

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

**DATE: Tuesday, April 17, 2007**

A **REGULAR MEETING** of the City Council was held on **Tuesday, April 17, 2007** at 7: 06 p.m. in the City Council Chamber with all Members present. Council President Blanchette presided over the meeting.

Approximately [24] 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 Meeting conducted April 3, 2007 were submitted by the City Clerk for consideration and approval by the City Council Members.

Councilor Parolisi presented a motion to approve the minutes of the City Council Meeting of April 3, 2007 which was seconded by Councilor Gonzalez and unanimously approved [9-0] by the Council Members present.

Before commencing with the scheduled agenda items, Council President Blanchette invited Fire Chief Peter Takvorian to apprise the Council Members and public regarding the current issues pertaining to recent flooding.

Chief Takvorian reported the extent of current water levels near the river and its tributaries in Lawrence. He provided approximate cresting times of for the Merrimack and Spicket Rivers. He also provided the current conditions of the Shawsheen River in South Lawrence and described the efforts and assistance of North Andover concerning the areas contiguous to the City of Lawrence.

[Tuesday, April 17, 2007]

At the request of Council President Blanchette, Chief Takvorian provided a list of streets that should be avoided due to closing. Chief Takvorian also provided information concerning additional safety measures taken which included turning power off at locations and addresses that were subject to dangerous levels of flooding.

Upon being granted the floor, Councilor Gonzalez asked Chief Takvorian if the Daisy Street Bridge was still open. Chief Takvorian replied that the bridge was closed.

Upon being granted the floor, Councilor DiMarca informed Chief Takvorian that his radio program would be available for any public announcements that he may have regarding matters addressed. Councilor DiMarca also stated that the program is in Spanish and would likely reach those most affected in the areas that are prone to flooding in the City.

Upon being recognized, Councilor Kolofoles expressed his concern about the people gathering near the Merrimack River banks along Water Street and urged everyone to remain away from the river in order to keep safe.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked to have relief information posted in the City Clerk's Office.

Upon no further comment, inquiry, or discussion, Council President Blanchette thanked Chief Takvorian for providing the information to the public and Council Members.

## **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.

[Tuesday, April 17, 2007]

Fausto Nunez, 450 Hampshire St., Lawrence, MA addressed the Council Members in Spanish which Domingo Melendez of 26 Leslie Street, Lawrence, MA presented the same information in English. The content of the presentation concerned recent neighborhood efforts to eradicate graffiti, illegal posters, and trash in vacant lots and public locations. They stated that these efforts were being coordinated through the Lawrence/Methuen Coalition organization together with support from the Lawrence Police Department and the Inspectional Services Department.

Joseph Chiarenza, 3 Exeter Street, Lawrence, MA addressed the City Council about a recent murder attempt upon his son and informed the City Council that he believed the Lawrence Police were ignoring his reports concerning the incident. He informed the City Council that he served in the United States Marines and that he is now much older and suffers from serious maladies due to age. He concluded by asking the City Council to provide assistance and guidance filing his report on the matter with the Lawrence Police.

Kurt Chiarenza, 3 Exeter Street, Lawrence, MA addressed the City Council Members by describing the attack on his life on May 9, 2007 where he was cut on the throat when he was leaving a local night club resulting in hospitalization. He stated that his repeated reports of the incident to the Lawrence Police Detectives, Chief Romero and Mayor Sullivan were being ignored and asked the City Council Members to assist his effort to file a report with the police regarding this incident.

Ellie Curtin, Brunswick House resident, Lawrence, MA stated she has 25 signatures to present concerning noise complaints occurring regularly at "The Last Shot Sports Bar". She stated that the noise typically occurs in the early morning hours between 1:30 a.m. and

[Tuesday, April 17, 2007]

2:00 a.m. when patrons of the bar leave but don't leave the area. She stated that these people were extremely loud, rude, and were often seen urinating in the street. She stated that the police need to do something about the situation to allow the area residents the ability to live in peace and quiet during the late night/early morning hours.

Bob Hamel, 32 Lawrence Street, Lawrence, MA asked the Council Members if there were any possibility that Parking Attendants and Employees might be able to obtain benefits of employment that other City Employees enjoy. He stated that the Parking Employees do not presently receive paid holidays or paid vacation time and that these items are usually allowed as a benefit of employment in most other positions.

Barbara Gonzalez, 20 Dartmouth Street, Lawrence, MA stated that the actions of several members of the Lawrence Police Department need to be investigated. She stated that acts of violence are being committed by members of the police force upon the public and that Police Chief Romero is responsible for his failure to investigate or reprimand officers involved.

### **III. PUBLIC HEARINGS:**

#### **Doc. 50/07: National Grid – request permission to place underground electric conduits on Haverhill Street – 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.

