

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, September 2, 2008

A **REGULAR MEETING** of the City Council was held on **Tuesday September 2, 2008** at 7: 14 p.m. in the City Council Chamber with all Members present except for Councilor Alvarez-Rodriguez

Approximately twenty [20] 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 August 19, 2008, were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Kolofoles 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: - None

III. PUBLIC HEARINGS:

Doc. 86/08: Stop Sign – Exchange Street at Arlington 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.

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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 Fielding, the Council Members present voted unanimously [8-0] to approve the measure.

Doc. 86/08: Approved

Doc.106/08: Handicapped Parking – 167 Arlington Street – hearing held-Approved-30 Day Period Waived

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 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 and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles as

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seconded by Councilor Gonzalez, the Council Members present voted unanimously [8-0] to approve Handicapped Parking at 167 Arlington St.

Doc. 106/08: Approved-30 Days Waived

**Doc.119/08: Parking – West Street – Twenty Minute Parking – hearing held-
Approved-30 Day Period Waived**

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 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 and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles as seconded by Councilor Gonzalez, the Council Members present voted unanimously [8-0] to approve West Street 1 hour parking, west side from Hubbard Place to utility pole # 6J-2.

Doc. 119/08: Approved-30 Days Waived

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**Doc.147/08: Lawrence's Excavation Permit Ordinances – Revisions –
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 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 Twomey, the Council Members present voted unanimously [8-0] to approve the measure.

Doc. 147/08: Approved

Councilor **Abdo** presented a motion to take document #184/2008 out of the order appearing on the agenda. The motion was duly seconded and unanimously approved by the Council Members present [8-0].

IV. COMMITTEE REPORTS:

**Doc.184/08: Appointment - Community Development Director – James Barnes
Frank Bonet, Personnel Director – Approved**

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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 Mr. James Barnes as the Community Development Director, which was seconded by Councilor Gonzalez.

Upon a call for discussion, Councilor Kolofoles asked Council President Blanchette about the recommendation and approval process. Council President Blanchette explained and discussed the recommendation and approval process in general.

Upon being granted the floor Councilor Moran posed questions to James Barnes, the candidate, concerning his application to a position that will provide less compensation than he has received in the past. Mr. Barnes stated the position offers an opportunity to be employed in an area of employment that he enjoys. Councilor Moran asked the candidate to present his long term plans and strongest skills. Mr. Barnes explained his plan to remain in the City Of Lawrence and that his skills are in grant writing and communications.

Council President Blanchette discussed the posting and application process. Upon request Mr. Barnes discussed his involvement with the application process. Mr. Barnes stated that he is retiring from his position with the Federal Government and will expend his full-time efforts to the position if hired. Council President Blanchette asked questions about the current statues of the City Of Lawrence, if he knows. Mr. Barnes discussed his involvement with prior HUD compliance issues. At the request of Council President Blanchette, Mr. Barnes discussed his most important asset that he brings with him to the available position.

Upon being granted the floor, Councilor Kolofoles discussed the original job posting for the position with Mayor Sullivan who explained that reasons for the description

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generated. Councilor Kolofoles discussed the application process and the length of time taken to bring the matter to the point of recommendation. Councilor Kolofoles discussed the grant funding source of Community Development programs with Mayor Sullivan and their implementation.

Councilor Kolofoles posed questions to Mr. Barnes and discussed employment history and experience with Mr. Barnes. Mr. Barnes stated he expects to be available for employment on or about Sept. 15, 2008. Upon inquiry Mr. Barnes discussed and explained the duties and responsibilities of the Community Development Director in the City Of Lawrence. Mr. Barnes also discussed housing issues in general in response to questions posed by Councilor Kolofoles.

Upon being granted the floor, Councilor Twomey stated he was in dissent.

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. Upon a motion to approve the appointment of Mr. Barnes as Community Development Director presented by Councilor Abdoo, as seconded by Councilor Gonzalez, the Council Members present voted as follows to approve the measure. [7-Yes; 1-No; 1-Absent]

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

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Doc. 184/08: Approved

Councilor Abdoo presented a motion to take document #190/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Twomey and unanimously approved by the Council Members present [8-0].

