

**MINUTES OF THE MEETING**  
**OF THE LAWRENCE CITY COUNCIL**

**DATE: Tuesday, December 2, 2008**

A **REGULAR MEETING** of the City Council was held on **Tuesday December 2, 2008** at 7:10 p.m. in the City Council Chamber with all Members present except for Councilor Silva and Councilor Alvarez-Rodriguez.

Approximately Twenty-five [25] 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 held on October 7, 2008 and October 21, 2008 were submitted by the City Clerk for consideration of approval by the Council Members.

Upon the motion of Councilor Kolofos to accept the minutes as presented duly seconded by Councilor Twomey, the Council Members present voted unanimously [7-0] 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:

Francis Cialek, 260 South Union Street, Lawrence, MA suggested Lawrence sponsor a youth track league to take place at the Lawrence Stadium. He also stated the fountain in South Lawrence should be repaired and trash barrels should be place throughout the City.

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Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA spoke against adopting the budget adjustments being proposed for the Lawrence Library. He stated that there are other sources of revenue available to the Library that have not been sought such as grants and government funded programs.

**III: COMMUNICATION FROM MAYOR, CITY OFFICIALS & CITY ATTORNEY:**

Councilor Kolofoles presented a motion to take document #279/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Moran and unanimously approved by the Council Members present [7-0].

**Doc.279/08: Service Learning Project – Students from Northern Essex Community College Environmental Issues Class and their Professor Vozzella will present the results with the City of Lawrence – Councilor Abdoo – Presented**

Councilor Abdoo introduced the item and invited professor Vozzella to make the presentation. Christopher Ryan and Jessica Flanders students from Northern Essex Community College [hereinafter NECC] presented their report on “global warming” through a power point presentation. Stephen Needham and John DiMao presented their report on alternative energy sources that should be used to reduce energy waste and costs at the Lawrence Public Library.

Upon being granted the floor, Councilor Abdoo posed questions to the Library report team regarding the possibility of using solar panels on the roof of the Lawrence Public Library as an alternative energy source.

After the presentation, Councilor Twomey asked Ms. Vozzella if copies of the presentation and reports could be sent to the Council Members. Ms. Vozzella agreed to provide the Council Members with copies of each presentation.

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Upon being recognized, Councilor Kolofoles thanked the students and instructor for their input and recommendations. He congratulated them for their interest and the educational approach to the issues concerning global warming and alternative energy.

Council President Blanchette commented that other municipal buildings would benefit from an energy waste analysis and suggested City Hall, in particular, would be a good place to reduce waste.

**Doc.279/08: Presented**

**IV. PUBLIC HEARINGS:**

**Doc.238/08: Island Street – request to be accepted as a Public Way – 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.

Thomas Schiavone, Economic Director for the City of Lawrence, spoke in support of the measure and urged the Council Members to approve it.

Maggie Superchurch, 90 Nesmith Street, Lawrence, MA spoke in support of the measure and introduced members of Lawrence Community Works who accompanied her to the meeting to demonstrate their support. She suggested that G.L. Chapter 90 funds would be available to help develop and maintain the roadway if it were officially accepted by the City of Lawrence.

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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 presented a motion to approve the measure which was seconded by Councilor Abdo.

Upon a call for discussion, Councilor Kolofoles posed questions concerning the current traffic congestion to Director Schiavone who responded with information about plans to provide funding for bridge project that would divert traffic away from Union Street in an effort to alleviate the congestion that occurs daily.

At the request of Councilor Twomey, Director Schiavone provided the Council Members with a description of where the bridge would be located off Island Street to Canal Street.

Council President Blanchette stated that the bridge construction appears to be a good idea but added that the sidewalk along Canal Street should be repaired as well since it was in extremely poor condition and collapsing.

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 as previously presented by Councilor Kolofoles and seconded by Councilor Abdo, the Council Members present voted unanimously [7-0] to approve the measure.

**Doc.238/08: Approved**

**Doc. 243/07: Parking – Holt Street – restrictions – both sides from Water St. to dead end – Hearing Held -Approved/30 days waived**

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

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

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

Upon a motion to approve the measure and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles which was seconded by Councilor Moran, the Council Members present voted unanimously [7-0] to approve the proposed ordinance.

