

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, June 16, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, June 16, 2009** at 7: 10 p.m. in the City Council Chamber with all Members present. Councilor Silva arrived at 7:19 p.m.

Approximately Nine [9] 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 March 17, 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 Gonzalez, the Council Members present voted unanimously [8-0] to accept the minutes.

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:

Mr. Maali, 53 Chester Street, Lawrence, MA spoke of the upcoming City Election and asked that the previously laid off DPW workers be re-hired.

Keith Wadika,, President of the Towerhill Neighborhood Association, spoke in opposition of the proposed cell tower at the Dricoll Tire location and urged the City Council

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to defeat the item. He also suggested that candidates not be allowed to place political signs until they are certified as candidates.

III.PUBLIC HEARINGS:

Doc.148/09: Lexington Street – to be converted in One Way from Lawrence Street to Myrtle 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 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 Alvarez-Rodriguez, as seconded by Councilor Kolofoles, the Council Members present voted unanimously [8-0] to approve the measure.

Doc.148/09: Approved

Doc.149/09: Lexington Street – proposed Right Side Parking only – between Lawrence & Myrtle 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

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

Doc.149/09: Approved

Doc.150/09: Parking—to add two (2) parking spaces near the corner of Jackson St. and Common St.—between Essex and Common St.-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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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 Kolofoles, as seconded by Councilor Moran, the Council Members present voted unanimously [8-0] to approve the measure.

Doc.150/09: Approved

**Doc.152/09: Myrtle Street unto Lawrence Street – proposed Right Turn Only –
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 being granted the floor, Councilor Alvarez-Rodriguez presented a motion to approve the item presented, as seconded by Councilor Fielding.

Upon being granted the floor, Councilor Alvarez-Rodriguez thanked Councilor Silva for placing the item on the agenda.

Upon being granted the floor, Councilor Kolofoles discussed the need to adopt a traffic plan for the entire City of Lawrence that will help improve the traffic flow.

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Upon being granted the floor, Councilor Silva commented on the necessity of the proposed ordinance to help reduce traffic problems at that location.

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 motion of Councilor Kolofoles, as seconded by Councilor Fielding, the Council Members present voted unanimously [9-0] to approve the measure.

Doc.152/09: Approved

Doc.154/09: Pawnbroker Ordinance – proposed amendment –Three year term for Pawnbroker Dealer License– fee amendment- 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 Kolofoles, as seconded by Councilor Alvarez-Rodriguez, the Council

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

Doc.154/09: Approved

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

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

- 211/09: Appointment – Lawrence Human Rights Comm. – Victor Jarvis, 381 Chestnut St. – 3 year term- Mayor Sullivan – Ref. to Pers. Cmt.
- 212/09: Appointment – Lawrence Human Rights Comm.–Annia Santana Lambert–19 Poplar St- 3 year term-Mayor Sullivan – Ref. to Pers. Cmt.
- 213/09: Appointment – Lawrence Human Rights Comm. – Frank Urena – 490 Hampshire St.- 3 year term – Mayor Sullivan – Ref. to Pers.Cmt.
- 214/09: Appointment – Lawrence Human Rights Comm. – Rafael Blanco – 2 Champlain Ave.-2 year term- Mayor Sullivan- Ref. to Pers. Cmt.
- 215/09: Appointment – Lawrence Human Rights Comm. –Francisco Brea - 24 Buswell St. -2 year term – Mayor Sullivan – Ref. to Pers. Cmt.
- 216/09: Appointment – Lawrence Human Rights Comm.–Asdrovel Tejada–2 Museum Square–2 year term – Mayor Sullivan – Ref. to Pers. Cmt.
- 217/09: Appointment – Lawrence Human Rights Comm.–Sandra Siguenza-Hache- 425 High St.-1 year term-Mayor Sullivan – Ref. to Pers. Cmt.
- 218/09: Appointment – Lawrence Human Rights Comm.-Janice Vargas- 88 Bernard Ave. – 1 year term – Mayor Sullivan – Ref. to Pers. Cmt.