Doc.190/08: Appointment – Planning Bd. – Eric T. McLean – Associate Member – Mayor Sullivan – Approved

At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to appoint Eric T. McLean on the Planning Board, which was seconded by Councilor Twomey.

Upon being granted the floor Councilor Kolofoles posed questions to the candidate concerning his knowledge of the opening and the function of the Planning Board.

Upon being granted the floor, Councilor Abdoo stated that the candidate would replace Tim O’Connell. He stated that all terms on the Board are five years.

Upon being recognized, Councilor Kolofoles stated that he would serve the balance of the term- three years.

Upon inquiry by Councilor Moran, Mr. McLean discussed the attributes he would bring to the Board.

Council President Blanchette thanked Mr. McLean for his interest and for his military service to the United States.

Upon no further inquiry, discussion or comment offered by the Council Members present, Council President Blanchette called upon the Members present to consider the matter presented. Upon a motion to approve the appointment of Eric T. McLean to the

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Planning Board as presented by Councilor Abdo and seconded by Councilor Gonzalez, the Council Members present voted unanimously [8-0] to approve the measure.

[Candidate sworn in by the City Clerk]

Doc.190/08: Approved

Councilor Abdo presented a motion to take document #189/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Twomey and unanimously approved by the Council Members present [8-0].

Doc.189/08: Appointment – Lawrence Historic Comm. – Sarah E. Hansen – 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 Sarah E. Hansen to the Lawrence Historic Commission, which was seconded by Councilor Twomey.

Upon inquiry by Councilor Kolofos, the candidate Sarah E. Hansen discussed her reasons for applying for the position. Councilor Kolofos posed questions about her views on use of the Campagnone Common. He discussed existing prohibitions regarding the use of vehicles on the Campagnone Common. Councilor Kolofos discussed the term she would fill.

Upon inquiry of Council President Blanchette, Ms. Hansen stated she has lived in Lawrence since March 2008 at the Washington Mills Complex.

Upon inquiry of Councilor Kolofos, Ms. Hansen discussed her interest in public services.

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Upon no further inquiry, discussion or comment offered by the Council Members present, the motion to appoint Sarah E. Hansen to the Lawrence Historic Commission was unanimously [8-0] voted upon by the Council Members present.

[Candidate sworn in by the City Clerk]

Doc.189/08: Approved

V: 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. 203/08: Appointment – Assistant City Clerk – Carole Morin – Mayor Sullivan –Ref. to Personnel

Doc.204/08: Water Treatment Facility – Update – Mark Andrews, Budget and Finance Director –Withdrawn

Upon invitation of Council President Blanchette, Budget and Finance Director Mark Andrews provided an update regarding the Water Treatment Facility recommending the approval of funding contracts and agreements.

Council President Blanchette read the initial memo placing the item on the City Council Agenda dated August 27, 2008 and further memo of August 29, 2008 providing additional information.

Upon being granted the floor, Councilor Fielding presented a motion to approve the measure. Council President Blanchette stated that the chair does not recognize the motion due to the fact that it was not clear exactly what was being presented for approval.

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Upon being granted the floor, Councilor Abdoos inquired about what was being offered for consideration. [A discussion among the Council Members present ensued regarding procedural process of measures presented to the Council for consideration.]

Upon being granted the floor, Councilor Fielding presented a motion to approve the cover letter dated August 29, 2008. Council President Blanchette stated that the chair does not recognize the motion. A discussion ensued between Council President Blanchette and Councilor Kolofos regarding procedural process of the City Council in general.

Upon being recognized, Budget and Finance Director Andrews explained to the Council Members that he is seeking the approval of a contract award by the Council Members on the matter presented.

Council President Blanchette informed the Council Members present that it appears that Mr. Andrews is requesting the Council Members to consider and approve a contract award in advance of negotiations with the vendor.

Upon being recognized, City Attorney Charles Boddy explained that the contract terms have already been negotiated to a certain degree and discussed the requirement concerning the required approval of the Council Members as part of the award process. A discussion ensued between City Attorney Boddy and Council President Blanchette regarding the award process.