**Doc. 243/07: Approved/30 days waived**

**Doc.256/08: Parking – Prospect Street/E. Haverhill Street–removal of 20 minute parking sign- Hearing Held –Tabled**

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

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Upon no 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 table the measure presented by Councilor Kolofoles, seconded by Councilor Twomey, the Council Members present voted unanimously [7-0] to table the item.

**Doc. 256/08: Tabled**

**Doc.247/08: National Grid–request permission to place underground electric conduits on Common St. – Hearing Held – Approved with conditions**

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.

National Grid representative appeared to speak in support of the item and provide information regarding the project.

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 granted the floor, Councilor Kolofoles posed questions to the National Grid representative concerning the length of time it may take to complete the project, the

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hours of installation, and the exact location of the work site. Upon conclusion of his inquiry, Councilor Kolofoles stated that he simply did not have enough information concerning the details of the project and suggested that it should not be approved until more details about the work are provided.

A discussion ensued about the impact the project will have on local traffic particularly during the upcoming busy holiday season which will cause traffic congestion to increase near the bakery shops in that area.

Councilor Kolofoles asked the National Grid representative to provide more information about the details of the project so that the Council Members could have sufficient time to review and consider. Councilor presented a motion to table the item.

Upon further discussion, Councilor Moran asked the National Grid representative to estimate the possible consequences that may result if the electrical service is not upgraded. The National Grid representative responded that there were no immediate consequences expected but that there may be future power interruptions unless the repairs are completed.

Further discussion ensued among the Council Members concerning the process of action by the Council if the petition were not allowed at the present meeting. Additional discussions among the Council Members concerned the possible loss of service to area businesses and residents that the repairs are intended to resolve.

Upon being granted the floor, Councilor Twomey posed a question concerning excavation.

Councilor Kolofoles continued with further questions about the cause of a power loss for about one and one half days that recently occurring on Essex Street.

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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 as seconded by Councilor Gonzalez, the Council Members present voted unanimously [7-0] to approve the measure with the condition that the work be done between the hours of 11:00 p.m. and 7:00 a.m.

**Doc.247/08: Approved with conditions**

Councilor Kolofoles presented a motion to take documents #263/2008, #265/2008, and #266/2008 out of the order appearing on the agenda. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [7-0].

**V. COMMITTEE REPORTS:**

**Doc.263/08: Planning Board – Re: Michael Kennedy – Pers. Comm. – Removal Approved**

At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to remove Michael Kennedy from the Planning Board. The motion was seconded by Councilor Twomey and the Council Members present voted unanimously [6-0] to remove Michael Kennedy from the Planning Board [Councilor Fielding was not in the Council Chamber at the time of the vote].

**Doc.263/08: Removal Approved**

**Doc.265/08: Appointment - Planning Board – Lesly Melendez – re-appointment – Pers. Comm. – Approved**

At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to reappoint Lesly Melendez to the

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Planning Board for a five year term. The motion was seconded by Councilor Gonzalez and the Council Members present voted unanimously [6-0] to reappoint Lesly Melendez to the Planning Board for a five year term.

**Doc.265/08: Approved**

**Doc.266/08: Appointment – Planning Board – James Blatchford –  
5 yr. Term - 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 appoint James Blatchford to the Planning Board for a five year term. The motion was seconded by Councilor Twomey and the Council Members present voted unanimously [7-0] to appoint James Blatchford to the Planning Board for a five year term.

**Doc.266/08: Approved**

Councilor Kolofos presented a motion to take document #264/2008 out of the order appearing on the agenda. The motion was duly seconded by Councilor Moran and unanimously approved by the Council Members present [7-0].

**Doc.264/08: TIF & EOA Application – 280, 290 and 350 Merrimack St. –  
Budget & Finance Comm. – Approved**

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

Upon being granted the floor, Councilor Twomey posed questions about the purpose of Economic Target Area [ETA] programs to Economic Director Schiavone. A discussion

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between Councilor Twomey and Director Schiavone ensued regarding the application requirements and the intention of programs such as the one being presented for approval.

