

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, October 3, 2006

A **REGULAR MEETING** of the City Council was held on **Tuesday, October 3, 2006** at 7:05 pm. in the City Council Chamber with all Members present.

Council President Blanchette presided over the meeting.

Approximately forty-three [43] 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 there were no prior minutes submitted by the City Clerk for acceptance.

II. PUBLIC PARTICIPATION;

Council President Blanchette requested those who wished to provide public input and participation to present themselves and address the City Council. The following individuals addressed the Council.

John Lydon 9, Monroe Street Lawrence, MA spoke of C: 138 Sec. 4 as a violation of law re: the appointment of Richard Fielding to the Board of the Licensing Commission who is the manager at the British Club in Lawrence.

Brother Rene D. Roy, 12 Sheridan St., Lawrence, MA spoke in favor of a ball field on the Marion Ave site.

Sy Uliano, Jr., President of Lawrence Central Little League, spoke in favor of using the Marion Ave site for baseball and softball.

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Juan M. Gonzalez, 5 Bennington St., Lawrence, MA spoke in favor of the plan to construct a field at Marion Ave.

David DeFillippo, 3 Halsey St., Lawrence, MA, Central Catholic High School Principal, spoke in favor of constructing a ball field on the Marion Ave site.

Ana Luna,A.C.T., 599 Canal St [office address] spoke in opposition of closing Marion Avenue.

Evelyn St.Hilaire, 141 Abbott St., Lawrence, MA, spoke in opposition to closing Marion Ave.

John Shaw, 300 Hampshire St., Lawrence, MA, Chairman of Central Catholic High School's Board of Directors, spoke in favor of the plan to construct a ball field at Marion Avenue.

Chuck Putney, 191 Ferry St., Lawrence, MA, spoke in favor of the plan to close Marion Ave and construct a ball field.

Robert O'Koniewski, 3 Sumner Ave., Lawrence, MA, spoke in favor of the plan to construct a ball field at the Marion Ave. site.

Ed Anderson, 74 Salem St., Lawrence, MA, spoke in favor of stop lights @ Osgood and Salem Street.

Myrna Espailat, 54 Salem St., Lawrence, MA, spoke in favor of installing stop lights at Osgood and Salem Street.

Joseph D'Amico, 11 Lorenzo Rd., Lawrence, MA, thanked the City Council for their interviews for the School Committee position.

III. PUBLIC HEARINGS:

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Doc. 23/06: Zoning Ordinance – Home Occupation – Section 29-4 – Public Hearing held-Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above matter into the record. Upon completing the Clerk's reading, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to comment on the matter to present themselves to speak.

Upon no comment offered by anyone present, Council President Blanchette closed the public hearing portion of the proceedings and opened the matter for consideration by the Council Members present.

Upon being recognized, Councilor Kolofoles requested Planning Director, Attorney Michael Sweeney, to address the City Council. Director Sweeney stated that he provided copies of the proposed amendments to the Home Occupation Ordinance which is part of the Zoning Ordinance for review by the Council Members. A brief discussion ensued with Mr. Sweeney and Councilor Kolofoles concerning the proposed changes and the reason for its necessity.

Upon being recognized Councilor Alvarez-Rodriguez asked Planning Director Sweeney about specific applications of the ordinance and situations that it may be applicable.

Upon no further comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing.

Upon the motion of Councilor Kolofoles to approve the Zoning Ordinance as seconded by Councilor Parolisi, the Council Members present voted unanimously to approve

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the measure [9-0].

Doc. 23/06 – Approved

IV. COMMUNICATIONS FROM MAYOR, CITY OFFICIALS, & CITY ATTORNEY:

The following items were referred to the subcommittee as indicated for further proceedings:

Doc. 297/06: Trash Fee Increases – Mayor Sullivan-Ref to Ordinance Cmt.

At the request of Council President Blanchette, Chief of Staff Myles Burke presented the measure and requested the consideration of the Council Members.

Upon conclusion of the presentation by Mr. Burke, Council President Blanchette referred the measure to the Ordinance Committee for further proceedings.

Doc. 297/06 – Ref. Ord. Cmt.