[Tuesday, April 17, 2007]

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.

Council President Blanchette informed the Council Members present that he received information from the petitioner that they could not afford to have anyone present to answer questions that the Council Members may have regarding this matter due to the fact that all its employees are busy working to restore power and service to areas affected by the recent flood and severe weather. He suggested that the item could be addressed sufficiently if the Council Members chose or could be taken up at a later meeting if necessary.

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 Kolofos, as seconded by Councilor Parolisi, the Council Members present voted unanimously [9-0] to approve the measure.

**Doc. 50/07: Hearing Held - Approved**

**Doc.70/07: Teleport Communications Boston – request permission to place conduit and cable on Franklin Street and Canal Street – Hearing Held - Approved**

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

[Tuesday, April 17, 2007]

Joe Resta, representing the petitioner, appeared before the Council Members and presented a description of the project and proposed construction.

Elizabeth Tulley, Manager of Lorenzo Building, asked the Council Members if she could obtain information about when the project can be expected to begin and end. A discussion ensued between Ms. Tulley and Mr. Resta regarding the project and matters of concern to Ms. Tulley.

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 Alvarez-Rodriguez, stated that she is concerned about how traffic flow will be affected during the construction times. She posed questions to Mr. Resta about specific times of operation and arrangements made by the petitioner to provide traffic control and safety during those times. Upon conclusion of her inquiry, Councilor Alvarez-Rodriguez presented a motion to approve the measure which was seconded by Councilor Parolisi.

Upon being recognized, Councilor Kolofoles asked Mr. Resta to describe the nature and extent of the proposed work. After Mr. Resta responded, Councilor Kolofoles commented that he believed there should be more than one police officer assigned to provide traffic safety at the sight. Councilor Kolofoles presented a friendly amendment to the motion which would allow the petition to option of performing work on the project during the evening hours. Councilor Alvarez-Rodriguez accepted the friendly amendment.

[Tuesday, April 17, 2007]

Upon being granted the floor, Councilor Frechette discussed prior work performed by the petitioner in the past and stated that he believed that the petitioner has proven to be responsible and reliable in all respects.

Upon no further discussion, comment or inquiry 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, amended by Councilor Kolofoles and originally presented by Councilor Alvarez-Rodriguez, as seconded by Councilor Parolisi, the Council Members present voted unanimously [9-0] to approve Teleport Communications Boston's request for permission to place conduit and cable on Franklin and Canal Street.

**Doc.70/07: Approved**

**Doc. 27/07: Handicapped Parking – 26 Atkinson Street – Hearing Held – Approved**

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

[Tuesday, April 17, 2007]

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 handicapped parking at 26 Atkinson Street in Lawrence.

**Doc. 27/07: Approved**

**Doc. 76/07: FY'08 CDBG Funding Recommendations – 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 Hedes a representative of the YMCA appeared and commented favorably on the petition.

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 to present a motion.

Upon being recognized Councilor Alvarez-Rodriguez presented a motion to approve the measure which was seconded by Councilor Frechette.

Upon being recognized, Councilor Silva suggested that Council Members who may have an interest in any of the items presented in the petition should abstain from voting on the measure.

[Tuesday, April 17, 2007]

As a point of order, Council President Blanchette informed the Council Members that any Councilor who may have an interest in any matter presented before the City Council may consider an appropriate vote at their discretion.

At the request of Councilor DiMarca, Community Development Director Ezra Glenn addressed the Council Members regarding the grant structure and funding of Administrative Staff through the grant.

Upon being recognized, Councilor Gosselin discussed the grant funded positions and other vacant positions with Director Glenn. She asked if additional funds were expected to be infused into the department beyond the proposed grant amounts. Director Glenn explained the funding and staffing availability of the Community Development Department and described how the specific positions are funded by the Federal Government through the grants available.

Upon being granted the floor, Councilor Alvarez-Rodriguez discussed the favorable results Director Glenn has been obtaining through his method of Administration of grant programs and stated that the proposed budget should be supported by the Council Members as submitted.

Upon being granted the floor, Councilor Parolisi stated that he is a member of G.L.C.A.C. Boating Program, boxing committee, YMCA, and has participated in other programs in the past. He stated that these affiliations may require him to abstain from voting on the matter.

Upon no further discussion, inquiry, or comment on the matter, Council President Blanchette closed the discussion portion of the proceedings and thanked Director Ezra Glenn,

[Tuesday, April 17, 2007]

Ellen Minzner, and Milagros Grullon [of the Community Development Office] for their efforts on the proposal submitted and for their work provided in the past.

Upon presenting the motion to approve the proposed FY'08 CDBG Funding plan by Council President Blanchette to the Council Members, the Council Members voted to approve the measure as follows: [8-Yes; 0-No; 1 Abstain].