Upon being granted the floor, Councilor Kolofoles posed questions about the future availability of water for use in the area if it were needed. Mr. Salvatore Lupoli [the applicant] informed the Council Members that historically the area subject to the petition made emergency water sources available but with the installation of modern sewerage and plumbing emergency water use was no longer an issue.

Upon being granted the floor, Councilor Moran posed questions to Mr. Foley [T.I.F. consultant for the applicant] about the particulars of the T.I.F. duration and amount.

Upon questions posed by Councilor Twomey, Mr. Foley discussed and explained the manner which the T.I.F. would be applied to the applicant's business location. Mr. Lupoli explained further that certain structures would be demolished as part of the overall project.

Council President Blanchette thanked Mr. Lupoli for his active participation in business ventures that have had a positive impact on showcasing The City Of Lawrence.

Upon no further comment or discussion the Council Members present voted unanimously [7-0] to approve the measure presented.

**Doc.264/08: Approved**

**VI: COMMUNICATION FROM MAYOR, CITY OFFICIALS & CITY ATTORNEY:**

Council President Blanchette called the following two matters to the attention of the Council Members and referred each as indicated:

**Doc. 270/08: Adoption of Massachusetts General Laws-Ch.59 Sec.5L—Charles D. Boddy,City Attorney - Ref. to Ord. Cmt.**

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**Doc.273/08: Appointment–Board of Assessors–vacant position to be filled –Council Pres. Blanchette – Ref. to Pers. Cmt.**

Councilor Kolofoles requested to be heard on a motion to refer the item to the Committee on the Whole to allow all Council Members to be available for discussion and consideration due to the importance of the matter concerned.

Council President Blanchette stated that he does not recognize the motion and affirmed that it has been referred to the Personnel Committee for further proceedings.

A brief discussion ensued between Council President Blanchette and Vice President Kolofoles regarding Parliamentary procedure.

**VII. APPROPRIATIONS-ORDERS-RESOLUTION:**

**Doc. 268/08: Appropriations –City Clerk’s– FY’2008 Bills– City Clerk Bond -\$104.00 & Mass. Dept. of Fisheries and Wildlife, Hunting, and Fishing Licenses - \$391.50 – B & F Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Budget & Finance Committee to approve the measure. The report was presented in the form of a motion seconded by Councilor Gonzalez and unanimously [7-0] voted upon by the Council Members present to approve appropriations for the City Clerk’s Office FY 2008 bills, City Clerk Bond in the amount of \$104.00 and Massachusetts Department of Fisheries & Wildlife [Hunting and Fishing Licenses] – in the amount of \$391.50.

**Doc. 268/08: Approved**

**VIII. COMMITTEE REPORTS:**

**Doc. 258A/08: Budgetary Adjustments for year 2009 – Expenditures for Library, Police Gas & Debt Service – Budget & Finance Comm. – Approved**

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At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Budget and Finance Committee in the form of a motion to approve the budgetary adjustment for FY 2009 concerning expenditures for The Lawrence Public Library, the Lawrence Police gasoline use, and debt service. The motion was seconded by Councilor Abdoo.

Upon being granted the floor, Councilor Abdoo discussed the importance of keeping the Library certified.

Upon no further discussion the Council Members present voted unanimously [7-0] to approve the item.

**Doc. 258A/08: Approved**

**Doc.258B/08: Tax Recapitulation – Factor FY’09 – B & F Comm.–  
Public Hearing Ordered**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Budget and Finance Committee to order the matter to be considered at a public hearing on the measure to be presented at future proceedings before the Lawrence City Council. The report was presented in the form of a motion for approval, was seconded by Councilor Moran, and unanimously approved by the Council Members present [7-0].

**Doc. 258B/08: Public Hearing Ordered**

**Doc. 259/08: Tax Classification FY’09 – Budget & Finance Comm. –  
Public Hearing Ordered**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Budget and Finance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion for a public hearing, was

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seconded by Councilor Moran, and unanimously approved by the Council Members present [6-0] [Councilor Fielding was absent from the Council Chamber when the vote took place].

