

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, October 21, 2008

A **REGULAR MEETING** of the City Council was held on **Tuesday October 21, 2008** at 7: 10 p.m. in the City Council Chamber with all Members present.

Approximately Forty Six [46] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: - None

Council President Blanchette opened the meeting by informing the Council Members and the public about the recent passing of former City Councilor Domenic Armano and offered condolences to his family on behalf of the City Council. Council President Blanchette read the obituary of Councilor Armano into the record of the City Council in his honor.

DOMENIC P. ARMANO
[Jan 2, 1929 - Oct 19, 2008]

Domenic P. Armano, a former Lawrence Police Officer and City Councilor-at-Large died on Sunday, October 19, 2008 after a courageous, 10 year battle with Alzheimer's disease at the Nevins Nursing and Rehabilitation Center in Methuen, MA. He was 79. The Son of Michael J. and Salvatrice Armano, Mr. Armano was born in New York City, and settled in the City of Lawrence when he was just six years old. He was educated in Lawrence, studied Criminal Justice at Northern Essex Community College, and attended Bard College in New York. Following World War II, Mr. Armano served in the United States Army, and was part of the army of occupation stationed in Fairbanks, Alaska. Upon returning home, he married his wife of 58 years, Diane B. (Nocera) Armano.

After a brief period of time spent in Lawrence's clothing industry, where he worked as a presser and union organizer, Mr. Armano developed an interest in public service, more particularly, law enforcement. In 1959, he earned an appointment as an MDC police officer in Washington, DC, where he served for two years, until receiving an appointment as a reserve patrolman in Lawrence, MA. Then, in 1965, he secured a permanent patrolman's position with the Lawrence Police Department, which eventually led to an

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appointment as the city's claims investigator. Mr. Armano's inherent ability for police work became apparent when he single-handedly apprehended a release prisoner who had robbed the former Bay State Merchant's Bank only fifteen minutes after the perpetrator fled the scene, earning him recognition from city and federal officials.

By the 1970's, however, Mr. Armano's interest in public service led him into Lawrence's political arena. After serving as the vice-chairman of the Burke Memorial Hospital's Board of Trustees, Mr. Armano staged his first bid for elective office by announcing his candidacy for alderman of public safety in 1972. Undaunted by successive electoral defeats for that position, Mr. Armano persisted in his pursuit of public office, finally earning a seat on Lawrence's city council in 1993, where he proudly served as the chairman of the council's public safety committee for three terms. Mr. Armano was particularly proud to lead the effort in the placement of a Korean War Memorial in the Lawrence Common, in memory of his boyhood friends who sacrificed their lives in service to their country. In addition to his service to the City of Lawrence as a police officer and city councilor, Mr. Armano served on the city's licensing and zoning boards, and also served as a ranking member of the Lawrence Police Patrolman's Union.

Mr. Armano also devoted his time to a number of civic and social organizations including the Knights of Columbus, 4th Degree, the Sons of Italy, Saint Alfio's Society, Bon Secours Hospital's Men's Guild, The Benevolent and Protective Order of Elks, The Italian American Civic Organization, The Massachusetts Board of Sanitarians, and Massachusetts Patrolman's Association.

Mr. Armano is survived by his wife Diane, three sons, Karl. Armano, and his wife, Diane, of Methuen, Michael J. Armano and his wife Joanne of Methuen, Attorney Robert D. Armano and his wife Helen, of North Andover; grandchildren Domenic K. Armano and his wife, Elizabeth of Newton, NH, Jonathan D. Armano and his wife, Nicole of Ipswich, Allyson L. Armano of Salem, NH, Joseph P. Armano and his wife, Laura of Lawrence, Peter Boylan and his wife, Jennifer of Nashua, NH, Attorney Michael J.D. Armano of Methuen and his girlfriend, Lindsay Fitts, Karl R. Armano of Methuen and Matthew D. Armano of Methuen, and Anthony D. Armano of North Andover. Mr. Armano is also survived by his brother Thomas C. Armano, of Framingham, John Armano of North Andover, and Michael Armano of North Andover. He was predeceased by his father Michael J. Armano and step-mother, Mary Armano both formerly of North Andover, and brother, Ronald Armano. Mr. Armano also leaves six great-grandchildren, several cousins' nieces and nephews.