Councilor Marie Gosselin – Yes  
 Councilor Jorge Gonzalez - Yes  
 Councilor Joseph Parolisi - Abstain  
 Councilor Nunzio DiMarca - Yes  
 Councilor Nicholas Kolofoles - Yes  
 Councilor Nilka Alvarez-Rodriguez - Yes  
 Councilor Grisel Silva - Yes  
 Council Vice Pres. Gil Frechette - Yes  
 Council Pres. Patrick Blanchette - Yes

**Doc. 76/07: Hearing Approved**

**Doc. 156/07: Building Permit Fee Waiver Program – Municipal Structures – Public 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 recognized Councilor Silva presented a motion to approve as seconded by Councilor Alvarez-Rodriguez.

[Tuesday, April 17, 2007]

Upon a call for discussion on the matter, Councilor Alvarez-Rodriguez explained the initial purpose of the original ordinance and stated that the City could no longer afford waiving construction fees because of the current financial condition of the City.

Upon being recognized, Councilor Frechette informed the Council Members that the existing provisions of the ordinance subject to being deleted provides an option to the City Council Members to allow them to consider waiving certain building and construction fees imposed and that a petition to waive fees is not automatically granted because it is filed. He stated that he believes the ordinance as it exists provides the City Council with necessary discretion that, if deleted, will be lost. He stated that he does not favor the proposed deletion of the waiver provisions being proposed.

By way of information, Council President Blanchette discussed the history of the existing ordinance and stated that the existing ordinance does not require the City Council to take action to waive building fees. He stated that he believes the ability of the City Council to consider waiving building fees should remain an available option.

Upon being recognized Councilor Parolisi spoke in favor of keeping the existing ordinance without change.

Upon being granted the floor, Councilor Silva stated that the waiver provisions contained in the current ordinance should be deleted because the typical homeowner does not have the ability to apply for a similar “fee waiver”.

Upon being granted the floor, Councilor Alvarez-Rodriguez commented that commitment to “freeze” or “suspend” such measures is necessary because the City Of

[Tuesday, April 17, 2007]

Lawrence cannot continue to support measures that eliminate a source of revenue due to the current fiscal difficulties the City faces.

Upon being granted the floor, Councilor DiMarca stated that the waiver provisions present financial incentives to institutions like Lawrence General Hospital to continue to build new construction in the City of Lawrence. He commented that the waiver provisions also allow the City to extend benefits that may attract other companies or institutions to establish themselves in Lawrence. He pointed out that they also allow the City to recognize the importance and necessity of an organization that may otherwise be providing a benefit to the Lawrence area. He suggested there are many other areas in City government that could consolidate or eliminate services that would result in cost effectiveness.

Upon being granted the floor, Councilor Alvarez-Rodriguez expanded her explanation of her position on the matter by informing the Council Members that it was never her intention to slight non-profit organizations by proposing elimination of the building fee waiver provisions of the ordinance. She emphasized that she consistently has supported non-profit organizations and will continue supporting such organizations in any way possible.

Upon being granted the floor, Councilor Kolofoles asked City Attorney Charles Boddy to confirm the specific ordinance sections under consideration for deletion. Attorney Boddy informed the Council Members that the two subsections being considered are sec. 15.04.020 [Waiver of Building Permit Fees – Municipal Structures] and sec. 15.04.030 [Waiver of Building Permit Fees – Certain Non-Profit uses]. Councilor Kolofoles informed that Council Members that monies obtained through the assessment of building fees by the

[Tuesday, April 17, 2007]

City of Lawrence are being returned to the State by implementing the “waiver” provisions of the ordinance. He explained that building fees and costs charged to any entity, whether “for profit” or “non-profit”, contracting to build in the City of Lawrence typically include the building fees assessed into the contracts and proposals submitted and approved through grant applications where funds are provided through State or Federal grants. He stated that “waiving” building fees eliminates an indirect source of revenue and financial benefit to the City of Lawrence. Therefore, the waiver provisions should be deleted from the existing ordinance. In response to Councilor Frechette’s request to restate his position on the matter, Councilor Kolofoles reiterated that the current waiver provisions contained in the building fee ordinance should be deleted so that the City Council does not have the ability to waive a source or potential revenue to the City of Lawrence.

Upon being granted the floor, Councilor Frechette stated that a waiver could not be considered by the Council Members without an existing “waiver” provision contained in the City Ordinance. He stated that was the information provided by the City Attorney prior to passage of the waiver provisions in the past and that if a means to “waive” building fees were deleted, then the City Council Members would be unable to waive any such fees for any reason in the future.

Council President Blanchette informed the Council Members that both sections 15.04.020 and 15.04.030 were being considered for deletion. He clarified that the City Council’s option to waive building fees are exclusive to sections 15.040.020 and 15.040.030.

