

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, October 7, 2008

A **REGULAR MEETING** of the City Council was held on **Tuesday, October 7, 2008** at 7: 10 p.m. in the City Council Chamber with all Members present.

Approximately Eight [8] 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 September 2, 2008 and September 17, 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 [9-0] 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:

Richard Croteau of Lawrence, MA, stated that he believed the manner of operation of the Municipal parking lot adjacent to Lawrence City Hall was not being run properly. He described an incident in which he attempted to enter but was refused entry but another vehicle entered and was allowed to park in an area not assigned for parking. He explained that he needed to be parked near an entrance in City Hall due to his condition and that he was

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denied access as a “handicapped individual” and wished to inform the Council Members as a form of recourse.

Councilor Kolofoles suggested that a letter be drafted and sent to the Planning Director regarding this matter and that additional handicapped parking locations be located in the parking lot near City Hall.

Jose Miguel Rodriguez [no address provided], stated that a vacant City owned parcel of real property that he had been maintaining for years without cost to the City was placed for sale by the City Planning Office at a price that he believed was too high. He stated that he had been interested in purchasing the property for about seven years. He informed the Council Members that it is important to establish private ownership as soon as possible for this lot in order to prevent continued blight and access by drug users who often congregate at this location.

III. PUBLIC HEARINGS:

Doc. 103A/08: Parking-traffic conditions–Haverhill St.– Sign @ Pan Pizza – (2) 15 min. spaces- hearing held-Approved/30 Days Waived

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above item 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.

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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 Alvarez-Rodriguez, the Council Members present voted unanimously [9-0] 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 which was seconded and unanimously approved by the Council Members Present [9-0].

Doc. 103A/08: Approved-30 Days Waived

**Doc. 157/08: Parking – La Casa Program – 200 Essex Street – hearing held-
Approved/30 Days 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.

Community Director Thomas Schiavone provided the Council Members with a summary of the location and necessity of the parking spaces subject to the proposed ordinance presented and also stated that the Administration endorses the approval of the measure.

Upon no discussion or comment offered by any one else present, Council President Blanchette closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

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After a brief discussion among the Council Members concerning the necessity and location of the proposed parking spaces, Council President Blanchette closed the discussion portion of the hearing and called upon the Members to consider the matter presented. Councilor Kolofoles presented a motion to approve the measure and to waive the 30 day provision to allow for an immediate effective date as required by the City Charter [sec. 3.8(a)]. The motion was seconded by Councilor Fielding and unanimously approved [9-0] by the Council Members present.

Doc. 157/08: Approved-30 Days Waived

**Doc. 171/08: Parking – Corporation Express Taxi –
323 Broadway St.-(2) spaces – 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 any one else present, Council President Blanchette closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

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Councilor Kolofoles presented a motion to approve the measure presented which was seconded by Councilor Moran and unanimously approved [9-0] by the Council Members present.

Doc. 171/08: Approved

Doc. 172/08: Parking – Fern St. (from Lawrence to Berkeley Sts.) –restrictions – both sides – 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 any one else 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 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.

Councilor Silva presented a motion to approve the measure presented which was seconded by Councilor Kolofoles and unanimously approved [9-0] by the Council Members present.

Doc. 172/08: Approved

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**Doc. 149/08: Melrose Terrace – acceptance as a public way – hearing held–
Approved/30 Days 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.

Pedro Lopez [no address provided] informed the Council Members that he has been maintaining the sidewalks on Melrose Terrace at his own cost and expense since 1994. He urged the Council Members to approve the measure presented and to adopt the location as a public way for the City of Lawrence.

Upon no further discussion or comment offered by any one else present, Council President Blanchette closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

After a brief discussion concerning the prior years which the City provided some maintenance of the roadway in question among the Council Members, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Councilor Kolofoles presented a motion to approve the measure and to waive the 30 day waiting period required for all measures pursuant to sec. 3.8(a) of The Lawrence City Charter. The motion was seconded by Councilor Gonzalez and approved [8 = Yes; 1 = No] as follows by the Council Members present.

