

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

**DATE: Tuesday, June 19, 2007**

A **REGULAR MEETING** of the City Council was held on **Tuesday, June 19, 2007** at 7: 10 p.m. in the City Council Chamber with all Members present except for Councilor Silva who arrived at 7:16 pm. Council President Blanchette presided over the meeting.

Approximately Sixteen [16] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

**I. ACCEPTANCE OF MINUTES: - None**

**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:

Thomas Casey 34 West Beacon Street, Lawrence, MA spoke of the lack of construction employment opportunities for Lawrence residents.

Kathy Felson, business owner at 570 Broadway, Lawrence, MA asked the City Council to consider the Smart Growth Zoning Ordinance.

Councilor DiMarca presented a motion to take document #194/07 out of the order appearing on the agenda. The motion was duly seconded by Councilor Parolisi and unanimously approved by the Council Members present [8-0]. [Councilor Silva arrived @ 7:15 pm.]

**Doc.194/07: Resolution – Donna Schiebel – Councilor Gosselin – Presented**

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The resolution was presented by Councilor Gosselin and the recipient of the resolution, Donna Schiebel thanked her team and City Council.

**Doc.194/07: Presented**

Councilor Gonzalez presented a motion to take document #198/07 out of the order appearing on the agenda. The motion was duly seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

**Doc.198/07: Resolution – Fernando Landor – Councilor. Alvarez-Rodriguez-Presented**

The resolution was presented by Councilor Alvarez-Rodriguez. Mr. Landor thanked President Blanchette and Vice President Frechette for their hard work. He also thanked the people of the Lawrence Community Works for the work they do.

**Doc.198/07: Presented**

**III. PUBLIC HEARINGS:**

**Doc. #34/07: Arlington Mills Smart Growth District – Tabled - Letter**

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 noted the document is being presented for a Public Hearing a second time. He invited anyone who wished to be heard to present themselves before the Council Members.

Planning Director Mike Sweeney provided general information about the proposed zoning amendment. He discussed the transfer of the real property location from Malden Mills to the present owner through the bankruptcy process. Director Sweeney suggested that

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the Council Members “table” the measure after the hearing conducted presently in order to allow the Planning Department Officials to contact the new owners because there has been no communication with the new owner despite repeated efforts.

Council President Blanchette asked Director Sweeney to advise about the extent of the contract to date. Director Sweeney stated that there has been very little direct contact from the current owners. President Blanchette asked if direct communication from the City Council would be of some benefit. Director Sweeney agreed. Council President Blanchette commented about the necessity of have Winn Industries involved in the matter.

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 stated that Ms. Telson may not have had sufficient opportunity to speak. Ms. Telson stated she may have additional questions as discussion progresses.

Upon being granted the floor, Councilor DiMarca stated that the Planning Department should be conducting “work place” development. Councilor DiMarca recounted the history of the Malden Mills campaign over the years. He stated that unfortunately the jobs provided by Malden Mills may be lost to Lawrence residents and the proposed project may not be sufficient to sustain the people.

Upon inquiry by Council Vice President Frechette, Director Sweeney discussed and explained the 40R application process. Director Sweeney also described the development process expected to take place. He stated that Winn Development Co., has not been selected

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as developer and that it is incumbent upon the owner to participate in the selection of a developer.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that it may be beneficial to “table” the matter to allow the Planning Department the opportunity to contact and reach the current property owner and to allow her to review the purpose and intent of the petition. Upon inquiry, Land Use Planner Dan McCarthy discussed the residential and business make-up of the typical 40R area which is generally “mixed use”. A discussion about the ability of existing businesses along Broadway ensued. Land Use Planner Dan McCarthy stated that the proposed project would provide total public access to all existing areas and at no time was a “gated community” concept suggested or pursued. Mr. McCarthy answered questions about the proposed design & development standards of the proposed construction. He described the “overlay” concept and stated that existing businesses will be allowed to remain if the zoning amendment is approved.

Upon inquiry Director Sweeney stated that the purpose of the project in regards to housing stock is to create affordable housing rather than condominium units. Mr. Sweeney further explained that the new owner may have other “intentions” about providing working class housing which needed to be explored cautiously.

As a point of inquiry Councilor DiMarca asked the Land Use Planner, Dan McCarthy that conditions with developers hired included assurances that Lawrence residents be hired.

Upon being granted the floor, Councilor Kolofoles asked Land Use Planner Dan McCarthy if the City is actively soliciting 40R developers. Director Sweeney stated that the Planning Office is not actively soliciting developers but efforts are being employed to seek

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advice and assistance of developers who may be interested in the future. Councilor Kolofoles asked Director Sweeney questions about how the \$600,000.00 should be generated. Director Sweeney stated that the funds would be approved and paid by the State but it was too early to reach any conclusions or time frame until the 40R request is approved. Councilor Kolofoles commented that any development should increase the tax base first. Director Sweeney explained that the plan for housing stock has always been to construct individual residential units and not condominiums.