Upon being granted the floor, Councilor Gosselin stated that she is confused about the purpose of deletion. A discussion ensued about the result of the approval of the deletion

[Tuesday, April 17, 2007]

among the Council Members. Councilor Gosselin stated she supports the deletion of the ordinance sections as proposed.

In conclusion, Councilor Alvarez-Rodriguez discussed situations in which the hospitals are not generally saddled with shouldering the loss of “unpaid medical bills” and explained how these bills do not present a “loss of income” to hospitals since they are often paid by other sources.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Blanchette called the motion to the attention of the Council Members who voted to approve the measure as follows: 5-YES; 4-NO; 0 ABSENT:

Councilor Marie Gosselin – Yes  
 Councilor Jorge Gonzalez - Yes  
 Councilor Joseph Parolisi - No  
 Councilor Nunzio DiMarca - No  
 Councilor Nicholas Kolofoles - Yes  
 Councilor Nilka Alvarez-Rodriguez - Yes  
 Councilor Grisel Silva - Yes  
 Council Vice Pres. Gil Frechette - No  
 Council Pres. Patrick Blanchette - No

**Doc. 156/07: Approved**

Councilor Alvarez-Rodriguez presented a motion to take document #305/2005 out of the order appearing on the agenda. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

**IV: COMMITTEE REPORTS:**

**Doc. 305/05: Disposition – 71 Merrimack Street - recommendations – Housing Committee – Approved**

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report from the Housing Committee in the form of a motion to approve the

[Tuesday, April 17, 2007]

disposition city owned property located at 71 Merrimack Street to transfer title of the real property to Mr. Alberto Nunez. The motion was seconded by Councilor Kolofoles.

Upon being granted the floor, Councilor Frechette asked Councilor Alvarez-Rodriguez to provide an update of the recommendation of the Real Property Task Force [hereinafter "RPTF"].

Councilor Alvarez-Rodriguez discussed the process followed in the matter describing the review conducted by the Housing Subcommittee of the City Council and recommendation submitted by the RPTF. She stated that the individual being recommended for award of the real property [Mr. Nunez] was the sole bidder and an abutter.

Upon being granted the floor, Councilor Gosselin discussed the proposed bidder's plan to improve and maintain the subject property as referenced in the proposal submitted.

Upon no further discussion, comment, or inquiry, Council President Blanchette called the motion to presented to the attention of the Council Members present who voted unanimously [9-0] to approve the disposition of the City owned real property located at 71 Merrimack Street to Mr. Alberto Nunez.

**Doc. 305/05: Approved**

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

**Doc.104/07: Loan Documents for IT Department – review –  
Council Pres. Blanchette-Withdrawn**

Council President Blanchette introduced the matter and explained that he anticipates that the issues presented will be presented for independent review to the appropriate State agency.

[Tuesday, April 17, 2007]

Upon being recognized, Councilor DiMarca stated that it was his understanding that it was his understanding that all appropriations have to be approved by the City Council.

Council President Blanchette stated he has been unable to review the matter because certain information requested from the Mayor have not been forthcoming. He stated that he believes that he has no other choice but to refer the matter for independent review by the appropriate agency for the Commonwealth of Massachusetts. Therefore, he asked that the Council Members consider withdrawing the measure from the City Council Agenda at this time.

Upon being granted the floor, Councilor Frechette asked the Council Members to remember the amount of money contained in the lease/purchase package when the FY'08 budget is submitted for review.

Upon being recognized Councilor Kolofoles stated that this matter should be reviewed.

Councilor Gosselin agreed that further inquiry into this matter should take place.

In conclusion, Council President Blanchette discussed the 2 million dollar Capital Improvement Plan approved for the IT Department.

Upon being recognized, Councilor DiMarca questions what happened to the 4.5 million dollars for the Holy Rosary project.

Upon no further comment, discussion, or inquiry by the Council Members present, Councilor Parolisi presented a motion to withdraw the measure which was seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0].

**Doc.104/07: Withdrawn**

[Tuesday, April 17, 2007]

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:

**105/07**            **Appointment - Lawrence Municipal Airport Commission – James A. LaTorre – re-appointment – Mayor Sullivan – Ref to Personnel**

**106/07**            **Appointment - Comptroller - David Camasso – recommendations – Frank Bonet, Personnel Director – Ref. to Personnel**

**Doc.107/07: Legal Pending Litigation and Claims against the Police Dept. and the City – Counc. Silva – Tabled**

At the invitation of Council President Blanchette, Councilor Silva introduced the measure and explained the purpose and necessity for placing it on the City Council Agenda. Councilor Silva proceeded by asking City Attorney Charles Boddy to advise the City Council Members as to the best way to proceed in this matter since it may concern sensitive matters. Attorney Boddy discussed various reasons for presenting the matter initially in a public forum and stated that executive session may be necessary at some point particularly if the records and information to be discussed concerned matters of current and on-going litigation or terms or conduct in employment of certain individuals or other persons who may not otherwise be “public individuals”.