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

Doc. 149/08: Approved-30 Days Waived

Doc. 180/08: Easement required for Restoration of the Duck Bridge over the Merrimack River-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 any one else 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 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.

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Councilor Kolofoles presented a motion to approve the measure presented which was seconded by Councilor Alvarez-Rodriguez and unanimously approved [9-0] by the Council Members present.

Doc. 180/08: Approved

Doc.209/08: National Grid – req. permission to locate poles, wires and Fixtures on Canal St. – hearing held – Approved/30 Days 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.

Mr. Abnor of National Grid spoke in favor of the petition.

Economic Director Thomas Schiavone also spoke in favor of the petition.

Upon no further discussion or comment offered by any one else 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 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. Councilor Kolofoles presented a motion to approve the measure and to waive the 30 day waiting period required for all measures pursuant to sec. 3.8(a) of The Lawrence City Charter. The motion was seconded by Councilor Gonzalez and

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

Doc. 209/08: Approved/30 Days Waived

Doc.210/08: National Grid – req. permission to place underground electric conduits on Merrimack St.-Hearing held - Approved/30 Days 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.

Mr. Abnor of National Grid spoke in favor of the petition.

Upon no further discussion or comment offered by any one else 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 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. Councilor Kolofoles presented a motion to approve the measure and to waive the 30 day waiting period required for all measures pursuant to sec. 3.8(a) of The Lawrence City Charter. The motion was seconded by Councilor Gonzalez and unanimously approved [9-0] by the Council Members present.

Doc. 210/08: Approved/30 Days Waived

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Doc.211/08: Loading Zone Sign – no parking – 276 Essex St.-Ben Lyons Fur Co., Inc. – hearing held - Approved/30 Days 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 any one present, Council President Blanchette closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion. Councilor Kolofoles presented a motion to approve the measure and to waive the 30 day waiting period required for all measures pursuant to sec. 3.8(a) of The Lawrence City Charter. The motion was seconded by Councilor Fielding.

A discussion ensued concerning the proposed ordinance.

Upon no further comment offered by the Council Members present, the Council Members present voted unanimously [9-0] to approve the measure and to waive the 30 day provision for entry of the effective date required by the City Charter [sec. 3.8(a)].

Doc. 211/08: Approved/30 Days Waived

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

Doc.219/08: Guilmette School – access and exit to Hancock housing by students – discussion – Council Vice Pres. Kolofoles – Ref to Housing

Councilor Kolofoles presented information concerning the item. He suggested forwarding the matter to the Housing Committee. Council President Blanchette referred the matter to the Housing Committee.

Doc.219/08: Ref. to Housing

Upon conclusion of the prior matter, Council President Blanchette informed the Council Members present that Assessor Joseph Giuffrida submitted his resignation which it so be effective on October 31, 2008. Council President Blanchette read the letter of resignation submitted into the record and provided the Council Members present with general information concerning the process that would take place in the future to replace the Chairman of the Board of Assessors. Council President Blanchette also informed the Council Members about the implementation of video recording for the various City Boards.

V. APPROPRIATIONS-ORDERS-RESOLUTION:

Doc.215/08: Veterans Services Dept. – prior year’s invoice – 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 item presented. The motion was seconded by Councilor Fielding and the Council Members present voted unanimously [9-0] to approve the item.

Doc.215/08: Approved

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VI. COMMITTEE REPORTS:

Doc.214A/08: Handicapped Parking–165 Haverhill St.–(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, seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

Doc. 214A/08: Public Hearing Ordered

Doc.214B/08: Handicapped Parking - 165 Haverhill Street-remove existing sign – 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 Fielding and unanimously approved by the Council Members present [9-0].