Upon being recognized, Councilor Abdoos suggested that the matter should be discussed in Executive Session.

Upon being granted the floor, Councilor Twomey discussed the memo of August 29, 2008 with Budget and Finance Director Andrews.

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Upon being granted the floor, Councilor Abdoos stated he believed the vote of Council awarding the contract presented would be the same as providing the signature of the Council Members.

Council President Blanchette discussed the possible procedural difficulties that may result. In response, City Attorney Boddy discussed the required process for procurement in the present matter. Council President Blanchette discussed the operations and employees of the Water Department. He also read the memo of June 17, 2008 from City Attorney Boddy to Council President Blanchette. Upon being recognized, City Attorney Boddy discussed the possible re-organization of the Water Department and an award of a contract prior to that re-organization. A discussion ensued among the Council Members present concerning the re-organization of the Water Department and the uniqueness of the process presented in this situation. A discussion ensued between Council President Blanchette and Councilor Fielding regarding the procedure of presenting motions before the Council.

Council President Blanchette suggested the measure presented may have to first be declared an emergency pursuant to the City Charter if the measure is to be immediately approved as suggested by Budget and Finance Director Andrews.

Upon being granted the floor, Councilor Abdoos presented a motion to declare the matter an emergency. The motion was seconded by Councilor Fielding and defeated by vote of the Council Members present for lacking a required sixth vote as follows. 5-Yes; 3-No; 1-Absent [six affirmative votes being required]:

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

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Councilor Abdoo - Yes
 Councilor Moran – Yes
 Councilor Gonzalez - No
 Councilor Fielding - Yes
 Council President Blanchette – No

Upon being recognized, Councilor Fielding presented a motion to withdraw the item as seconded by Councilor Silva and the Council Members present voted unanimously [8-0] to withdraw Doc. 204/08

Doc.204/08: Withdrawn

Doc.205/08: SSGT Alex Jimenez’s Wake and Funeral-request to address the occurrences-Councilor Silva

Councilor Silva moved to withdraw the item from the Council Agenda which was seconded by Councilor Moran and unanimously approved [8-0] by the Council Members present.

Doc.205/08: Withdrawn

VI. APPROPRIATIONS-ORDERS-RESOLUTION:

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. 206/08: Fire Dept. – FY 08 Prior Year Bills – Peter C. Takvorian, Chief – Ref. to Budget and Finance

VII. COMMITTEE REPORTS:

Doc.151/08: Parking – 128 Newbury Street – req. for two 15 minute parking 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

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report was presented in the form of a motion, seconded by Councilor Moran and unanimously approved by the Council Members present [6-0].

Doc.151/08: Public Hearing Ordered

Doc.180/08: Easement required for restoration of the Duck Bridge over the Merrimack-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, seconded by Councilor Moran and unanimously approved by the Council Members present [6-0].

Doc.180/08: Public Hearing Ordered

Doc.173/08: Handicapped Parking sign – 29 Boxford St. – removal of sign/restriction – Ord. Comm. –Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to remove the handicapped parking sign at 29 Boxford St. The report was presented in the form of a motion, seconded by Councilor Moran and unanimously approved by the Council Members present [6-0].

Doc.173/08: Approved

Doc.175/08: The Psychological Center’s PEOPLE! Recovery Center –req. permission to hold a Walk on 9/7/08 rain date: 9/14/08 – 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 presented, which was seconded by Councilor Silva and unanimously [6-0] voted upon by Council Members present.

Doc.175/08: Approved

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Doc.181/08: Traveling Café – req. permission to use the Campagnone Common on 9/18/08 for a Cultural Event – 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 presented. The motion was seconded by Councilor Gonzalez and the Council Members present unanimously [6-0] voted to approve Traveling Café's request to use the Campagnone Common Park on Sept. 18, 2008 for a Cultural Event.

Doc.181/08: Approved

Doc.182/08: Iglesia Evangelica Restauracion y Vida – req. permission to use the Campagnone for religious service on 9/14/08 – 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 presented, which was seconded by Councilor Gonzalez and unanimously [6-0] voted upon by Council Members present.