As a point of information, Councilor DiMarca stated that the American Civil Liberties Union [hereinafter “ACLU”] is expected to be present at a meeting scheduled for tomorrow evening in the City of Lawrence being conducted to discuss possible Civil Rights Violations alleged to have been committed by members of the Lawrence Police Department.

A discussion ensued between Councilor Silva and Council President Blanchette regarding the procedural posture and process of the item presented.

[Tuesday, April 17, 2007]

At the request of Council President Blanchette, City Attorney Boddy advised the Council Members to proceed cautiously and suggested that a discussion about Police Chief John Romero, a City Employee, is to be conducted, then the employee should be provided an opportunity to be present during any discussions held.

Council President Blanchette suggested that the matter may have to be addressed in executive session and that the scope of the intended discussion should be determined prior to any such meeting.

Upon being granted the floor, Councilor Alvarez-Rodriguez agreed that the “scope” needs to be better defined before any meaningful discussion can take place. She stated that she would like to clarify the issue or issues to be presented at any meeting or workshop to be attended by the ALCU.

Council President Blanchette suggested that Councilor Silva review the specific items to be identified with the City Attorney in order to narrow the scope of discussion and to determine the process or procedure to be followed.

Upon being granted the floor, Councilor Kolofoles asked if the “scope” would include other matters and allegations presented to the Council Members.

In conclusion, Councilor Silva stated that City Attorney Boddy was asked to review pending cases and expenses and that a discussion about statistical data does not require the Council to convene to executive session. She stated that the details about any particular case certainly should be reserved and addressed in executive session.

Councilor Silva presented a motion to table the measure to allow the “scope” of inquiry to be defined and to allow the City Attorney the ability to advise whether or not

[Tuesday, April 17, 2007]

executive session will be necessary or required. She stated that any further proceedings should be held with notice to the Personnel Department, The Police Department, and the City Attorney's Office in advance of such hearings.

Upon being recognized, Councilor Frechette stated that notice to Departments take place within 5 calendar work days in accord with the City Charter provisions.

Upon being recognized, Councilor Alvarez-Rodriguez seconded the motion and the Council Member present voted unanimously [9-0] to table the measure.

**Doc.107/07: Tabled**

**Doc. 111/07: Department of Public Works – Frank McCann, Director – vote of reinstatement/vote of confidence – Council President Blanchette – Letters**

Council President Blanchette introduced the item and stated that he has received none of the information requested from the Mayor by correspondence sent on behalf of the City Council by the City Clerk on March 1, 2007. He expressed his concern that Mr. McCann's suspension from his position may continue indefinitely and without referral to the City Council for required review unless the Mayor is sent further written notice to insist upon a recommendation that the City Council proceed with termination hearings or that Mr. McCann otherwise be reinstated to his prior position as Director of the Department of Public Works.

Upon being granted the floor, Councilor DiMarca commented that it is important to have an individual with Mr.. McCann's experience as DPW Director particularly during times of poor and severe weather. He stated that he was in agreement with Council President Blanchette and he also believes that some action by the City Council Members is necessary under the present circumstances.

[Tuesday, April 17, 2007]

Upon being granted the floor, Councilor Alvarez-Rodriguez presented a motion to have correspondence prepared and sent on behalf of the City Council Members to the Mayor that firmly expresses the position that the Mayor either recommend Mr. McCann's formal termination or that he be reinstated to his position as DPW Director. The motion was seconded by Councilor DiMarca.

Upon resuming discussions, Councilor Silva stated that she would like to see all existing documentation on the matter before voting to authorize any action by the City Council Members.

Upon being recognized, Councilor Alvarez-Rodriguez stated that she believed the matter must be resolved with official information from the Mayor's Office.

Upon being granted the floor, Councilor Gosselin stated that there is no process in place that addresses this particular situation which makes it difficult to determine the best way to proceed. She stated that she also believes it is important to have someone with Mr. McCann's knowledge and experience as Director of the DPW.

Upon being recognized Councilor Gonzalez stated that he may not be ready to vote on the matter at the present time.

Being granted the floor, Councilor Parolisi agreed that a resolution to the Mayor expressing the position of the City Council Members may be necessary and that he would support such a measure. He also stated that he hoped that this matter would not stall other necessary pending appointments.

Upon being granted the floor, Councilor Kolofos stated that he is certain that the City Charter authorizes the City Council to conduct proceedings after the Mayor

[Tuesday, April 17, 2007]

recommends termination. However, he stated that he is unaware of the existence of any Charter provision that requires the Chief Executive Officer to forward any recommendation within any time frame.