The Armano family would like to extend our sincerest thanks and love to the staff at the Nevins Nursing and Rehabilitation Center for the attentive and devoted care rendered to Domenic during his residence. Their efforts will never be forgotten.

II. PUBLIC PARTICIPATION:

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Council President Blanchette requested those who wished to provide public input and participation to present them-selves and address the City Council. Upon the invitation of Council President Blanchette, the following individuals addressed the City Council:

Nunzio DiMarca 7 Warwick Court, Lawrence, MA spoke in opposition of Question #1 [which concerns a proposed repeal of State income tax] and urged voters in the November Election to vote against the question. Mr. DiMarca also praised Joseph Giuffrida for his years of service as the Chairman of the Board of Assessors for the City of Lawrence.

Ellie Curtin, residence, 198 Essex Street, Lawrence, MA spoke in support of passing a “sticker parking” ordinance for Brunswick House residents.

Scott McNamara from the Lawrence Police Supervisor’s Association spoke in opposition to the elimination of a Deputy Chief position to be considered by the Council Members.

Joseph D’Amico 11 Lorenzo Road, Lawrence, MA discussed property valuation and the re-evaluation methods.

Councilor Kolofoles presented a motion to take document #235/08 out of the order appearing on the agenda. The motion was duly seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

Doc.235/08: Proclamation – Joseph Giuffrida, City Assessor – Council President Blanchette – Presented

Council President Blanchette presented the Proclamation to Joseph Giuffrida for his 36 years of service and dedication to the City of Lawrence. Mr. Giuffrida spoke

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briefly and thanked the Members of the City Council for their work and assistance to the Board of Assessors over the years. He particularly thanked Councilor Kolofoles for his support and diligence in all matters addressed. He took the opportunity to introduce his family to the Council Members and the public pointing out that it was their personal support that allowed him to work so well for so long. Mr. Giuffrida also thanked each staff member of the Assessor's Office for their professional assistance and dedication informing the Council Members of their invaluable service to the City of Lawrence.

Doc.233/08: New Balance – Commercial Revitalization Deduction (CRD) – Budget & Fin. Comm. – Approved

Councilor Silva presented a motion to take document #233/08 out of the order appearing on the agenda. The motion was seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0].

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee to approve the measure. The report was presented in the form of a motion to approve, seconded by Councilor Kolofoles and unanimously [9-0] approved by the Council Members present.

Doc.233/08: Approved

III. PUBLIC HEARINGS:

Doc.210/07: Lawrence Police Dept.-Deputy Chief–position – proposed ordinance 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

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portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

Nunzio DiMarca, 7 Warwick Street, Lawrence, MA spoke in favor the proposed ordinance.

Scott McNamara of the Lawrence Police Department's Superior Officer's Association, spoke in opposition to the proposed item.

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

Upon being recognized, Councilor Fielding presented a motion to table the item which was seconded by Councilor Abdoo. The motion was defeated by the Council Members present as follows: 2-Yes; 6-No; 1-Absent

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

Upon being granted the floor, Councilor Silva presented a motion to approve the item presented which was seconded by Councilor Kolofoles.

Upon being granted the floor, Councilor Kolofoles posed questions to Officer McNamara regarding his opposition to the measure. Councilor Kolofoles discussed the possibility that the Mayor could veto the item if it were approved.

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Upon being granted the floor, Councilor Silva suggested that Chief Romero should be present if he supported the measure presented.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated she is in favor of eliminating one of the Deputy Chief positions through the proposed ordinance presented for approval.

Council President Blanchette informed the Council Members that he had discussed the elimination of one of the two Deputy Chief positions during the budget process and specifically recalled that Chief Romero agreed that one of the Deputy Chief positions would be eliminated from the FY 2009 Budget. A discussion among the Council Members ensued resulting in a proposal to amend paragraph "A" of the proposed ordinance appearing in the public hearing notice to read as follows:

A. There is hereby established in the Police Department the position of Deputy Chief, which shall be a confidential, non-union position, to be appointed by the Mayor and *approved by the City Council*, who shall report directly to the Chief of Police. The position of Deputy Chief shall be held by no more than one individual at any given time, such that the total number of Deputy Chiefs employed by the city shall be one (1). Under the Supervision of the chief of Police, the Deputy Chief shall perform various administrative and supervisory duties in support of department operation, including internal and external communications/public relations; press relations; coordination of patrol, detectives, and administrative divisions. The Deputy Chief shall provide overall supervision to assigned division, including coverage, training, awards/merits, and disciplinary actions. The Deputy Chief shall represent the Chief of Police and the Lawrence Police Department at public meetings, and shall lead the department during the Chief's absence.