Doc.182/08: Approved

Doc.183/08: Iglesia Cristo Misionera – req. permission to use the Campagnone Common Park on 9/27/08 for religious service – 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 presented, which was seconded by Councilor Silva and unanimously [6-0] voted upon by Council Members present.

Doc.183/08: Approved

Doc.185/08: Demolition Request/Declaration – Vine and East Haverhill Sts. – Ord. Comm. –Ref. to Housing Committee

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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 refer the matter to the Housing Committee. The motion was seconded by Councilor Gonzalez and unanimously [6-0] voted upon by Council Members present.

Doc.185/08: Ref. to Housing Comm.

Doc.188/08: Garden of Options, Inc. – req. permission to use the Campagnone Common Park on 9/13/08 for an event – 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 presented, which was duly seconded by Councilor Silva and unanimously [6-0] voted upon by Council Members present.

Doc.188/08: Approved

Doc.191/08: Foreclosure Ordinance – addition – proposed language – Ord. Comm. – Approved [see also: Doc. 10/2008]

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, seconded by Councilor Silva and unanimously approved by the Council Members present [6-0].

Doc.191/08: Public Hearing Ordered

Doc.199/08: New Horizon Church of God in Christ – req. permission to use the South Common Park 9/13/08 – Ord. Comm. –Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to approve on the measure presented. The report was

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presented in the form of a motion, seconded by Councilor Silva and unanimously approved by the Council Members present [6-0].

Doc.199/08: Approved

VIII. 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 Abdo and Council Members present voted unanimously [6-0] to withdraw the following matter from the City Council Agenda:

Doc.178/07: Parking – Prospect Street/East Haverhill Streets – 20 minute parking – Ord. Comm -Withdrawn

IX. OLD BUSINESS:

Doc.148/08: Parking Portland St. – review and amend parking ordinances to allow parking on the north side – Ord. Comm. – Ordinance Deleted

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting matters before the Ordinance Committee concerning the deletion of an ordinance. The motion was seconded by Councilor Gonzalez and Council Members present voted unanimously [7-0] to delete the ordinance.

Doc.148/08: Ordinance Deleted

X. TABLED MATTERS:

The following items remained “tabled” without further action:

14/07	Temporary Appointments–proposed amendments to Sec. 2.04.081 of the Municipal Code
275/07	Marion Avenue – park to be named – Ord. Comm.
6B/08	City Contract Ordinance – Section 3.04.230- Ord. Comm.
168/08	Department of Public Works – status on lay off and further request that DPW Director Frank McCann and Personnel Director Frank Bonet to attend to discuss and answer questions –Counc. Twomey
146/08	Water Treatment Plant and its affect on the 2009 City Budget

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XI. 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:

- | | |
|--------|--|
| 207/08 | Fire Department – re-classification – Frank Bonet, Personnel Director-Ref. to Pers. |
| 208/08 | Water Department Land – Future Use/possible OSR – Council Vice Pres. Kolofoles-Ref. to Ord Cmt. |
| 209/08 | National Grid – request permission to locate poles, wires and fixtures on Canal Street-Ref. to Ord. Cmt. |
| 210/08 | National Grid–req. permission to place underground electric conduits on Merrimack St.-Ref. to Ord. Cmt. |
| 211/08 | No Parking – Loading Zone Sign – 276 Essex St .- Ben Lyons Fur Company, Inc.- Benjamin B. Lyons, President – Ref. to Ord. Cmt. |
| 212/08 | Abandoned Property – 135-137 Hancock Street – conditions – burned building- Council Vice Pres. Kolofoles – Ref. to Hsg. Cmt. |
| 213/08 | Hancock Street – overgrowth on sidewalk –impassable for pedestrians – Council Vice Pres. Kolofoles – Ref. to Hsg. Cmt. |
| 214/08 | Handicapped Parking – 165 Haverhill Street – Counc. Moran – Ref. to Ord. Cmt. |

XII. ADJOURNMENT:

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

Members present voted unanimously [7-0] to Adjourn.

**ADJOURNED
(9:00p.m.)**

Attest:

William J. Maloney
City Clerk