- 298/06 Appointment –Airport Commission -Mr. Paul Meli, 61 Eastside Street– Mayor Sullivan-Ref to Personnel
- 299/06 Appointment – Airport Commission – Mr. Daniel Foley, 11 Cyr Drive – Mayor Sullivan-Ref to Personnel
- 300/06 Appointment –Council on Aging – Mr. Bernie Greenside - 603 Haverhill Street - Mayor Sullivan – Ref to Personnel
- 301/06 Appointment – Council on Aging – Ms. Lola Nelson, 54 Groton St.-Mayor Sullivan-Ref to Personnel
- 302/06 Appointment – Council on Aging – Ms. Ramona Martinez – 264 E. Haverhill Street –Mayor Sullivan-Ref to Personnel
- 303/06 Appointment - Lawrence Housing Authority – Ms. Teresa Mejia, 122 Amesbury Street – Mayor Sullivan-Ref to Personnel
- 304/06 Appointment – Licensing Board – Mr. Richard Fielding, 51 Stevens St.– Mayor Sullivan-Ref to Personnel

V: APPROPRIATIONS-ORDERS-RESOLUTIONS- None

VI: COMMITTEE REPORTS:

Doc. #290/06: City Charter Violation – Ord. Comm.- Approved -Letter to Ethics

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

Upon being recognized, Councilor Frechette stated that the measures proposes to seek and opinion from the Massachusetts Ethics Commission concerning possible City Charter violations.

Council President Blanchette stated he opposes the item and that it may not be appropriate to seek an opinion from the Ethics Commission regarding matters pertaining to the implementation of the City Charter for the City of Lawrence.

The Council Members present voted to approve the measure presented as follows:

Yes = 6; No = 2; Absent =1:

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

Doc. 290/06: Approved

Doc. 294/06: Fire Equipment Surplus – Sale – Ord. Comm.-Approved

At the request of Council President Blanchette, Councilor Kolofoles read the report of the Ordinance Committee. The report was presented in the form of a motion for approval and seconded by Councilor Gosselin. The Council Members present voted unanimously [8-0;

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Councilor Alvarez-Rodriguez absent from the chamber at the time of the vote] for the sale of Surplus Fire Equipment.

Doc. 294/06: Approved

Doc. 278/06: School Committee Member – filling vacancy of Amy McGovern- Comm. of the Whole-Peter Larocque-Approved

Councilor Frechette introduced the item on behalf of the Committee on the Whole and reported the proceedings of the Committee on the Whole referring two candidates, Linda Arsenault and Peter Larocque, for consideration of the City Council Members to fill the vacancy left as a result of the resignation of School Committee Member Amy McGovern serving District E. Councilor Frechette stated that the candidate, if selected and approved, will be selected to complete the balance of the term remaining.

Councilor Frechette presented a motion to accept the report of the Committee on the Whole which was seconded by Councilor Parolisi and unanimously [9-0] voted upon favorably by the Council Members Present.

Council President Blanchette explained the voting process and recording of votes to the Council Members present and requested the City Clerk to call the roll of the City Council and to record their vote for the first round.

Upon request of Council President Blanchette, the City Clerk proceeded to call the roll of the Council Members and recorded the first round of voting as follows:

Councilor Gosselin – Peter Larocque
 Councilor Gonzalez – Peter Larocque
 Councilor Parolisi – Linda Arsenault
 Councilor DiMarca – Linda Arsenault
 Councilor Kolofoles – Peter Larocque
 Councilor Alvarez-Rodriguez – Peter Larocque
 Councilor Silva – Linda Arsenault

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Councilor Frechette – Linda Arsenault
Councilor Blanchette – Peter Larocque

Upon completion of the roll call and recording of the vote of the individual Council Members, Council President Blanchette announced the results of the vote as follows: Linda Arsenault = 4 votes; Peter Larocque = 5 votes. Council President Blanchette announced that Peter Larocque was approved by vote of the City Council Members present having obtained 5 votes of the Council Members present. He thanked Linda Arsenault and all who submitted letters of interest for their participation in the process and congratulated Mr. Larocque for his selection to fill the District E School Committee vacancy. At the request of Council President Blanchette, City Clerk, William J. Maloney administered the Oath of Office to Peter Larocque as District E School Committee Member to fill the balance of the term remaining.

Mr. Larocque thanked the Council Members and spoke briefly in acceptance of the position.

Doc. 278/06: Peter Larocque - Approved

VII: WITHDRAWN – None

VIII: OLD BUSINESS - None

IX. TABLED MATTERS:

Doc. 261/06: Marion Avenue & County Road –abandonment-Approved

Councilor Parolisi presented a motion to remove the above item from the “table” as seconded by Councilor DiMarca. The Council Members present voted unanimously to take up Doc. 261/06 concerning the abandonment of Marion Avenue and County Road.

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Council President Blanchette introduced the item and asked the Planning Director, Michael Sweeney to address the Council.

Prior to presentation, Councilor Alvarez-Rodriguez asked if a public hearing was necessary to close these streets. Director Sweeney stated that the City Attorney Charles Boddy assured him that a public hearing was not necessary.