[The amendment portion of the proposed ordinance is highlighted, underlined, and appears in italics herein].

The proposed amendment was accepted by Councilor Silva. Council President Blanchette closed the discussion portion of the hearing and called upon the Members

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present to consider the matter presented. Upon the motion to approve the measure presented [as amended], the Council Members present voted to approve the measure by the following vote. 7-Yes; 1-No;1-Absent

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

Doc.210/07: Approved

**Doc.214A/08: Handicapped Parking - 165 Haverhill 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 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.

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

Doc. 214A/08: Approved

Doc. 214B/08: Handicapped Parking - 165 Haverhill Street-remove existing sign – 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 Abdo, the Council Members present voted unanimously [9-0] to approve the removal of an existing sign at 165 Haverhill Street.

Doc. 214B/08: Approved

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

**Doc.168/08: Dept. of Public Works – status of lay off – status/update –
Memo from Councilor Twomey – Letter to Mayor**

Upon being granted the floor, Councilor Twomey commented that he is disappointed that the Administration has not taken action in response to the letter of September 19, 2008 forwarded by the Council Members to the Mayor concerning the failure to hire six employees to be assigned to the Department of Public Works.

Councilor Twomey posed questions regarding the matter to Budget and Finance Director Mark Andrews. Director Andrews discussed the possible installation of individuals to the available positions.

Councilor Twomey commented further that the failure to fill the positions has resulted in a diminished “quality of life” to the residents of Lawrence. A discussion ensued between Councilor Twomey and Director Andrews concerning available funds to support the positions subject to the item presented.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions to Director Andrews concerning the unfilled positions. A discussion ensued between Councilor Alvarez-Rodriguez and Council President Blanchette concerning the source of funding for the available positions.

Upon being granted the floor, Councilor Abdoo stated that it is difficult to believe no one could be found to place in the available positions particularly in the current economy where there is high unemployment. Councilor Abdoo commented that the City of Lawrence and its residents would directly benefit from hiring these six employees.

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He suggested that either Mayor Sullivan or DPW Director McCann should be present to explain why no one was hired to fill the available positions.

Council President Blanchette stated that despite the fact that the letter of September 19, 2008 requested a response from Mayor Sullivan none was ever sent. He also stated that it might be important to determine if there is currently a “hiring freeze” imposed and, if so, to what extent it is being implemented.

Upon being granted the floor, Councilor Alvarez-Rodriguez suggested that it might benefit the Council Members if further information were obtained from Director McCann or the Mayor concerning what efforts, if any, were taken to fill these positions.

Council President Blanchette suggested that an additional letter could be sent to Mayor Sullivan regarding this matter emphasizing the concern and interest of the Council Members.

Upon being granted the floor, Councilor Twomey presented a motion to send an additional letter to Mayor Sullivan requesting a response regarding the efforts taken to fill the available positions and to determine if a “hiring freeze” is in place and the impact it may have had on any decision not to hire necessary personnel. The motion was seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Abdo stated he would not support sending an additional letter of correspondence to the Mayor because it would not be productive.

Upon being granted the floor, Councilor Kolofoles discussed his recent visit of area school facilities in his district which revealed the need for additional public works employees. He discussed the “hiring freeze” recently cited by Mayor Sullivan and

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commented that it may or may not even exist. Councilor Kolofoles stressed the importance of continually maintaining and repairing the City's infrastructure.

Upon being granted the floor, Councilor Twomey stated that Director McCann's absence should be considered "excusable" and was possibly based upon personal reasons.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that no one believes in a "hiring freeze" and commented that it is a "hollow vote" because it never happens. She stated that she supports sending a letter to Mayor Sullivan regarding this matter.

Upon being granted the floor, Councilor Abdoo discussed Mr. McCann's excused absence from tonight's meeting with Councilor Twomey.