Upon being granted the floor, Councilor Silva stated that she was pleased that recommendations have been sent to staff the Human Rights Commission and expressed a concern that the individuals recommended may not represent the diversity of The City of Lawrence and suggested that any recommendation for consideration for appointment to this board should be truly “multi-cultural”.

Upon being granted the floor, Councilor Alvarez-Rodriguez commented that she would hope that the issue presented by Councilor Silva does not prevent those individuals recommended from being selected to serve on the board.

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Doc.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 Andrews and Comptroller Director Cammaso to attend to answer questions – Council Pres. Blanchette

Council President Blanchette introduced the measure and discussed the reasons for requesting information by means of submitting a Freedom of Information Act [FOIA] request.

Council President Blanchette posed questions to Budget and Finance Director Mark Andrews concerning the source of authorized payment of the bills associated with the item. Director Andrews explained the manner of processing payment authorization. Council President Blanchette suggested that the required approval process for the payment for legal services was not followed in accord with existing ordinances. A discussion ensued between Director Andrews and Council President Blanchette regarding the matter.

Upon no further discussion, Council President Blanchette suggested that it might benefit matters to “table” the item at this time. Upon being recognized, Councilor Kolofoles presented a motion to “table” the item. The motion was seconded by Councilor Alvarez-Rodriguez and the Council Members present voted unanimously [9-0] to table the item.

Doc.219/09: Tabled

Doc.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 – Councilor Twomey

At the request of Council President Blanchette, Councilor Twomey introduced the item and presented a motion to table the item. The motion was seconded by Councilor Fielding and the Council Members present voted unanimously [9-0] to table the item.

Doc.227/09: Tabled

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V. APPROPRIATIONS-ORDERS-RESOLUTION: - None

VI. COMMITTEE REPORTS:

Doc.249/04: Disposition – 1 Keilhau Court – vacant lot – Hous. Comm. - Disposed

Doc.197/08: Disposition – 1 Keilhau Court – vacant lot – Hous. Comm. – Disposed

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee recommending the approval for the disposition of City Owned real property located at 1 Keilhau Court [Doc. 249/04] and 3 Keilhau Court [Doc. 197/08] as one award due to the small size of the lots. Councilor Alvarez-Rodriguez reported that it is recommended that transfer of title to both parcels be granted to CATS Realty Trust in the amount of \$6,500.00. The report was presented in the form of a motion for approval of the recommendation which was seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0].

Doc. 249/04: Disposed

Doc.112/08: Disposition – 9 Freeman Court – vacant lot -Housing Comm. – Disposed

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee recommending the approval for the disposition of City Owned real property located at 9 Freeman Court. Councilor Alvarez-Rodriguez reported that it is recommended that transfer of title to the parcel be grant to Adolfo Bello in the amount of \$2,600.00. The report was presented in the form of a motion to approve the recommendation which was seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0].

Doc. 112/08: Disposed

Doc.113/08: Disposition – Nesmith Street – vacant lot – Housing Comm. - Disposed

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At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee recommending the approval for the disposition of City Owned real property located at Nesmith Street. Councilor Alvarez-Rodriguez reported that it is recommended that transfer of title to the parcel be grant to Norman G. Potts and Catherine M. Potts \$7,600.00. The report was presented in the form of a motion to approve the recommendation which was seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0].

Doc. 113/08: Disposed

Doc.199/09: FY 2010 Budget – Budget and Finance Comm. & Hearing held – Public Hearing Ordered

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee to order a public hearing on the FY 2010 Budget. The motion was seconded by Councilor Kolofoles.

Council President Blanchette introduced the measure and referenced the updates filed by Comptroller Camasso with the City Clerk supplementing the original document filed on May 21, 2009. Council President Blanchette commented additionally that it appears that nine of the thirteen unions affected have yet to meet and negotiation with the City of Lawrence with consideration of the proposed FY 2010 Budget.

