

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Wednesday, September 17, 2008

A **REGULAR MEETING** of the City Council was held on **Wednesday September 17, 2008** at 7: 05 p.m. in the City Council Chamber with all Members present except Councilor Silva. Councilor Abdoo arrived at 7:06 p.m.

Approximately Twelve [12] people were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: - None

II. PUBLIC PARTICIPATION: - None

III. PUBLIC HEARINGS:

Doc.149/08: Melrose Terrace – acceptance as a public way – Off table- Hearing to be republished

Doc.151/08: Parking – 128 Newbury Street – request for two 15 minute – 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 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,

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

Councilor Kolofoles moved to waive the 30 day waiting period required by section 3.8(a) of The Lawrence City Charter was seconded and unanimously approved by the Council Members Present [8-0].

Doc. 151/08: Approved-30 Days Waived

**Doc.191/08: Foreclosure Ordinance – addition – proposed language - hearing held
Approved-30 Day Period Waived [see also: Doc. 10/2008 for original ordinance]**

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.

Commissioner Burke explained the proposed amendment.

Upon no further public comment offered on the matter, Council President Blanchette closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being recognized Councilor Kolofoles moved to approve the measure and to waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter. The motion was seconded by Councilor Gonzalez.

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Upon a call for discussion Councilor Alvarez-Rodriguez discussed the effective date of the ordinance if 30 days is waived. City Clerk Maloney responded to Councilor Alvarez-Rodriguez's inquiry.

Upon being granted the floor, Councilor Kolofoles discussed specific instances of unsightly property left abandoned as a result of foreclosures which he believes the revised ordinance will address.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated she favors the proposed amendment.

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 and waive the 30 day 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 the amended Foreclosure Ordinance and the waiver of the 30 waiting period required by section 3.8(a) of the Lawrence City Charter.

Doc. 191/08: Approved-30 Days Waived

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

Doc.218/08: Closure of the Central Bridge and Salem Street Bridge – request of document/communications from State – Council Pres. Blanchette – presented

Council President Blanchette introduced the item and how it was placed on the agenda and read the letter presented to Mayor Sullivan concerning this matter and Mayor

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Sullivan's response. Council President Blanchette called Director Schiavone to the Council Members who addressed the matter as requested.

Council President Blanchette posed questions regarding the contractor for the bridge reconstruction project. Director Schiavone provided the name of the contractor. Council President Blanchette indicated that additional informational signage as well as more public safety involvement would be helpful. In response to inquiry by Council President Blanchette, Director Schiavone explained the reasoning behind staggering the closings of the O'Leary Bridge, the Casey Bridge and the Duck Bridge as recommended by the construction engineer.

Upon being granted the floor, Councilor Kolofoles discussed the implementation of specific traffic flow aspects of the temporary street closings. In response, Director Schiavone provided information regarding the temporary traffic flow during the closings. Director Schiavone also informed Councilor Kolofoles that police details will be used to assist and oversee traffic flow.

Upon being recognized, Lieutenant Conway of the Lawrence Police Department provided further explanation concerning the use of police details during the project to assist with traffic that may result. A discussion ensued between Lt. Conway and Councilor Kolofoles regarding temporary traffic flow plans and adjustments.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions about the expedited work schedule for repair. Director Schiavone discussed the proposed repair schedule which actually presented a reduction of the originally anticipated time to complete repairs. Councilor Alvarez-Rodriguez expressed concerns that a "shortened" repair plan may

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be implemented at the expense of quality and safety of the entire project. Director Schiavone stated that safety and quality were not sacrificed in trade for a shortened period of time to complete repairs. Upon inquiry, Director Schiavone stated that he was not sure if the closings would have any effect upon school transportation routes.

Upon being granted the floor, Councilor Gonzalez informed the Council Members present that what was aware of current plans were already being implemented by the School Department to work around the repairs.