Council President Blanchette suggested that the public hearing on this matter would be advertised at a Special Meeting of the Lawrence City Council to be held on December 15, 2008 at 7:00 p.m.

**Doc. 259/08: Public Hearing Ordered**

**IX. WITHDRAWALS:** - None

**X. OLD 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:

- |        |   |
|--------|---|
| 285/05 | Disposition – 215-217 Abbott St.–recommendations – Michael R. Sweeney, Planning Department Director- Ref. to Housing Cmt.       |
| 192/08 | Disposition – 325 Broadway – recommendations-Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.            |
| 291/07 | Disposition – 15 Center St. - recommendations – Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.         |
| 292/07 | Disposition – 7 Lowell St. – recommendations – Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.          |
| 135/07 | Disposition – 127-133 Melvin St.-recommendations –Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.       |
| 114/08 | Disposition – 65-73 Oxford St. - recommendations – Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.      |
| 289/07 | Disposition -243 South Broadway St. - recommendations – Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt. |
| 134/08 | Disposition – 56-58 Spruce St. – recommendations- Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.       |
| 139/07 | Disposition – 46-54 Vine St. – recommendations – Michael R. Sweeney, Planning Department Director – Ref. to Housing Cmt.        |

**XI. TABLED MATTERS:**

**Doc.236/08: National Grid– request permission to place underground electric conduits on Green Street-hearing- Tabled**

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Councilor Kolofoles presented a motion to remove the above item from the “table” which was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [6-0] [Councilor Fielding was absent from the Council Chamber when the vote took place].

Upon being granted the floor, Councilor Kolofoles reported findings and information resulting from recent meetings held with Councilor Gonzalez, concerned neighborhood individuals, and National Grid representatives.

Upon being granted the floor, Councilor Gonzalez discussed the possibility of obtaining funds to improve the sidewalk at the location of the work subject to the petition presented. He informed the Council Members that funding availability is presently being reviewed by Budget and Finance Director Mark Andrews. He suggested that it would be of some benefit to allow the matter to remain tabled at this time.

Councilor Kolofoles presented a motion to table the item. The motion was seconded by Councilor Gonzalez and the Council Members present voted unanimously [6-0] to table the item. [Councilor Fielding was absent from the Council Chamber when the vote took place].

**Doc.236/08: Tabled**

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
236/08	National Grid– request permission to place underground electric conduits on Green Street - hearing

**XII. NEW BUSINESS:**

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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:

- 271/08            Parking – 511-535 Broadway Street – 1 hour – Councilors Moran & Gonzalez & Vice President Kolofoles – Ref. to Ord. Cmt.
- 272/08            Dedication Memorial – Sgt. Pierre Raymond – Councilor Twomey – Ref. to Ord.
- 274/08            Local Home Rule Petition to Safe Affordable Housing – Councilor Alvarez-Rodriguez Ref. to Ord. Cmt.
- 275/08            Americo DiZazzo (World War II Veteran and City of Lawrence Activists) -Dedication Square – Vice President Kolofoles – Ref. to Ord. Cmt.
- 276/08            City Owned Properties – for sale – public notification – Counc. Alvarez-Rodriguez – Ref. to Housing Cmt.
- 277/08            Demolition Delay for Structure of Historical or Architectural Significant – Proposed Amendments to City Ordinance 15.37 – Daniel A. McCarthy, Land Use Planner – Ref. to Ord. Cmt.
- 278/08            Local Wetlands Ordinance–proposed amendments–Daniel McCarthy, Land Use Planner – Ref. to Ord. Cmt.
- 280/08            Handicapped Parking Sign – 205 Willow Street – to be removed – Councilor Moran – Ref. to Ord. Cmt.

**XI. ADJOURNMENT:**

Upon Motion of Councilor Abdoos duly seconded by Councilor Moran, the Council

Members present voted unanimously to Adjourn.

**ADJOURNED  
(8:55p.m.)**

Attest:

William J. Maloney  
City Clerk