

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Wednesday, November 5, 2008

A **REGULAR MEETING** of the City Council was held on **Wednesday November 5, 2008** at 7: 05 p.m. in the City Council Chamber with all Members present. Councilor Abdo arrived at 7:29 p.m.

Approximately Twenty Five [25] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: - None

Upon introduction by Council President Blanchette, Councilor Twomey informed the public of the fire fund for the Cahalane Family and provided the hours of the wake and funeral for the two deceased family members.

II. PUBLIC PARTICIPATION:

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:

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA suggested that a flyer of the Council meetings be available to the public as a means of general public information.

Sheila Manzi, 26 Mann Street, Lawrence, MA spoke about the proposed location of the telephone pole and telephone wires subject to document 232/08.

[Wednesday, November 5, 2008]

III. PUBLIC HEARINGS:

Doc.207/08: Fire Department–re-classification– Support Services Manager – to be established – 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.

Chief Takvorian appeared and spoke in favor of the proposed ordinance. He discussed the duties and responsibilities of the individual who would fill the position if the petition for reclassification is approved.

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 granted the floor, Councilor Kolofoles asked if the position was union or non-union. Chief Takvorian informed Councilor Kolofoles that the position was a non-union position.

Upon being granted the floor, Councilor Alvarez-Rodriguez presented a motion to approve the item, as seconded by Councilor Fielding.

Upon being recognized, Councilor Kolofoles asked Councilor Alvarez-Rodriguez if she would assent to an amendment to her motion for approval waving the 30 day waiting period required by City Charter Section 3.8(a). Councilor Alvarez-Rodriguez accepted the friendly amendment presented by Councilor Kolofoles.

[Wednesday, November 5, 2008]

Upon no further discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon motion to approve the measure presented by Councilor Alvarez-Rodriguez which includes the waiver of the 30 days waiting period required by section 3.8(a) of the Lawrence City Charter, as seconded by Councilor Fielding, the Council Members present voted unanimously [8-0] to approve the measure. [Councilor Abdo absent]

Doc. 207/08: Approved-30days Waived

Doc.231/08: Priority Development District at 280-350 Merrimack Street – proposed creation-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 being granted the floor, Councilor Kolofoles presented a motion to approve the item which was seconded by Councilor Fielding.

Upon a call for discussion, Councilor Alvarez-Rodriguez discussed plans to adopt economic projects and how they are handled in the future.

[Wednesday, November 5, 2008]

Upon no further discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon motion of Councilor Kolofoles to approve the measure as seconded by Councilor Fielding, the Council Members present voted unanimously [8-0] to approve the item. [Councilor Abdoo absent]

Doc. 231/08: Approved

Doc.232/08: National Grid – request permission to locate poles, wires and fixtures on Mann St-Hearing Held – Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

Steve Soucy appeared on behalf of National Grid [the petitioner] and described the purpose for the petition and explained the extent of the work to be performed.

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.

Council President Blanchette posed questions to the representative regarding the proposed placement of a new pole. The representative explained the electric service to the property nearest the site can be adjusted to accommodate any of the residents at the location

[Wednesday, November 5, 2008]

with their permission. Council President Blanchette requested that National Grid address the concerns presented by Ms. Manzi and anyone else who may ask for some consideration.

Upon being granted the floor, Councilor Kolofoles posed questions to the National Grid representative regarding specifics of the work to be done.

[Councilor Abdoo arrived at 7:29 p.m.]

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 petition presented.

Upon a motion to approve the measure presented by Councilor Kolofoles which was seconded by Councilor Fielding, the Council Members present voted unanimously [8-0] to approve National Grid request to locate poles, wires & fixtures on Mann Street.

[Councilor Abdoo abstained from the vote].

Doc. 232/08: Approved

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

**Doc.168/08: Department of Public Works – status of lay off – Councilor Twomey –
Withdrawn**

Council President Blanchette introduced the item and called upon Councilor Twomey to provide further information regarding this item.

Councilor Twomey stated that he was disappointed the administration did not re-hire the employees who were the subject of this item. He stated that he believed that the Council could take no further action in this instance and moved to withdraw the item.

Councilor Silva seconded the motion.

[Wednesday, November 5, 2008]

Upon a call for discussion, Councilor Alvarez-Rodriguez stated that she agreed with Councilor Twomey.

Upon no further discussion or comment offered by the Council Members present, the Council Members present voted unanimously [8-0] to withdraw the item. [**Councilor Kolofoles being absent from the Council Chamber at the call of the vote**]

Doc.168/08: Withdrawn

V. APPROPRIATIONS-ORDERS-RESOLUTION:

Doc. 248/08: Resolution – Preserve America Designation – Charles D. Boddy, City Attorney – Ref. to Ordinance Committee

Council President Blanchette called this item to the attention of the Council Members and referred the matter to the Ordinance Committee for further proceedings.