At the request of Council President Blanchette, Budget & Finance Director Mark Andrews suggested that the primary efforts will be made to negotiate Public Safety budget items first and suggested the public hearing notice should be publicized in its current form in order to expedite a public hearing date. A discussion ensued between Council President Blanchette and Director Andrews regarding the status of union negotiations.

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Further discussion ensued among the Council Members regarding the ability to lawfully consider the supplemental information subject to the Budget & Finance Committee hearings.

Upon being granted the floor, Councilor Silva discussed the departmental submissions to the Budget and Finance Committee which may be reflected in the FY 2010 Budget. A discussion ensued between Councilor Silva and director Andrews concerning the pending negotiations with the affected unions. Councilor Silva stated that it will likely be necessary to negotiate items affecting union employees before The Council Members may consider the FY 2010 Budget. Director Andrews stated that every effort would be made to obtain final information from the union negotiations.

Council President Blanchette suggested that it may be prudent for the Administration to have a thirty day budget ready and available in the event that the Council does not or cannot approve the proposed FY 2010 Budget.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions to Director Andrews about the proposed FY 2010 Budget concerning the payment structure of monies that will be due as a result of furlough time imposed. A discussion between Councilor Alvarez-Rodriguez and Director Andrews ensued regarding the anticipated FY 2010 Budget deficits and reimbursements. Further discussions ensued between Councilor Alvarez-Rodriguez and Director Andrews regarding application of payments from third party sources as approved by various funding agencies. Director Andrews explained that budget cuts are extensive due to the loss of State Aid. Councilor Alvarez-Rodriguez commented

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that the revenue stream contained within the FY 2010 Budget is insufficient to avoid further debt if it were adopted.

Upon being granted the floor, Councilor Kolofoles discussed the impact the proposed FY 2010 Budget will have on the ability to keep all fire houses operational. He stated that the fire stations should not and cannot be closed. Councilor Kolofoles also discussed the practicality of balancing the proposed FY 2010 Budget by deferred compensation to Public Safety Officers. Director Andrews explained that the Council Members have the most current information concerning union negotiations conducted by Assistant City Attorney Bowers. Councilor Kolofoles requested a copy of the Police Superior Officers memorandum of agreement. Upon request, Director Andrews informed Councilor Kolofoles that the Clerical Unions have settled their payments for amounts due on past contracts. Councilor Kolofoles suggested that the Administration should have a thirty day budget available in the event the FY 2010 Budget is not approved for any reason.

Upon inquiry of Councilor Twomey, Director Andrews explained the possible result of reduction in staff achieved through union negotiations, as it would impact the FY 2010 Budget if approved. Director Andrews discussed and explained that layoffs will be inevitable if particular unions do not agree to certain budget reductions. Councilor Twomey posed questions to Director Andrews regarding specific revenue source projections and adjustments to expenses to date.

Upon being granted the floor, Councilor Abdoos posed questions to the City Clerk, William J. Maloney, regarding the publication process through the Eagle Tribune and as required by law. Councilor Abdoos expressed his disappointment for the failure of the City

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Attorney's Office to be present before Council this evening and suggested that the City cannot afford passing a thirty day budget.

Upon being granted the floor, Councilor Moran stated that he concurs with Councilor Abdo regarding the inability of The City to afford a thirty day budget. Upon inquiry, Director Andrews explained the approach taken by the finance department in regard to arriving at the proposed reductions appearing in the FY 2010 Budget.

Upon being recognized, Councilor Silva informed the Council Members that the finance department did not provide the various Department Heads with an option or alternatives in regard to presentment of individual department items recommended to the Budget and Finance Committee. Director Andrews further explained and discussed particular budgetary items reduced through negotiations.

Upon inquiry of Council President Blanchette, Director Andrews clarified the expected course of union negotiations and suggested that an agreement reached with the larger unions would likely result in all unions following the same line of agreement. Director Andrews also stated that staff reductions may result even with reductions in overall budgetary items. Council President Blanchette and Director Andrews discussed the implementation of reduced staff or reduced funds for staff. Council President Blanchette stated his concerns that union negotiations were not as yet completed and the possibility that the Mayor may not even present a thirty day budget for consideration by the Council Members through the end of June. Director Andrews explained the cost of approving a thirty day budget upon inquiry of Council President Blanchette.