Doc. 214B/08: Public Hearing Ordered

Council President Blanchette added the following documents from the Housing Committee to the Agenda. Councilor Silva presented a motion to add the items which was seconded by Councilor Alvarez-Rodriguez and unanimously [9-0] approved by the Council Members present. The following items were added to the City Council Agenda for consideration of the Council Members:

155/08	Abandoned Property-Bedford Street (garages) – conditions- Council Vice Pres. Kolofoles
185/08	Demolition Request/Declaration – Vine and East Haverhill Streets – Council Pres. Blanchette
192/08	Surplus Declaration – 325 Broadway St. – (Tax Map #168, Lot 27). Michael R. Sweeney Planning Dept. Director
193/08	Surplus Declaration – 55 Cross St- (Tax Map #168, Lot 75) –Michael R. Sweeney, Planning Dept. Director

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- 194/08 Surplus Declaration – 57 Cross St. – (Tax Map #168, Lot 74) – Michael R. Sweeney,
Planning Dept. Director
- 195/08 Surplus Declaration – 7 Florence St.(Tax Map #190, Lot 81)- Michael R. Sweeney,
Planning Dept. Director
- 196/08 Surplus Declaration – 8 Florence St. (Tax Map #168, Lot 16)- Michael R. Sweeney,
Planning Dept. Director
- 197/08 Surplus Declaration – 3 Keilhau St.- (Tax Map, #110, Lot 22A) –Michael R. Sweeney,
Planning Dept. Director
- 198/08 Surplus Declaration – 67-75 S Union St. (Tax Map #82, Lot 47) – Michael R. Sweeney,
Planning Dept. Director

VII. WITHDRAWALS:

Doc.154/08: Abandoned Property–201-203 Cypress Avenue-conditions– Council Vice Pres. Kolofoles - Withdrawn

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

Doc.154/08: Withdrawn

VIII. COMMITTEE REPORTS:

Doc.155/08: Abandoned Property-Bedford Street (garages) – conditions- Council Vice Pres. Kolofoles – Declared Public Nuisance

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee to declare the measure a public nuisance. The report was presented in the form of a motion, seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0].

Doc. 155/08: Declared Public Nuisance

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Doc.185/08: Demolition Request/Declaration – Vine and East Haverhill Streets – Council Pres. Blanchette –Declared Public Nuisance

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee to declare the measure a public nuisance. The report was presented in the form of a motion, seconded by Councilor Twomey and unanimously approved by the Council Members present [9-0].

Doc. 185/08: Declared Public Nuisance

Upon the motion of Councilor Alvarez-Rodriguez, seconded by Councilor Twomey, the following items were unanimously approved by the Council Members present [9-0] to be considered as a block.

Upon the motion of Councilor Alvarez-Rodriguez, seconded by Councilor Twomey, the following items were declared surplus by unanimous vote of the Council Members present [9-0]:

- 192/08 Surplus Declaration – 325 Broadway St. – (Tax Map #168, Lot 27). Michael R. Sweeney Planning Dept. Director – **Declared Surplus**
- 193/08 Surplus Declaration – 55 Cross St- (Tax Map #168, Lot 75) –Michael R. Sweeney, Planning Dept. Director – **Declared Surplus**
- 194/08 Surplus Declaration – 57 Cross St. – (Tax Map #168, Lot 74) – Michael R. Sweeney, Planning Dept. Director – **Declared Surplus**
- 195/08 Surplus Declaration – 7 Florence St.(Tax Map #190, Lot 81)- Michael R. Sweeney, Planning Dept. Director – **Declared Surplus**
- 196/08 Surplus Declaration – 8 Florence St. (Tax Map #168, Lot 16)- Michael R. Sweeney, Planning Dept. Director – **Declared Surplus**
- 197/08 Surplus Declaration – 3 Keilhau St - (Tax Map, #110, Lot 22A) –Michael R. Sweeney, Planning Dept. Director – **Declared Surplus**
- 198/08 Surplus Declaration – 67-75 S Union St. (Tax Map #82,Lot 47) – Michael R. Sweeney, Planning Dept. Director – **Declared Surplus**