Upon inquiry about the Salem Street Bridge, Mr. Jewel of Massachusetts Highway Commission explained and discussed the repairs to be conducted on this bridge in detail. Upon being recognized, Councilor Abdoo asked Mr. Jewel to insist that the construction team and engineers devise and implement a plan to provide for continued pedestrian traffic at this location during construction. Councilor Abdoo pointed out that this location is critical to cross over the railroad lines running at this location and there would be a serious public safety issue since school children would likely cross on the train tracks unless there were some means to allow for uninterrupted pedestrian traffic over those tracks. Upon further inquiry, Councilor Abdoo asked if funds for the O'Leary Bridge have been allocated. Mr. Jewel informed the Council Members that all funds were allocated by the Commonwealth of Massachusetts and not the Federal Government.

Upon being granted the floor, Councilor Moran posed questions and stated concerns about the overall Bridge safety.

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Council President Blanchette asked Director Schiavone to remain in contact with the Council Members and extended a continuous invitation to future City Council Meetings to address this matter as necessary.

Doc. 218/08: Presented

V. COMMITTEE REPORTS:

Councilor Kolofoles presented a motion to take document #211/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [8-0].

Doc 211/08: Loading Zone – 276-278 Essex St. - from 7:00 a.m. to 5:30 p.m.-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 Gonzalez and unanimously approved by the Council Members present [8-0].

Doc. 211/08: Public Hearing Ordered

Councilor Alvarez-Rodriguez presented a motion to take document #167/2008 out of the order appearing on the agenda. The motion was duly seconded and unanimously approved by the Council Members present [7-0].

Doc.167/08: Youth Storm Program – Presentation of City Services – use of Campagnone Common on 9/6/09 – requesting a rain date for 10/4/08 – Letter from Angela Caruso – Approved

Upon being granted the floor Councilor Alvarez-Rodriguez presented a motion to approve the item as seconded by Councilor Fielding and the Council Members present voted

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unanimously [7-0] to approve the rain date of October 4, 2008 as requested in the measure presented.

Doc.167/08: Approved

VI. APPROPRIATIONS-ORDERS-RESOLUTION:

Doc.206/08: Fire Dept. – FY'08 Prior Year bills – Budget and Finance Comm. – Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Budget & Finance Committee to approve the item. The report was presented in the form of a motion, seconded by Councilor Gonzalez and unanimously approved [8-0] by the Council Members present.

Doc.206/08: Approved

Councilor Gonzalez presented a motion to take document #207/2008 out of the order appearing on the agenda. The motion was duly seconded and unanimously approved by the Council Members present [8-0].

Doc.207/08: Fire Dept. – Re-classification – Support Services Manager – Pers. Comm. – Public Hearing Ordered

At the request of Council President Blanchette, Councilor Gonzalez presented the report from the Personnel Committee in the form of a motion to order a public hearing on the item which was seconded by Councilor Kolofoles.

Council President Blanchette indicated that the proposed ordinance was already in draft form and was ready for publication.

Upon no further comment or discussion, the Council Members present voted unanimously [8-0] to order a public hearing on the measure presented.

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Doc.207/08: Public Hearing Ordered

Councilor Twomey presented a motion to take document #203/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Fielding and unanimously approved by the Council Members present [8-0].

**Doc.203/08: Appointment – Assistant City Clerk - Carole Morin –
Pers. Comm. -Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to approve the item presented which was seconded by Councilor Fielding.

Upon being granted the floor Councilor Kolofoles praised Ms. Morin for her service.

Upon being recognized, Councilor Moran stated he is pleased with the internal promotion.

Council President Blanchette praised Ms. Morin for her dedication and diligence notable throughout her many years of service to the City of Lawrence.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated she is pleased that Ms. Morin has applied for a permanent position and supports her application.

Upon invitation to present herself before the Council, Ms. Morin greeted the Council Members and thanked them for their consideration and support.

Upon no further comment or discussion the Council Members present voted unanimously [8-0] to approve the appointment of Ms. Carole Morin as the Assistant City Clerk.

Doc.203/08: Approved

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VII. TABLED MATTERS:

Councilor Twomey presented a motion to remove Doc. #168/08 from the table which was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [8-0].

Doc.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 –Councilor Twomey – Letter to Mayor

Upon being granted the floor, Councilor Twomey discussed reasons for placing this matter on the Council Agenda. Upon inquiry, Director Frank McCann discussed and explained the positions with the Department of Public Works that remain open but unfilled in his department. Director McCann also discussed the hiring process.