Doc. 248/08: ref. to Ord. Cmt.

Doc.240/08: Prior Year Payment request – Re: DPW - \$12,900.00 & \$344.00- B&F Committee – Approved

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee to approve the measure presented. The report was presented in the form of a motion, seconded by Councilor Twomey and unanimously [8-0] approved by the Council Members present [**Councilor Kolofoles being absent from the Council Chamber at the call of the vote**]

Doc.240/08: Approved

[Wednesday, November 5, 2008]

Doc.244/08: Appropriations – Settlement of Public Safety Contracts - \$1,308,608 (3 year contract) – Budget and Finance Comm. – Approved

At the request of Council President Blanchette, Councilor Silva presented the report of the Budget & Finance Committee to approve the measure presented. The report was presented in the form of a motion and seconded by Councilor Twomey.

Upon inquiry of Councilor Twomey, Budget and Finance Director Mark Andrews discussed and explained the terms of the proposed agreement. Councilor Twomey posed questions regarding the prospective appropriation.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed questions to Budget and Finance Director Andrews concerning the proposed appropriation in regard to the impact the proposed appropriation may have on the overall City Budget. Councilor Alvarez-Rodriguez directed her inquiry regarding this matter to Police Chief Romero. Councilor Alvarez-Rodriguez continued with additional questions posed to Director Andrews regarding contingency plans if the appropriation proved to be insufficient. Director Andrews stated that the Budget Office will review the matter and report the use of funding and its impact on the City Budget to the Council Members on a monthly basis.

Upon being granted the floor, Councilor Kolofoles asked Director Andrews about liability limits of the City in regard to catastrophic illnesses claimed through insurance.

Council President Blanchette discussed the proposed two month “health care holiday” and its terms. Upon inquiry Assistant Attorney Bowers provided information concerning applicable statutes that govern public safety agreements.

Upon being granted the floor, Councilor Alvarez-Rodriguez explained the terms of the “Health Care Holiday” applicable to Police and Fire Department personnel. A discussion

[Wednesday, November 5, 2008]

ensued between Councilor Kolofoles and Director Andrews regarding the treatment of other unions through the fiscal year. Councilor Kolofoles stated he would abstain from the retiree agreement as it occurs in the future.

Upon being granted the floor, Councilor Gonzalez clarified that the item is one appropriation request.

Upon being granted the floor, Councilor Twomey inquired about the intention of the proposed settlement with Director Andrews.

Upon inquiry by Councilor Abdo, Director Andrews informed the Council Members there may be three or four additional settlement agreements that will need to be funded through the end of the 2009 fiscal year.

Upon being granted the floor, Councilor Moran stated that the proposed appropriation is presented at a time of great economic hardship.

Upon being granted the floor, Councilor Alvarez-Rodriguez commented how the proposed funding and other appropriations would be applied presently and in the future.

Upon no further discussion or comment offered by the Council Members present, the Council Members present voted unanimously [9-0] to approve the appropriation presented.

Doc.244/08: Approved

VI. COMMITTEE REPORTS:

Councilor Kolofoles presented a motion to take document #241/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Twomey and unanimously approved by the Council Members present [9-0].

Doc. 241/08: Saint Mary's Bingo – change of days from Saturdays to Fridays - Ord. Comm. – Approved

[Wednesday, November 5, 2008]

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to approve the measure presented. The report was presented in the form of a motion and seconded by Councilor Moran.

Upon being granted the floor, Councilor Silva commented on the extraordinary work done by the Jacobs Family over many years.

Upon no further discussion or comment, the Council Members present, voted unanimously [9-0] to approve to change Saint Mary's Bingo from Saturday to Friday.

Doc.241/08: Approved

Doc.220/08: Parking – Methuen Street – Lawrence Firefighters Credit Union –15-20 minutes – 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. 220/08: Public Hearing Ordered

Doc.223/08: Parking – Willow Street – between Center and Arlington Streets – restrictions – 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 [9-0].

Doc. 223/08: Public Hearing Ordered

Doc.226/08: Parking – Hale Street – intersection of Hale and Devonshire Streets – restrictions- Ord. Comm. & Public Hearing Ordered

[Wednesday, November 5, 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 Moran and unanimously approved by the Council Members present [9-0].

Doc. 226/08: Public Hearing Ordered

Doc.221/08: Handicapped Parking – 10 Hawley Street – 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 [9-0].