Upon being granted the floor, Councilor Kolofoles stated that it would be unfair to close these two streets or any other streets without public notice and without a public hearing prior to any action taken by the City Council. Councilor Kolofoles presented a motion to order a public hearing which was seconded by Councilor Alvarez-Rodriguez.

Council President Blanchette stated that the matter is not before the City Council for the purpose of arranging a public hearing.

Councilor Kolofoles reasoned that because the public ways were established by amendment to the City Ordinances with prior public notice and public hearing they should not be terminated without being subjected to the same public process. In addition, he stated that the people who own property on these streets or who live in the proximity of these streets may be interested in offering comment and their particular input on the petition to close the streets and should be afforded the opportunity.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that it was in the best interest of the City and the people that a public hearing be held on the matter even if a public hearing is not required. Councilor Alvarez-Rodriguez stated that she was not sure if she would vote favorably or unfavorably on the petition presented without a public hearing.

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Upon being granted the floor, Councilor Frechette discussed the procedural history of the item and stated that he does not believe a public hearing will benefit the issue presented to the City Council Members for consideration. Councilor Frechette stated that he was prepared to vote on the matter.

Councilor Alvarez-Rodriguez commented that she believes that it is a better practice to use the public hearing process in a democratic manner to obtain as much information and public comment on the matter to allow the Council Members the ability to be better informed prior to making any decision on the item.

Upon being granted the floor Councilor DiMarca discussed his affiliation and association with Central Catholic High School and stated that he favors the democratic process as well. He stated that it is his opinion that the City Council Members stand in a representative capacity for their constituents and that the process that is being followed has been fair and reasonable.

Upon being recognized Councilor Silva commented about incidents occurring in the community regarding this matter.

Upon being granted the floor, Councilor Gonzalez stated that he has not heard from Central Catholic, the proponents of the measure. He stated that he is the duly elected representative of the District where both public ways exist and that he has not been afforded the proper respect for his position as an elected District Councilor.

Council President Blanchette informed the Council Members present that the item appears on the agenda at the request of Mayor Sullivan.

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Upon being granted the floor, Councilor Kolofoles clarified that his position is not intended to oppose the petition presented by representative of Central Catholic. Councilor Kolofoles offered information about the proceedings before the Planning Department which are not the same as a hearing that is publicly advertised by the City Clerk in accord with the lawful provisions of the City Charter.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that she believed the item was tabled quickly upon its prior presentment to the City Council.

Upon no further comment or discussion offered, Council President Blanchette called the motion to order a public hearing as presented by Councilor Kolofoles and seconded by Councilor Alvarez-Rodriguez. The Council Members present voted to defeat the motion to order a public hearing as follows: Yes = 3; No = 6:

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

Upon resuming consideration of the matter, Council President Blanchette requested Planning Director Sweeney, to provide information to the Council Members regarding the petition.

[8:41 p.m. – Councilor Gonzalez left the City Council Chamber and did not return for the remainder of the meeting].

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Director Sweeney presented the proposed construction plan to the Council Members present and stated that he has a petition signed by residents in the area who favor the abandonment of Marion Avenue and County Road.

Council President Blanchette thanked Director Mike Sweeney for his presentation and comments on the manner and asked for further comment or questions from the Council Members Present.

Upon being granted the floor, Councilor DiMarca asked Director Sweeney several questions concerning the proposed project.

Councilor Parolisi commented that he had taken steps in the past to improve the area in a similar manner as Recreation Director. He stated that the proposed plan appears reasonable and in order and that he is ready to vote favorably upon the measure.

Councilor Gosselin stated that she agrees with Councilor Parolisi and is also ready to vote favorably on the matter.

Councilor Alvarez-Rodriguez presented a motion to abandon Marion Avenue and County Road which was seconded by Councilor Gosselin.

Councilor Alvarez-Rodriguez proceeded to ask Director Sweeney several questions regarding the proposal submitted. Upon conclusion of her inquiry, Councilor Alvarez-Rodriguez stated that she would vote favorably on the measure presented.

Upon being recognized, Councilor Kolofoles posed several questions to Director Sweeney regarding the abandonment or discontinuance of the streets subject to the petition. Councilor Kolofoles asked what the impact abandonment might have regarding use and access of the roadways around Central Catholic after the project is complete.

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At the request of Councilor Frechette, Director Sweeney provided additional information about the construction of a public walkway to be built around the Spicket River once the roadways are closed.

Council President Blanchette thanked the Planning Director Sweeney for his presentation and preparation on the proposal. Council President Blanchette stated that he favors the proposed development and hoped the completed project will settle the matter.