Upon conclusion of Director McCann's informational discussion, Councilor Twomey suggested a letter be sent to Mayor Sullivan insisting that the unfilled available positions be filled as soon as possible.

Upon inquiry by Councilor Kolofoles, Director McCann stated Personnel Director Bonet was working through a list of individuals who had applied for positions with the City of Lawrence through that office in order to fill the six available positions.

Upon being granted the floor, Councilor Twomey presented a motion to send a letter to Mayor Sullivan to insist that the Administration take measures to fill the six vacant and unfilled positions available in the Department of Public Works.

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Upon being granted the floor, Councilor Kolofoles suggested that the mechanic, tree cutter, and mason positions be included in the letter. Director McCann explained that these three positions are budgeted in his FY 2009 budget and are in the process of being finalized.

Upon being recognized Councilor Gonzalez seconded the motion presented by Councilor Twomey.

Upon a call for further discussion, Councilor Abdoo asked Director McCann if he had any reason to believe if any of the six positions were being intentionally delayed. Director McCann stated he did not. A discussion ensued between Councilor Abdoo and Director McCann concerning the process of completing the employment process for these positions. Councilor Abdoo asked if anything could be done to expedite the process. Director McCann discussed the hiring process with particularity. Further discussion ensued about the manner by which the process of finalizing employee hiring occurs. Councilor Abdoo asked if the positions would be filled for the current Fiscal year. Director McCann stated that the positions discussed have been budgeted and could be filled for this fiscal year.

Council President Blanchette informed the Council Members that the individuals originally recommended for these positions by Director McCann were changed without input from Director McCann. Director McCann informed the Council Members of the possible hiring of another individual not originally recommended but advanced by the Personnel Office for hiring.

Council President Blanchette discussed the fact that even with the approval of the FY 2009 City Budget, certain adjustments were expected and anticipated. He suggested the letter to the Mayor may be helpful in this instance. Director McCann informed the Council

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Members further that the six unfilled temporary positions subject to their inquiry as well as other positions that he expected to be posted and advertised have been the topic of recent e-mails.

Upon being granted the floor, Councilor Twomey discussed the importance of Public Work Personnel who are primarily responsible for the upkeep and maintenance of the City of Lawrence. He suggested the letter should indicate that funds have been allocated through the approval of the FY 2009 Budget and remain available.

Upon no further comment or discussion, Council President Blanchette called the motion to the attention of the Council Members present for their consideration. The Council Members voted unanimously [8-0] to send a letter to Mayor Sullivan regarding this matter.

Doc.168/08: Letter to Mayor

VIII. 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.215/08: Veterans Services Dept. – prior year’s invoice – Francisco Ureña, Director
– Ref. to Budget and Finance**

IX. COMMITTEE REPORTS:

Doc.163/08: Transient Vendor – Ricardo Sequinot – 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 Transient Vendor application of Ricardo Sequinot. The motion was seconded by Councilor Gonzalez and approved by the Council Members present as follows. 5-Yes;

1-No; 3-Absent

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

Doc. 163/08: Approved

Doc.164/08: Transient Vendor – Longino Gonzalez – 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 Transient Vendor application of Longino Gonzalez. The motion was seconded by Councilor Gonzalez and unanimously [6-0] voted upon by Council Members present.

Doc.164/08: Approved

**Doc.210/07: Lawrence Police Dept. – Deputy Chief position – 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 Gonzalez and unanimously approved by the Council Members present [5-0].

Doc. 210/07: Public Hearing Ordered

**Doc.171/08: Parking – Corporate Express – 326 Broadway St. – 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 Abdoo and unanimously approved by the Council Members present [6-0].

Doc. 171/08: Public Hearing Ordered

Doc.172/08: Parking – Fern St. – restrictions – both sides from Lawrence to Berkeley Sts.-Ord. Com. - 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 Abdoo and unanimously approved by the Council Members present [6-0].

Doc. 172/08: Public Hearing Ordered

Doc.209/08: National Grid – Canal Street – permission to place poles, wires and fixture – 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 Abdoo and unanimously approved by the Council Members present [6-0].

Doc. 209/08: Public Hearing Ordered

Doc.210/08: National Grid – Merrimack St. – permission to place underground conduits –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 Abdoo and unanimously approved by the Council Members present [6-0].