Upon being granted the floor, Councilor Frechette asked Mr. Mark Vogler, reporter for the Eagle-Tribune newspaper, if he has obtained a copy of the Inspector General's report of investigation concerning Mr. McCann that has been referenced in recent newspaper articles. Mr. Vogler responded by informing the Council Members that he obtained a copy of the report since it is a public record. Councilor Frechette stated that it is disconcerting that the Mayor has provided a copy of the Inspector General's report to the Eagle-Tribune and has yet to provide a copy of the City Council Members.

Upon being recognized, Councilor Alvarez-Rodriguez stated that she wished to make it clear to the Council Members that a vote taken this evening on this matter is not a vote in favor or against Mr. McCann but is an affirmation of the City Council's authority to proceed.

Upon no further comment, discussion, or inquiry by the Council Members present, Council President Blanchette called the motion to the attention of the Council Members. The City Council Members voted in favor of sending communication to Mayor Sullivan on its behalf and that the communication request the Mayor to either recommend termination of Director McCann be forwarded to the City Council for further proceedings or that Director McCann be reinstated to his position as DPW Director. The City Council Members voted on this matter as follows: 7-YES; 2-NO; 0 ABSENT:

Councilor Marie Gosselin – Yes  
Councilor Jorge Gonzalez - No  
Councilor Joseph Parolisi - Yes  
Councilor Nunzio DiMarca - Yes

[Tuesday, April 17, 2007]

Councilor Nicholas Kolofoles - Yes  
 Councilor Nilka Alvarez-Rodriguez - Yes  
 Councilor Grisel Silva - No  
 Council Vice Pres. Gil Frechette - Yes  
 Council Pres. Patrick Blanchette – Yes

Councilor Frechette asked Mr. Thomas Duggan, editor and owner of The Valley Patriot newspaper, if he has received a copy of the Inspector General's report. Mr. Duggan stated that he has a copy of the report. Councilor Frechette then presented a motion to send a letter to the Eagle-Tribune and The Valley Patriot publications to provide the City Council with a copy of the Inspector General's report of investigation concerning Director McCann. The motion was seconded by Councilor Gosselin. Councilor Frechette discussed reasons for requesting a copy of the report from the Inspector General. Upon consideration, the Council Members voted unanimously [9-0] in favor of the motion presented.

**Doc. 111/07: Correspondence Approved**

**VI. APPROPRIATIONS-ORDERS-RESOLUTION: - None**

**VII. COMMITTEE REPORTS:**

**Doc. 8/07: Essex Street – return to be two-way traffic – Ord. Comm. –  
 Public Hearing Ordered**

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

**Doc. 8/07: Public Hearing Ordered**

**Doc. 69/07: Teleport Communications Boston – permission to place cables and conduits on Beacon Street, Beacon Avenue and Andover Street – Ord. Comm. - Public Hearing Ordered**

[Tuesday, April 17, 2007]

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

**Doc. 69/07: Public Hearing Ordered**

**Doc. 66/07: Wholesale Junk License – 15 Medford Street – Ord. Committee – Approved**

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, seconded by Councilor Frechette and unanimously approved by the Council Members present [9-0].

**Doc. 66 /07: Approved**

**Doc. 374/06: Polling Locations – to be changed – Ord. Committee – Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committed in the form of a motion to approve the measure presented which was seconded by Councilor Frechette and unanimously approved by the Council Members present [9-0].

**Doc. 374/06: Approved**

**Doc. 134/06: Real Property Task Force – elimination – Housing Comm. – Approved & Letter to Mayor, Planning Dept. & R.P.T.F. Members**

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report from the Housing Committee in the form of a motion to terminate the

[Tuesday, April 17, 2007]

Real Property Task Force [hereinafter “RPTF”]. The motion was seconded by Councilor Kolofoles.

Upon discussion by the Council Members present, Councilor Parolisi stated that he didn’t believe the Real Property Task Force needed to be eliminated because the process allows for the final authority in any real property evaluation and award is reserved to the City Council.

Upon being recognized, Councilor Alvarez-Rodriguez discussed the process followed by the RPTF and discussed what can be expected by eliminating the RPTF. A discussion amount the Council Members ensued regarding the method and process followed by the RPTF for the evaluation and recommendation of real property disposition.

Upon being granted the floor, Councilor DiMarca stated that he supports elimination of the RPTF.

Upon being granted the floor, Councilor Silva stated that she believes that none of the RPTF members actually preside over the matters concerning the disposition determination of the Requests For Proposals.

Upon being granted the floor, Councilor Frechette asked if any of the Council Members could provide him with an up-date regarding this matter with particular reference on how the RPTF was established. A discussion ensued among the Council Memebers ensued regarding the history of the RPTF.