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Upon being granted the floor, Councilor Alvarez-Rodriguez asked questions about Medicaid reimbursement which Director Andrews explained how they are implemented. Councilor Alvarez-Rodriguez inquired about funds generated as a result of the sale of City Owned real property which appears to be applied to the City debt service.

Upon being granted the floor, Councilor Silva discussed the process engaged by the Budget & Finance Committee in its determination within the financial limits presented by the Administration and stressed the importance of abiding by the budget timeline in order to minimize the cost and expense of interposing a thirty day budget.

A discussion ensued among the Council Members regarding the stipulations submitted by Comptroller Camasso to supplement the original filing dated May 21, 2009 and whether they will be considered by the Council Members at the public hearing.

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 to order a public hearing as follows: 6-YES; 3-NO

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

Doc. 199/09: Public Hearing Ordered

VII. WITHDRAWALS: - None

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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.
- 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
- 281/08: Revised Zoning Ordinance – Political Signs - hearing

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:

- 220/09: Memorial Dedications – to establish an uniform policy – Counc. Vice Pres. Kolofoles & Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt.
- 221/09: Saratoga Street between Lawrence and Birch Streets - request to be changed from two ways to one way – Counc. Alvarez-Rodriguez-Ref. to Ord. Cmt.
- 222/09: Brook Street – request to have alternate street parking year round – Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt.
- 223/09: Dr. Nina Scarito Park – to place lights closer to the more obscure entrance off Brook St.– Counc. Alvarez-Rodriguez – Ref. to Ord. Cmt.
- 224/09: Desfile Dominicano – request permission to use the Campagnone Common on August 15th & 16th, 2009 for their 10th Annual Dominican Parade and Festival – Eduardo Batista, President-Ref. to Ord. Cmt.
- 225/09: Iglesia Evangelica Metodista Primitiva – request permission to use the Campagnone Common to celebrate worship services on Aug. 9, and Sept. 13, 2009 from 4:00 p.m. to 7:00 p.m.- Pastor Fernando Gomez-Ref. to Ord.Cmt.
- 226/09: Transient Vendor License – Felix Jimenez – 121 Union Street- Ref. to Ord. Cmt.
- 228/09: Surplus Declaration – Lowell and Oxford Streets (Hand Ball Court) – Counc. Kolofoles – Ref. to Housing Cmt.

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- 229/09: Town of Andover – requests the Right of Entry to implement a cured in place pipe (CIPP) system to rehabilitate its 48-inch Sewer Interceptor which is located in the City of Lawrence – Reginald S. Stapczynski, Town Manager – Ref. to Ord. Cmt.
- 230/09: Lawrence National Night Out–various dates and locations–Harold D. Magoon, Lawrence/Methuen Comm. Coalition – Ref. to Ord. Cmt.
- 231/09: Pathfinder’s Club – Lawrence Hispanic Church – request permission to use the South Lawrence Common Park for a “Pathfinder’s Day” on August 1, 2009 – from 9:00 a.m. to 5:00 p.m. – Counc. Abdoo-Ref. to Ord. Cmt.
- 232/09: Eli’s Restaurant – requests permission to place 3 tables and chairs at 267 Merrimack Street – Councilor Moran – Ref. to Ord. Cmt.
- 233/09: Yawkey Children Hospital – request permission to use the Pemberton Park on July 19, 2009 from 10:00 a.m. to 8:00 p.m. – Jennifer Martinez- Ref. to Ord. Cmt.

ITEMS ADDED AT THE MEETING

- 234/09: Year End Appropriation Transfers–Mark Andrews, Budget & Finance Director – Ref. to Budget & Finance

XI. ADJOURNMENT:

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

**ADJOURNED
(9:56p.m.)**

Attest:

William J. Maloney
City Clerk