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 sending additional and further correspondence to Mayor Sullivan as presented Councilor Twomey and seconded by Councilor Alvarez-Rodriguez, the Council Members present voted in favor of sending an additional letter to Mayor Sullivan by the following vote. 7-Yes; 2-No

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

Doc.168/08: Letter to Mayor

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Council President Blanchette called the following matter to the attention of the Council Members as appearing on the Agenda and informed the Council Members that Sovereign Bank, the institution engaged by the City Treasurer for a variety of City related financial matters, is being acquired by another bank. Council President Blanchette referred the item to the Budget and Finance Committee.

Doc.234/08: Sovereign Bank – City Bank Accounts – Council Pres. Blanchette – Ref. to Budget and Finance

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

Doc. 238/08: Island St.–request to be accepted as a Public Way–Thomas D. Schiavone, Mayor’s Office – Ref. to Ord. Cmt.

Doc.239/08: Parking – request to change one hour parking limit to a two hour parking limit on Essex Street between Hampshire and Lawrence Streets – Thomas D. Schiavone, Mayor’s Office – Ref. to Ord. Cmt.

Doc. 244/08: Appropriations Settlement Request for Public Safety Contracts – Mayor Sullivan – Ref. to Budget and Finance Cmt.

V. 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.240/08: Prior Year Payment–request for invoices to be paid–Frank L. McCann, Jr., DPW Director – Ref. to Budget & Finance Cmt.

VI. COMMITTEE REPORTS:

Councilor Alvarez-Rodriguez presented a motion to take document #178/08 and #179/08 out of the order appearing on the agenda. The motion was duly seconded and unanimously approved by the Council Members present [9-0].

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Doc.178/08: Transient Vendor License – Olga Jimenez – 43 Texas Avenue – 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 presented in the form of a motion, seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

Doc. 178/08: Approved

Doc. 179/08: Transient Vendor License – Romeo A. Tellez – 43 Texas Avenue - 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 presented in the form of a motion, seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

Doc. 179/08: Approved

Doc.174/08: Dedication of an Alex Jimenez Memorial – to be erected in an appropriate location in the City – Ord. Comm. – Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee. The report was presented in the form of a motion to order a public hearing on the item concerned which was seconded by Councilor Abdo and unanimously approved by the Council Members present [9-0].

Doc.231/08: Priority Development District at 280-350 Merrimack St. – proposed creation- Ord. Comm – Public Hearing Ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee. The report was presented in the form of a motion to

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order a public hearing on the item concerned which was seconded by Councilor Abdo and unanimously approved by the Council Members present [9-0].

Doc. 231/08: Public Hearing Ordered

Doc.232/08: National Grid – requests permission to locate poles, wires and fixtures on Mann Street – Ord. Comm. – Public Hearing Ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee. The report was presented in the form of a motion to order a public hearing on the item concerned which was seconded by Councilor Moran and unanimously approved by the Council Members present [9-0].

Doc. 232/08: Public Hearing Ordered

VII. WITHDRAWALS:

Doc.217/08: Phoenix Communications, Inc. – proposed conduit installation on 300 Canal Street - Ord. Comm. – Withdrawn

Councilor Kolofoles was granted the floor for the purpose of presenting a motion to withdraw the above item from the City Council Agenda. The motion was seconded by Councilor Abdo and the Council Members present voted unanimously [9-0] to withdraw the following matter from the City Council Agenda:

Doc.217/08: Withdrawn

VIII. OLD BUSINESS: - None

IX. 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.

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146/08 Water Treatment Plant and its affect on the 2009 City Budget –
22/08 Personnel Dept. - reorganization

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:

236/08 National Grid –request permission to place underground electric conduits on Green
Street-Ref. to Ord Cmt.
237/08 Disclosure of Financial Interest by Municipal Employee – Frank Martin, Lawrence Fire
Dept. - Ref. to Ord Cmt.
241/08 Saint Mary’s Bingo – change of days – James Jacobs, Saint Mary’s Fundraising-Ref. to
Ord. Cmt.
242/08 Essex Street - No left turn exiting McDonald’s Restaurant – Right Turn only –
Council Vice Pres. Kolofoles – Ref. to Ord.
243/08 Parking – Holt Street – restrictions– no parking on both sides from Water St. to dead end-
Council Vice Pres. Kolofoles –Ref. to Ord. Cmt.

XI. ADJOURNMENT:

Upon Motion of Councilor Kolofoles duly seconded by Councilor Gonzalez, the

Council Members present voted unanimously to Adjourn.

ADJOURNED
(8:58p.m.)

Attest:

William J. Maloney
City Clerk