Upon inquiry from Councilor Gosselin, Director Sweeney informed the Council Members that his office has interfaced with Methuen City Officials concerning the plans and expected input of the development of the area. Councilor Gosselin posed several questions about the manner of submitting a 40R application and obtaining final approval. She asked Director Sweeney if the proposed 40R development involves a request for funding from the City Of Lawrence. Director Sweeney stated that he is unable to determine the future appropriations of any funding and stated that there may be a request for tax credits all of which the city Council will have to approve before expenditure. Councilor Gosselin suggested that sufficient oversight in regard to financing be employed.

Upon being granted the floor, Councilor Parolisi inquired of Director Sweeney about any financial investment by the city. Director Sweeney stated this is not an “investment requirement” but explained there is a 20% build-in requirement to the development. Director Sweeney explained that there is no guarantee for employing Lawrence residents when asked by Councilor Parolisi. Director Sweeney stated that despite possible restrictions imposed by the State upon employee hires, individual contractor agreements may be drafted to include

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such arguments. A discussion ensued about the use and inclusion of area landmarks and locations such as Stevens Pond and Manchester Street.

Upon being recognized Councilor DiMarca discussed the ongoing Covanta Development Project and the breath of the proposed project.

Upon inquiry by Councilor Gonzalez Director Sweeney stated that testing for contaminant was performed and it appears that the land in that area would be available to build housing.

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 Alvarez-Rodriguez, the Council Members present voted unanimously [9-0] to table the measure and send a letter to the new owners.

**Doc. 34/07: Tabled-Letter**

**IV: Communication from Mayor, City Officials & City Attorney:**

**Doc.193/07: Budget - Request for 30-Day Budget – Mayor Sullivan-Ref. to Budget & Finance**

Council President Blanchette introduced the measure and suggested the measure is necessary.

Upon being recognized Councilor Alvarez-Rodriguez presented a motion to have the matter declared an emergency measure. The motion was seconded by Councilor Gonzalez and a discussion on the item among the Council Members ensued.

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Upon being granted the floor, Councilor Frechette suggested to send the measure to the Budget and Finance Committee for review. He stated he did not agree with the proposed 30-day budget submitted.

Councilor DiMarca agreed with Councilor Frechette suggesting that the matter be handled as suggested by the Administration.

Upon being recognized Councilor Alvarez-Rodriguez stated that she believes the matter should be approved as an emergency.

Being granted the floor, Councilor Parolisi stated that there may be adjustments to the proposed 30-day budget.

Upon being recognized Director Sweeney stated that the administration shares the concerns of Council and explained that the proposed 30-day budget would adequately meet the financial needs of the city.

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.

Upon vote of the Council Members present, the motion to declare the item an emergency was defeated as follows: 3-YES; 6-NO;

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

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Based upon the request for further proceedings, the matter was referred to the Budget & Finance Committee by Council President Blanchette.

Upon being recognized Councilor Kolofoles presented a motion to reconsider the vote which was duly seconded by Councilor Alvarez-Rodriguez and defeated by vote of the Council Members present as follows: 4 = YES; 5 = NO;

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

**Doc.193/07: Ref. to B & F**

**V. APPROPRIATIONS-ORDERS-RESOLUTION:**

**Doc.174/07: Appropriation Transfer - \$4,700 from Planning to Zoning - Budget and Finance Committee – Approved**

At the request of Council President Blanchette, Councilor Parolisi presented the report of the Budget and Finance Committee to approve the measure presented. The report was presented in the form of a motion, seconded by Councilor Kolofoles and unanimously approved by the Council Members present [9-0] for the Appropriation Transfer of \$4,700 from Planning to Zoning.

**Doc. 174/07: Approved**

Council President Blanchette called the following matter to the attention of the Council Members as appearing on the Agenda which was referred as indicated:

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**Doc.181/07: Appropriation Transfer – from Land Court to Litigation - \$95,000.00 – Charles D. Boddy, City Attorney-Ref. to B & F**

**Doc.195/07: Resolution – LHS Valedictorian – Karina Ovalles – Conc. Alvarez-Rodriguez – Tabled**

Council President Blanchette introduced the next item as appearing on the agenda. Councilor Alvarez-Rodriguez presented a motion to table the measure presented. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

**Doc. 195/07: Tabled**

**Doc.196/07: Resolution – LHS Valedictorian –Cristina Ovalles – Conc. Alvarez-Rodriguez-Tabled**

Council President Blanchette introduced the next item as appearing on the agenda. Councilor Alvarez-Rodriguez presented a motion to table the measure presented. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

**Doc. 196/07: Tabled**

**Doc.197/07: Resolution – LHS Salutarian – Tu Le – Conc. Alvarez-Rodriguez-Tabled**

Council President Blanchette introduced the next item as appearing on the agenda. Councilor Alvarez-Rodriguez presented a motion to table the measure presented. The motion was seconded by Councilor Gonzalez and unanimously approved by the Council Members present [9-0].