Upon being recognized, Councilor Kolofoles discussed the prior proceedings of the RPTF and stated that he supports elimination of the body.

[Tuesday, April 17, 2007]

**[10:00 PM: Councilor Parolisi presented a motion to conduct Council business past 10:00 p.m. pursuant to City Council Rule 2 which was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present (9-0)].**

Upon no further comment, discussion, or inquiry by the Council Members present, Council President Blanchette called the motion to the attention of the Council Members. Upon vote of the Council Members present, the measure was unanimously approved by the Council Members present [9-0]. Upon approval of the measure, Council President Blanchette requested that notification of the action of the City Council on this matter be sent to each of the members of the RPTF and the Mayor by written correspondence.

**Doc. 134/06: Approved**

**Doc.83/07: Personnel Records for all City Employees to be kept in Personnel Dept. - Personnel Committee – Defeated**

At the request of Council President Blanchette, Councilor Silva presented the report from the Personnel Committee and reported that the subcommittee voted to forward the matter to the attention of the Full Council. Councilor Silva presented a motion to accept the report of the Personnel Committee which was seconded by Councilor Frechette and unanimously [9-0] accepted upon by the Council Members present [9-0]. Councilor Silva then presented a motion for consideration by the Council Members that would require the Personnel Department for the City of Lawrence to keep and maintain any and all personnel records of City Employees. Councilor Silva explained that the Personnel Office keeps all records of City Employees except the Police Department.

[Tuesday, April 17, 2007]

Council President Blanchette stated that it was his understanding that the Personnel Office is already authorized to maintain all personnel records and questioned the necessity of a vote of the City Council on the matter.

Councilor Silva stated that the Personnel Office is required by Charter to keep all personnel records.

Upon being recognized, Councilor DiMarca seconded the motion as presented.

Upon further discussion, Councilor Parolisi read a copy of a recent letter from the City Attorney regarding this matter which he read into the record. Councilor Parolisi stated that the contents of the letter were not accurate and stated that he has never commented that employee records were subject to a collective bargaining agreement. He also informed the Council Members that the City Council may be overstepping the bounds of its authority since both the Police Department and Personnel Department are within the supervision of the Mayor's Office.

Councilor Silva suggested that the issue is a matter of providing "checks and balances" and stated that she believes the City Council has the authority to enforce the City Charter provision regarding this matter.

Council President Blanchette stated that if the matter needed to be addressed that Personnel Director Frank Bonet should request that the Mayor have the Police Department deliver its personnel records to the Personnel Office.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated there may be issues concerning confidentiality which present issues particular to individual officers and possibly others.

[Tuesday, April 17, 2007]

Councilor Silva responded by stating that access to information by any Council Members is limited under the present manner of record keeping and that it may be necessary to access information contained in personnel files by all Council Members.

A discussion ensued among the Council Members concerning issues of confidentiality of personnel records.

Upon being recognized, Councilor DiMarca informed the Council Members that he believes the Lawrence Police Department is still a Department within the City of Lawrence.

Further discussion between Councilor Alvarez-Rodriguez and Councilor Frechette regarding the confidentiality of personnel records and the applicability of other statutes ensued.

Upon being granted the floor, Councilor Kolofos presented a motion to table the measure which was seconded by Councilor Alvarez-Rodriguez and defeated by vote of the Council Members present as follows: 2 = YES; 7 = NO; 0 = ABSTAIN; 0 = ABSENT:

Councilor Marie Gosselin – No  
 Councilor Jorge Gonzalez - No  
 Councilor Joseph Parolisi - No  
 Councilor Nunzio DiMarca - No  
 Councilor Nicholas Kolofos - Yes  
 Councilor Nilka Alvarez-Rodriguez - Yes  
 Councilor Grisel Silva - No  
 Council Vice Pres. Gil Frechette - No  
 Council Pres. Patrick Blanchette – No

Councilor Silva then requested the Chair call her motion to approve the measure previously presented which was put to the Council Members and defeated as follows:

3-YES; 5-NO; 1-ABSTAIN:

Councilor Frechette – No  
 Councilor Silva - Yes

[Tuesday, April 17, 2007]

Councilor Alvarez-Rodriguez - Abstain  
 Councilor Kolofoles - No  
 Councilor DiMarca - Yes  
 Councilor Parolisi – No  
 Councilor Gonzalez - Yes  
 Councilor Gosselin - No  
 Councilor Blanchette – No

**Doc. 83/07: Defeated**

**Doc.90/07: Veteran’s Services – Flags – prior year bills FY’06 – Budget and Finance Committee – Approved**

At the request of Council President Blanchette, Councilor Parolisi presented the report from the Budget & Finance Committee in the form of a motion to approve the measure which was seconded by Councilor Frechette.