IX. WITHDRAWALS:

Doc.42/08: Public Health Service Director – Ord. Comm. - Withdrawn

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Ordinance

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Committee. The motion was seconded by Councilor Fielding and the Council Members present voted unanimously [9-0] to withdraw the matter from the City Council Agenda:

Doc.42/08: Withdrawn

Doc.201/08: Block Party – Rowell Park – Ord. Comm. - Withdrawn

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 the Council Members present voted unanimously [9-0] to withdraw the matter from the City Council Agenda:

Doc.201/08: Withdrawn

X. NEW BUSINESS:

Upon being recognized, Councilor Moran presented a motion to have Doc. 224/08 declared an emergency measure and to suspend the Rules of the City Council in order to immediately address the matter. The motion was seconded by Councilor Alvarez-Rodriguez and the Council Members voted unanimously [9-0] to approve the motion presented.

**Doc.224/08: Lawrence AY – request permission to use the Campagnone Common Park on 10/18/08, the O’Connell Park on 10/25/08 and the Pemberton Park on 11/1/08 for a Campaign and Outreach work around prevention education –
Counc. Moran – Declared Emergency – Approved**

Councilor Moran presented a motion to approve the item which was seconded by Councilor Alvarez-Rodriguez and the Council Members present voted unanimously [9-0] to approve the item.

Doc.224/08: Approved

XI. OLD BUSINESS: - None

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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 –
- 22/08 Personnel Dept. - reorganization

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:

- 220/08 Parking – Methuen Street – Lawrence Firefighters Credit Union - 15-20 minutes – Counc. Fielding – Ref. to Ord. Cmt.
- 221/08 Handicapped Parking – 10 Hawley Street – Council Pres. Blanchette-Ref. to Ord. Cmt.
- 222/08 Stop Sign – East Platt St. at East Pleasant St. – Council Pres. Blanchette-Ref. to Ord. Cmt.
- 223/08 Parking – Willow St. – between Center and Arlington St. – restrictions-Counc. Moran- Ref. to Ord. Cmt.
- 225/08 FY’09 Budget Adjustments/Preparations for Eminent DOR Revenue Reports for the City of Lawrence and Potential Effects to State FY’09 Local Aid Payments- Counc. Abdoo-Ref. to Budget & Fin. Cmt
- 226/08 Parking – Hale St.- intersection of Hale and Devonshire Sts. – restrictions- Counc. Abdoo-Ref. to Ord. Cmt.
- 227/08 Speed Restrictions – 15 miles per hour – Corbett Road entire length from Mount Vernon Street to the Andover Town line – Counc. Abdoo- Ref. to Ord. Cmt.
- 228/08 Speed Restriction – 15 miles per hour -Hamlet Street entire length from South Bowdoin Street to Jefferson Street – Counc. Abdoo- Ref. to Ord. Cmt.
- 229/08 Stop Sign – to stop traffic from Sparkle Drive onto Mount Vernon Street- Counc. Abdoo-Ref. to Ord. Cmt.
- 230/08 Handicapped Parking – 264 Ames Street – Council Vice Pres. Kolofoles-Ref. to Ord.
- 231/08 Priority Development District at 280-350 Merrimack Street – proposed creation- Daniel McCarthy, Land Use Planner – Ref. to Ord. Cmt.
- 232/08 National Grid – requests permission to locate poles, wires and fixtures on Mann Street-Ref. to Ord. Cmt.
- 233/08 New Balance - Commercial Revitalization Deduction (CRD) – Sharon Dubois, Community Development Department - Ref. to Budget & Finance Cmt.

XIII. ADJOURNMENT:

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

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ADJOURNED
(8:17p.m.)

Attest:

William J. Maloney
City Clerk