Upon no further comment or inquiry, the Council Members present voted unanimously to approve the measure as presented. [9-0]

Doc. 261/06 – Approved

Doc. 277/06 Veterans Affairs Director – Daniel Lannon – termination review – Pers. Comm.-Employment Terminated

Councilor Parolisi presented a motion to remove the above item from the “table” which was seconded by Councilor Frechette. The Council Members present voted unanimously to remove Doc. 277/06 from the table to hold termination proceedings of Veterans Affairs Director Daniel Lannon.

Council President Blanchette presented the matter and stated that the measure had been previously tabled to allow Director Lannon to personally appear before the City Council. Upon completion of Council President Blanchette’s presentment, Director Lannon asked the City Council to permit the proceeding to take place in Executive Session stating that it concerning issues of employment performance.

Councilor Alvarez-Rodriguez presented a motion to conduct further proceedings on this matter in Executive Session for the reasons advanced by Director Lannon. The motion was seconded by Councilor Silva and unanimously approved [9-0] by the Council Members

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present. Upon recording of the vote upon the motion presented, the Lawrence City Council declared itself to be in Executive Session at 9:45 p.m. Whereupon, all members of the public were asked to remove themselves from the City Council Chamber room and the public access television system was turned off.

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[9:45 p.m. – proceeding held in Executive Session]

EXECUTIVE SESSION OF THE LAWRENCE CITY COUNCIL

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**Doc. 277/06 Veterans Affairs Director – Daniel Lannon – termination review – Pers.
Comm.- Employment Terminated**

**ALL REQUESTS TO OBTAIN A COPY OF ALL EXECUTIVE SESSION MINUTES
MUST BE PRESENTED IN WRITING AND SIGNED BY THE PERSON
REQUESTING THE DOCUMENT.**

**PLEASE FORWARD ANY REQUEST TO THE OFFICE OF THE CITY CLERK,
ATTN: CITY CLERK, 200 COMMON STREET, LAWRENCE, MA 01840 –
[TEL: 1-978-794-5803]**

**[12:35 a.m. – Councilor Alvarez-Rodriguez left the City Council Chamber and did not
return for the remainder of the meeting]**

[12:46 a.m. – Executive Session ended and Public Proceedings Resumed]

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Councilor Parolisi presented a motion to terminate the Executive Session and resume the public proceedings of the Lawrence City Council which was seconded by Councilor Frechette and unanimously approved [9-0] by the Council Members present at 12:46 a.m. Whereupon, members of the public were invited to return to the City Council Chamber room to observe the proceedings and the public access television system was turned on to record further proceedings.

Upon the recording of the vote to end Executive Session by the City Clerk, Council President Blanchette explained the reason for conducting proceedings in Executive Session to the public present or watching the proceeding on cable access television. Upon completing the informational explanation by Council President Blanchette, Councilor Frechette presented a motion to adopt Mayor Sullivan's recommendation to terminate the employment of Daniel Lannon as Director of Veteran Affairs. The motion was seconded by Councilor Parolisi and the measure was approved by vote of the City Council as follows: Yes = 6; No = 0; Absent = 2; Present = 1:

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Councilor Frechette –Yes
 Councilor Silva - Yes
 Councilor Alvarez-Rodriguez - Absent
 Councilor Kolofoles - Yes
 Councilor DiMarca - Yes
 Councilor Parolisi – Yes
 Councilor Gonzalez - Absent
 Councilor Gosselin - Present
 Councilor Blanchette – Yes

Doc. 277/06 – Employment Terminated

The following items remain “tabled” without further action:

60/06 Zoning Board of Appeals, Planning Board, Lawrence Redevelopment Authority & Conservation Commission – hearing held
 99/06 National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures on East Gilbert Street – hearing held
 146/06 Captain Pizza-262 Essex St. –permission to place tables and chairs on sidewalk
 215/06 Good Citizenship Award – Mayor
 128/06 Acting Jobs Positions and Consultants – on more than 90 days
 257/06 Resolution – Dr. Claire Paradiso

X: NEW BUSINESS:

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

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

296/06 National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures – Midland Street - Ref. to Ordinance
 305/06 Stop Sign – Floral Street – Counc. Kolofoles – Ref. to Ordinance
 306/06 Water Rates Increase FY'07 – Frank McCann, Jr., Director of Public Works-Ref to Ord.
 307/06 Stop Sign – Salem Street at Osgood Street – Counc. Gosselin – Ref. to Ordinance

Item(s) Added/Addressed at Meeting

New Business

308/06 Stop Sign-Dale St. and Allston St. – Counc. Pres. Blanchette-Ref to Ordinance

XI: ADJOURNMENT:

Upon a motion to adjourn made by Councilor Parolisi and duly seconded by

Councilor DiMarca the Council Members present voted unanimously [7-0] to Adjourn.

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ADJOURNED
(12:51 p.m.)

Attest:

William J. Maloney
City Clerk