Upon being recognized, Councilor Frechette stated that he believed the expense incurred were previously budgeted and should be approved for payment.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that she thought the Commonwealth had authorized reimbursement of the monies expended for the flags.

Upon being recognized, Councilor Kolofoles discussed the authorized reimbursements.

Upon no further comment, discussion, or inquiry by the Council Members present, Council President Blanchette called the motion and the Council Members present, voted unanimously [9-0] to approve the item presented.

**Doc.90/07: Approved**

**VIII. WITHDRAWALS:**

[Tuesday, April 17, 2007]

Council President Blanchette granted Councilor Alvarez-Rodriguez the floor for the purpose of presenting matters for withdrawal of matters pending before the Housing Committee.

Councilor Alvarez-Rodriguez presented a motion to have all of the individual matters addressed in “block” form for withdrawal from the Council agenda. The motion was seconded by Councilor Parolisi and Council Members present voted unanimously [9-0] to withdraw the following matters from the City Council Agenda:

**102/04            Hall Street (2-10) – conditions of development – Housing Comm.-  
withdrawn**  
**60/07            City Owned Vacant Lots - Housing Comm.- withdrawn**  
**87/07            Vacant Positions, Temp., Acting - Pers. Comm.-withdrawn**  
  
**65/07: Purchasing Procedures – Ord. Comm.-withdrawn**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee for withdrawal from the City Council Agenda in the form of a motion to withdraw. The motion was seconded by Councilor Parolisi and was unanimously approved by vote of the Council Members present 9-0].

**65/07: Withdrawn**

**Doc. 87/07: Vacant Positions, Temp., Acting - Pers. Committee – Withdrawn**

At the request of Council President Blanchette, Councilor Silva presented the report of the Personnel Committee for withdrawal from the City Council Agenda in the form of a motion to withdraw. . The motion was seconded by Councilor Parolisi and was unanimously approved by vote of the Council Members present 9-0].

**Doc. 87/07: Withdrawn**

**IX. OLD BUSINESS: None**

[Tuesday, April 17, 2007]

**X. TABLED MATTERS:**

The following items remained “tabled” without further action:

60/06	Zoning Board of Appeals, Planning Board, Lawrence Redevelopment Authority & Conservation Commission – hearing held
215/06	Good Citizenship Award – Mayor
128/06	Acting Jobs Positions and Consultants – on more than 90 days
257/06	Resolution – Dr. Claire Paradiso
367/06	Water Treatment Center – Fiber Optics – update on who authorized such work to occur – Where is the contract and the bid? – Council President Blanchette
43/07	Resolution-Jessica Mercado-Greater Lawrence Technical School-student-Counc.Gosselin
46/07	Sign Ordinance – new sign – discussion – Peter Blanchette, Building Inspector
34/07	Arlington Mills Smart Growth District –hearing
42/07	Lawrence Community Works – FY 2006 unpaid invoice - \$4,217.66
14/07	Temporary Appointments – proposed amendments to Section 2.04.081 of the Muni. Code

**XI. 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:

98/07	El Cesar Restaurant and Bar – request permission to place chairs and tables on the Sidewalk in front of their establishment – Cesar Vargas, Owner-Ref to Ord.
99/07	Pawnbrokers License – 92 Broadway Street – Jon Wolf-Ref to Ord.
100/07	Cosecha Borincana – request permission to present the first Annual Cosecha Borincana And Stylin’ Graphics Car Show on June 2, 2007 at Pemberton Park– Domingo Melendez, President - Ref. to Ord.
101/07	National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures – Chickering Street – Ref. to Ord.
102/07	National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures – Railroad Street – Ref. to Ord.
103/07	Recreation Department – Annual Carnival – Campagnone Common – 5/9-5/13/07 – Linda Schiavone, Director – Ref. to Ord.
108/07	Police Department – a complete Actual Report on the General Fund FY05-06, FY 06-07- Councilor Silva – Ref. to Budget & Finance
109/07	Lawrence Library Director – request permission to continue her two capacities as Library Director and Cultural Council Chair–Maureen Nimmo, Lawrence Public Library Director – Ref. to Ord.
110/07	Zoning Ordinances – proposed revision – creation of Open Space Conservation (OSC) District and designation of Den Rock Park as such a Zoning District – Daniel McCarthy, Land Use Planner – Ref. to Ord.

**XII. ADJOURNMENT:**

Upon Motion of Councilor DiMarca duly seconded by Councilor Parolisi, the Council

Members present voted unanimously to Adjourn.

[Tuesday, April 17, 2007]

**ADJOURNED**  
**(10:35p.m.)**

Attest:

William J. Maloney  
City Clerk