Doc. 210/08: Public Hearing Ordered

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X. 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. Councilor Kolofoles moved to present the matters listed below in “block” form for withdrawal from the Council agenda. The motion was seconded by Councilor Abdoo and Council Members present voted unanimously [6-0] to withdraw the following matters from the City Council Agenda:

- Doc.178/07: Parking – Prospect St @ East Haverhill St. – Ord. Comm. - Withdrawn**
- Doc.316/07: Skate Park and Handball Court – Ord. Comm. - Withdrawn**
- Doc.16/08: Public Records Request Ordinance – Ord. Comm. - Withdrawn**
- Doc.17/08: Stop Signs – 4 way – Greenfield and East Street – Ord. Comm. - Withdrawn**
- Doc.105/08: Resident Sticker Parking – Jackson Street – Ord. Comm.-Withdrawn**

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting the following matters pending before the Ordinance Committee.

Doc.22/08: Personnel Department – Reorganization – Ord. Comm. - Tabled

Upon being recognized, Councilor Kolofoles moved to table the measure which was seconded by Councilor Abdoo and unanimously [6-0] approved by the Council Members present

Doc. 22/08: Tabled

Doc.37/08: Gasoline Allotments – Pers. Comm. - Withdrawn

Upon being recognized, Councilor Abdoo presented the report of the Personnel Committee to withdraw the item from the City Council Agenda. The report was presented in

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the form of a motion to withdraw and was seconded by Councilor Twomey. The Council Members presented voted unanimously [6-0] to withdraw the item listed below.

Doc. 37/08: Withdrawn

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting several matters for withdrawal as pending before the Budget and Finance Committee.

Councilor Kolofoles moved to present the matters listed below in “block” form and further moved to have each item withdrawn from the City Council agenda. The motion was seconded by Councilor Abdoo and Council Members present voted unanimously [6-0] to withdraw the following matters from the City Council Agenda:

- Doc.45/08: Gateway Project – Budget and Finance Comm.-Withdrawn**
- Doc.78/06: Gas Cards – Budget and Finance Comm. - Withdrawn**
- Doc.125/06: City Vehicles – update – Budget and Finance Comm. - Withdrawn**
- Doc.126/06: Take-Home of City Vehicles – review of policy – Budget and Finance Comm. - Withdrawn**
- Doc.158/07: Outstanding Invoices – budget transfers – Budget and Finance Comm. - Withdrawn**
- Doc.67A/08: Police Department – promotions – Budget and Finance Comm. - Withdrawn**
- Doc.67B/08: Fire Department – new reserve list – Budget and Finance Comm. - Withdrawn**
- Doc.5/08: Letter Agreement of Hospital – Bill Review – Budget and Finance Comm. - Withdrawn**
- Doc.32/08: Upfront Citizens Input Forum – Budget and Finance Comm. - Withdrawn**

XI. OLD BUSINESS:

Doc.79/08: ExterNet Systems, Inc. – petition for grants of locations for Telecommunications Wires And Appurtenances – Dave Schneider, Director, Municipal and Government Relations – Request to Amend location of nodes and fiber optic wires - Approved

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Council President Blanchette presented the matter to the Council Members present informing the Members about the request to seek approval of certain locations for the placement of nodes and fiber optic wires near the Methuen border with Lawrence.

Upon being granted the floor, Councilor Gonzalez presented a motion to amend location of nodes and fiber optic wires. The motion was seconded by Councilor Kolofoles and the Council Members present voted unanimously [6-0] to approve the amendment.

Doc.79/08: Approved

XII. 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.
146/08	Water Treatment Plant and its affect on the 2009 City Budget -

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:

Doc.216/08:	Abandoned Building – Webster Court – burnt out building- demolition list-Council Pres. Blanchette – Ref. to Hsg. Cmt.
Doc.217/08:	Phoenix Communications, Inc. – proposed conduit installation – 300 Canal Street-Bryan Mero, Project Manager – Ref. to Ord. Cmt.

XIV. ADJOURNMENT:

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

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ADJOURNED
(9:07p.m.)

Attest:

William J. Maloney
City Clerk