Doc. 221/08: Public Hearing Ordered

Doc.230/08: Handicapped Parking – 264 Ames Street – 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. 230/08: Public Hearing Ordered

Doc.222/08: Stop Sign–East Platt Street at East Pleasant Street–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

[Wednesday, November 5, 2008]

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. 222/08: Public Hearing Ordered

Doc.236/08: National Grid – request permission to place underground electric conduits on Green 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 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. 236/08: Public Hearing Ordered

Doc.238/08: Island St.–request to be accepted as a Public Way–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. 238/08: Public Hearing Ordered

Doc.237/08: Disclosure of Financial Interest by Municipal Employee – 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 Disclosure of Financial Interest as submitted by Firefighter Francis Martin who is employed by the Lawrence Fire Department. Councilor Kolofoles explained that Mr. Martin assists with snow

[Wednesday, November 5, 2008]

plowing for the City Public Works Department each winter and is required to file a disclosure of all his financial interests as a municipal employee with the Fire Department. The motion to approve the disclosure was seconded by Councilor Twomey and unanimously [9-0] voted upon by the Council Members present.

Doc. 237/08: Approved

VII. WITHDRAWALS:

Doc.229/08: Stop Sign – to stop traffic from Sparkle Drive to Mount Vernon Street – Ord. Comm. –Withdrawn

Council President Blanchette granted Councilor Kolofoles the floor who moved that the above item be withdrawn from City Council Agenda. The motion was seconded by Councilor Moran. The Council Members present voted unanimously [9-0] to withdraw the item from the City Council Agenda.

Doc.229/08: Withdrawn

VIII. OLD BUSINESS:

Doc.210/07: Lawrence Police Department–position–Deputy Chief (Ord. Sec. 2.56.111)-repeal of current ordinances

Council President Blanchette discussed the matter in conjunction with Document # 246/08 and the legal opinion offered by City Attorney Boddy regarding the amendment to the Revised Ordinances for the City of Lawrence as approved by the City Council at a public hearing held on October 21, 2008.

Upon being granted the floor, Councilor Abdo discussed his intention to avoid additional cost and expense that may result to implement a “technical correction” to the ordinance previously approved. He suggested that a motion for reconsideration may be

[Wednesday, November 5, 2008]

appropriate to address the matter before the Council. A discussion concerning the appropriate parliamentary procedure ensued among the Council Members.

Councilor Abdoo presented a motion to suspend Rule 21 [Final Rejection] of the Rules of the City Council in order to proceed with the item presented. The motion was seconded by Councilor Fielding and was defeated by roll call vote of the Council Members as follows: 4-Yes; 5-No;

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

Doc.210/07: Motion to Suspend Rule 21 - Defeated

A brief discussion concerning the inability to proceed further on the item ensued among the Council Members.

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.
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:

[Wednesday, November 5, 2008]

- 245/08 Economic Development Ventures – ordinance to be established for TIF’S, and any other tax incentives including State or Federal applications - Councilor Alvarez-Rodriguez-Ref. to Ord. Cmt.
- 246/08 Lawrence Police Department -Deputy Chief – proposed amendments to Sec. 2.56.111 to the Municipal Code - Council. Abdoo – Ref. to Ord. Cmt
- 247/08 National Grid– request permission to place underground electric conduits on Common St. – Ref. to Ord. Cmt
- 249/08 Abandoned Property – 44 Washington St. – public nuisance – Council. Alvarez-Rodriguez – Ref. to Housing Cmt
- 250/08 Lodging House – 8 Green St. - Zofie Kobrzynska- 8 rooms –neighborhood complaints – Councilor Twomey – Ref. to Housing Cmt
- 251/08 World Aids Day- request permission to use the Campagnone Common Park on 12/1/08 for Prevention and Education Event – Perla Roberts, Supervisor – Ref. to Ord. Cmt
- 252/08 Parking – 773,775 & 777 Essex Street – 15 min. parking – Council Vice Pres. Kolofoles – Ref. to Ord. Cmt
- 253/08 Handicapped Parking Sign – 189 Crawford Street – Council. Moran – Ref. to Ord. Cmt
- 254/08 Parking – Ferry Street at Kendall Street – issues – Council Pres. Blanchette – Ref. to Ord.
- 255/08 Handicapped Parking Sign –Woodland Street at Pleasant Street–Council Pres. Blanchette- Ref. to Ord. Cmt
- 256/08 Parking – Prospect Street/East Haverhill Street – removal of 20 minute parking sign and Ordinance – Council Pres. Blanchette – Ref. to Ord. Cmt

XI. ADJOURNMENT:

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

**ADJOURNED
(8:45p.m.)**

Attest:

William J. Maloney
City Clerk