**Doc. 197/07: Tabled**

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**VI. COMMITTEE REPORTS:**

**Doc.170/07: Verizon – Request to place underground electric conduits on Avon 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 Parolisi and unanimously approved by the Council Members present [9-0].

**Doc.170/07: Public Hearing Ordered**

**Doc.155B&C/04: High School Project – alteration and discontinuance – Ord. Comm. – Withdrawn**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to withdraw 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. 155B&C/04: Withdrawn**

**Doc.164/07: Handicapped Parking – 11 Byron Avenue – removal of ordinance – Ord. Comm. - 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 Gonzalez and unanimously approved by the Council Members present [9-0] to remove the ordinance regarding the Handicapped Parking Sign at 11 Byron Avenue.

**Doc. 164/07: Approved**

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**Doc.168/07: Bread and Roses – Use of Campagnone Common Park on 9/3/07 – Ord. Comm. - 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 DiMarca and unanimously approved by the Council Members present [9-0] to grant Bread and Roses use of the Campagnone Common Park on Sept. 3, 2007.

**Doc. 168/07: Approved**

**Doc.169/07: Old Gold Dealer License – Julio Rolando Ormaza – Ord. Comm. – 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 DiMarca and unanimously approved by the Council Members present [9-0] to approve Julio Rolando Ormaza's Old Gold Dealer License.

**Doc. 169/07: Approved**

**Doc.171/07: Christian Missionary Church – Permission to use the Campagnone Common Park – For religious services on July 21<sup>st</sup> and 22<sup>nd</sup> & Aug. 25<sup>th</sup> and August 26<sup>th</sup> – Ord. Comm. - 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 Gonzalez and unanimously approved by the Council Members present [9-0] to approve Christian Missionary Church

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Permission to use the Campagnone Common Park for religious services on July 21<sup>st</sup> and 22<sup>nd</sup> and Aug. 25<sup>th</sup> and Aug. 26<sup>th</sup>.

**Doc. 171/07: Approved**

**Doc.172/07: Technical Sports Assoc. of Lawrence – Request permission to use the Campagnone Common Park – Ord. Committee – Approved- Pending sign-offs.**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to approve the measure presented pending sign offs. The report was presented in the form of a motion, seconded by Councilor Parolisi and unanimously approved by the Council Members present [9-0] to grant Technical Sports Association of Lawrence's request for permission to use the Campagnone Common Park for the Eight Annual Walkathon to be held on July 29, 2007.

**Doc. 172/07: Approved**

**Doc.173/07: 25 Marston Street – Tax Increment Financing Plan – review – Budget and Fin. Committee – Approved**

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

Upon a call for discussion Councilor Alvarez-Rodriguez asked Director Ezra Glenn to describe and explain the measure. Director Glenn explained the T.I.F. application and the expected benefits to the applicant and the community. Councilor Alvarez-Rodriguez posed several questions to Director Glenn concerning the specific values of the property subject to the application and the tax assessment from its base to final assignment. Director Glenn explained. Upon inquiry, Director Glenn stated that the incentive for the city to approve the

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T.I.F. presented will allow the City to obtain additional revenue over the course of the agreement. Director Glenn also stated that the capital investment completed by the owner will remain.

Upon invitation Mr. Luis Yepez, owner of the property, business location and applicant provided history and background information concerning his company and its inter-relation with other business and institutions.

Upon being granted the floor, Councilor DiMarca stated that he supports the approval of the application presented and offered praise to Mr. Yepez for his efforts to develop jobs and business in Lawrence.

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.

Upon vote of the Council Members present, the measure was approved as follows: 8-YES; 1-NO;

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

**Doc. 173/07: Approved**

**Doc. 183/07: Disposition of Lot X (Water Street) to the Boys and Girls Club of Lawrence – Daniel McCarthy, Land Use Planner – Approved**

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report of the Housing Committee to accept the report presented without

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recommendation. The report was presented in the form of a motion and seconded by Councilor Kolofoles.

Upon a call for discussion Councilor Alvarez-Rodriguez presented a motion to approve the measure as seconded by Councilor Gonzalez.

At the request of Councilor Alvarez-Rodriguez, Land Use Planner Dan McCarthy and Planning Director, Mike Sweeney presented the proposed development and use of the Real Property as a playground.

