweeney,
Planning Dept. Director – Ref. to Housing Cmt.

Doc.113/09: Handicapped Parking – 71 Byron Avenue - Approved

Council President Blanchette introduced the measure for consideration of the Council Members present.

Upon being granted the floor, Councilor Alvarez-Rodriguez presented a motion to amend the approval of the handicapped parking at 71 Byron Avenue to include proper measurements. The motion was seconded by Councilor Gonzalez and the Council Members

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present voted unanimously [9-0] to approve the amendment.

Doc.113/09: Amendment Approved

Doc.159/09: Appointment – Thomas D. Schiavone as a permanent Chief Economic Development Director-Mayor Sullivan – Defeated

Upon being recognized, Councilor Silva presented a motion to suspend the Rules of the City Council in order to presently address the matter.

The motion was seconded by Councilor Kolofoles and defeated by vote of the Council Members present for the lack of a sixth vote required by the Rules of the Lawrence City Council as follows: 5-Yes; 4-No

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

Doc.159/09: Defeated

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.
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
141/09	Resolution – Delila Rivera – Council Pres. Blanchette

X. NEW BUSINESS:

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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:

- 202/09 Parking Ordinance to be review on Hampshire Street between Haverhill and Tremont Streets – Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt.
- 203/09 Retainer Wall on city-owned property – permission to construct adjacent to 14 E. Platt St. - John Cave/Maria Vega – Ref. to Ord. Cmt.
- 204/09 Tower Hill Little League in partnership with the Tower Hill Neighborhood Association – request permission and support from the City Council to dedicate this building in memory of Mrs. Mary Rudnicki – Mike Curley, President – Ref. to Ord. Cmt.
- 205/09 Dedication – corner of Allen and General Streets in honor of Pvt. Joseph S. Girgenti – Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt.
- 206/09 Transient Vendor License – Siria Jacinto – 42 Texas Avenue- Ref. to Ord. Cmt.
- 207/09 Transient Vendor License – Frederick E. Worthington – 11 Winthrop Avenue – Ref. to Ord. Cmt.
- 208/09 Parking – 49 Walnut Street – 15 minute – Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt.
- 209/09 Bread and Roses Festival – permission to use the Campagnone Common Park on 9/7/09 - Thomas Sullivan – Ref. to Ord. Cmt.

Doc.210/09: Banners – (2) one on Broadway Street and one on Essex Street as the pre-approved designated locations for the International Book Fair to be held on June 19 and June 20, 2009, sponsored by the Dominican Parade Committee- Councilor Moran - Approved

Councilor Moran presented a motion to have Doc. 210/09 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 Alvarez-Rodriguez and the Council Members voted unanimously [9-0] to declare Doc. # 210/09 an emergency measure.

Upon being granted the floor, Councilor Moran presented a motion to approve the item. The motion was seconded by Councilor Alvarez-Rodriguez and the Council Members present voted unanimously [9-0] to approve two banners, one on Broadway Street and one on

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Essex Street as the pre-approved designated locations for the International Book Fair to be held on June 19 and June 20, 2009, sponsored by the Dominican Parade Committee.

Doc.210/09: Approved

XI. ADJOURNMENT:

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

**ADJOURNED
(8:23p.m.)**

Attest:

William J. Maloney
City Clerk