Council President Blanchette thanked the Planning Department and Housing Committee for taking this item expeditiously.

Upon inquiry of Councilor Kolofoles, G.L.C.A.C. representative described the proposed development of the site for use as a playground.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked about child security to assure they do not have inadvertent access to the Merrimack River.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Blanchette called the motion with conditions [1-with subdivision plan to merge parcels to record with ? 2- No structure be built on the lot] to the attention of the Council Members. The Council Members present, voted unanimously [8-1; Councilor Silva absent from chamber] to approve the Disposition of Lot X (Water Street) to the Boys and Girls Club of Lawrence.

**Doc. 183/07: Approved**

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**VII. WITHDRAWALS:**

**Doc.146/07: Andover Street – request one way from Shawsheen Road to Andover St. –  
Ord. Committee – Withdrawn**

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Ordinance Committee. The motion was seconded by Councilor Gosselin and Council Members present voted unanimously [8-0] to withdraw the following matter from the City Council Agenda. [Councilor Silva absent from chamber]

**Doc.146/07: Withdrawn**

**Doc. 257/06: Resolution – Dr. Claire Paradiso – Withdrawn**

Councilor Alvarez-Rodriguez presented a motion to remove the item from the table which was seconded by Councilor Kolofoles and unanimously approved by the Council Members present [8-0]. [Councilor Silva out of Chamber] Councilor Alvarez-Rodriguez moved to withdraw the item from the Council Agenda which was seconded by Councilor Kolofoles and unanimously approved [8-0] by the Council Members present. [Councilor Silva out of Chamber]

**Doc. 257/06: Withdrawn**

**Doc. 161/07: Greater Lawrence Technical School – Daniel Fleming – resignation letter  
– Letter of interest**

Councilor Frechette presented a motion to remove the item from the table which was seconded by Councilor Parolisi and unanimously approved by the Council Members present [8-0]. [Councilor Silva absent from Chamber]

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Upon being recognized Councilor Frechette asked Council President Blanchette to order a joint meeting. Council President Blanchette described his plans to meet with Mayor Sullivan and discussed the schedule. A discussion ensued about the expected process.

Councilor Frechette presented a motion to advertise for letters of interest to be submitted by July 6, 2007 to the City Clerk's Office. The motion was seconded by Councilor DiMarca and unanimously approved by the Council Members present [8-0]. [Councilor Silva absent from Chamber]

On motion of Councilor Frechette seconded by Councilor Parolisi the measure was re-tabled and unanimously [8-0] approved by the Council Members present. [Councilor Silva absent from Chamber]

**Doc. 161/07: Letter of interest**

**VIII. OLD BUSINESS: - None**

**IX. 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
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
46/07	Sign Ordinance – new sign – discussion – Peter Blanchette, Building Inspector
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 Municipal Code
107/07	Legal Pending Litigation and Claims against the Police Dept. and the City- Counc. Silva
123/06	Revisiting Residency Requirements
309/05	Surplus Declarations – 128 Newbury Street
161/07	Greater Lawrence Technical School – Daniel Fleming – resignation letter

**X. NEW BUSINESS:**

Council President Blanchette brought the matters listed below to the attention of the

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Council Members present and referred each to the Council Subcommittee as indicated:

- 185/07 Acceptance of Birch Drive (beyond Saratoga Terrace) – Frank S. Giles, P.L.S. – Ref. to Ord.
- 186/07 Handicapped Parking – 1 Bailey Street – Khan Khom – Ref. to Ord.
- 187/07 Handicapped Parking – 21 Lawrence Street (possible on the Common Street Side)-  
Counc. Silva – Ref. to Ord.
- 188/07 Grants – Possibility of an Ordinance that will require City Council Approval for a better  
Accountability of funds – Counc. Silva – Ref. to Ord.
- 189/07 Lawrence National Night Out 2007 – Harold D. Magoon, Program Director –  
Lawrence/Methuen Community Coalition – Ref. to Ord.
- 190/07 Saint Alfio Society – requests permission to conduct its 84<sup>th</sup> Annual Feast of the Three  
Saints on Labor Day Weekend from Aug. 31<sup>st</sup> to Sept. 2<sup>nd</sup>, 2007- Jack A. Roy, Treasurer  
– Ref. to Ord.
- 191/07 St. Alfio Villa – 35 Common Street – New Crosswalk and Pedestrian Sign – Councilor  
Silva – Ref. to Ord.
- 192/07 National Grid – request permission to locate poles, wires and fixtures on Marion Avenue  
– Ref. to Ord.

#### **XI. ADJOURNMENT:**

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

**ADJOURNED**  
**(9:30p.m.)**

Attest:

William J. Maloney  
City Clerk