

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Wednesday, November 8, 2006

A **REGULAR MEETING** of the City Council was held on **Wednesday, November 8, 2006** at 7:05 p.m. in the City Council Chamber with all Members present, except Councilor Frechette. Council President Blanchette presided over the meeting.

Approximately Thirty Two [32] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES:

Council President Blanchette informed the Council Members present that the minutes of City Council Meetings conducted August 15, 2006 and August 29, 2006 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon a motion to approve the Minutes presented by Councilor Parolisi, seconded by Councilor Kolofoles, the Council Members present voted unanimously [8-0] to approve the minutes as submitted.

II. PUBLIC PARTICIPATION:

Council President Blanchette requested those who wished to provide public input and participation to present themselves and address the City Council. Upon the invitation of Council President Blanchette, the following individuals addressed the City Council:

Francis Cialek 260 South Union Street, Lawrence, MA spoke in opposition of the pending City bi-weekly payroll to be placed in effect in January of 2007.

Judith Solivan 7 Trenton St., Lawrence, MA asked the City Council to assist with her tax assessment dispute with the City of Lawrence.

[Wednesday, November 8, 2006]

Joyce Campagnone, 7 Trenton St., Lawrence, MA spoke in support of Ms. Solivan's tax dispute. She informed the Council Members about the dispute and requested the City Council intervene to assure that the taxes that were overpaid by Ms. Solivan be returned to her without further delay.

III. PUBLIC HEARINGS:

Doc. 266/06: Stop Sign and Flashing Red Light – Salem and Osgood Streets – Hearing Held– Approved - 30 Days Waived

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

An individual identifying himself as "James" [last name and residence unknown] stated that he was a resident of the area and location where the traffic control will be placed if approved. He stated that a four way control to have motorist "stop" at Salem and Osgood Street is necessary to reduce speeding and accidents at this location.

Francis Cialek, 260 South Union Street, Lawrence, MA spoke in favor of the propose measure.

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 no discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the

[Wednesday, November 8, 2006]

Members present to consider the matter presented. Upon a motion to approve the measure presented by Councilor Kolofoles, as seconded by Councilor Alvarez-Rodriguez, the Council Members present voted unanimously [8-0] to approve the measure. Councilor Kolofoles further moved to waive any applicable 30 days waiting period required by section 3.8(a) of The Lawrence City Charter was seconded and unanimously approved by the Council Members Present [8-0].

Councilor President Blanchette thanked the church and Councilor Gosselin for their efforts and support for the approval of this measure.

Doc. 266/06 - Approved-30days Waived

Doc. 281/06: Handicapped Parking Sign – 9 Whitman Street – Hearing Held-Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above matter as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members. Upon no public comment offered on the matter, Council President Blanchette closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion. Upon no discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the measure and waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter presented by Councilor Kolofoles, as seconded by Councilor Gonzalez, the Council Members present voted unanimously [8-0] to

[Wednesday, November 8, 2006]

approve the Handicapped Parking Sign at 9 Whitman Street. **Doc. 281/06 - Approved-30**

Days Waived

Doc. 282/06: Parking – Chickering Street – no parking signs on east side – Hearing Held– Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above matter as published. Upon the conclusion of the Clerk's reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members. Upon no public comment offered on the matter, Council President Blanchette closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion. Upon no discussion or comment offered by the Council Members present, Council President Blanchette closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the measure presented by Councilor Kolofoles, as seconded by Councilor DiMarca, the Council Members present voted unanimously [8-0] to approve no parking signs on the east side of Chickering Street. **Doc.**

282/06 - Approved

Doc. 286A/06: Handicapped Parking – 11 Byron Avenue – Hearing Held – Approved

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

[Wednesday, November 8, 2006]

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

Upon a motion to approve the measure presented by Councilor Kolofoles as seconded by Councilor Gonzalez, the Council Members present voted unanimously [8-0] to approve a Handicapped Parking Sign at 11 Byron Ave.

Doc. 286A/06 -

Approved

Doc. 296/06: National Grid and Verizon – permission to locate poles, wires and fixtures – Midland Street – Hearing Held – Approved

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above matter as mailed to the abutters of the location as provided to the City Clerk by the Assessor's Office for the Lawrence. 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.

At the request of Councilor Kolofoles, a representative appearing on behalf of National Grid, Inc. [the petitioner] explained the proposed installation of poles and wires subject to the petition.

[Wednesday, November 8, 2006]

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

Upon a motion to approve the measure presented by Councilor Kolofoles, as seconded by Councilor Parolisi, the Council Members present voted unanimously [8-0] to approve National Grid and Verizon's request to locate poles, wires and fixtures on Midland Street. **Doc. 296/06 -**

Approved

IV: COMMUNICAITONS FROM MAYOR, CITY OFFICIALS, AND CITY ATTORNEY:

Council President Blanchette called the following two matters to the attention of the Council Members appearing on the Agenda which were referred as indicated:

Doc. 324/06: Community Development Action Grant (CDAG) - funding to restore two bridges that span the Canal – Mayor Sullivan – Ref to Ordinance

Doc. 325/06: Amesbury Street, North Canal Driveway Apron Improvements- Parcels 3 & 4 - Atty. Charles D. Boddy, Jr. – Ref to Ordinance

Doc. 326/06: Marston Street – update on Tax Agreement, Environmental Issues – Michael R. Sweeney - Planning Department Director - Presented

Council President Blanchette introduced Doc. 326/06 and requested Planning Director Michael Sweeney to provide the Council Members with further information concerning the matter for presentation.

Director Sweeney discussed and explained the proposed tax agreement proposed. He also discussed the environmental issues concerning the Marston Street site formally known as Tombarellos Salvage Company.

[Wednesday, November 8, 2006]

Upon being recognized, Councilor Alvarez-Rodriguez thanked all who were involved with the project and for bringing the matter to a favorable resolution to the benefit of the area residents and all the people of the City of Lawrence.

Council President Blanchette commended Councilor Alvarez-Rodriguez for her support and leadership in this matter.

Upon being recognized, Councilor Kolofoles asked Director Sweeney if he knew the amount of the property taxes that were outstanding on the property. Director Sweeney stated that the amount due is approximately \$300,000.00. Councilor Kolofoles proceeded to discuss the method and manner of payment as proposed.

Council President Blanchette thanked Director Sweeney, Mayor Sullivan, and Inspectional Services Director Carolyn Ganley for their hard work resolving this matter. Council President Blanchette stated further that the tax agreement for payment was a positive measure that directly benefits the City and its residents.

Councilor Alvarez-Rodriguez commented that the Methuen residents who also live in the area of this site are also very grateful for the action of the Lawrence City Council.

Doc. 326/06 - Presented

**Doc. 329/06: Snow Emergency Plan – Frank McCann, Jr.,
DPW Director – Presented**

Council President Blanchette introduced the item and asked Joe Viel, who appeared on behalf of Director Frank McCann, to present information concerning the Snow Emergency Plan to be placed into effect in the City of Lawrence.

Mr. Viel introduced the proposed snow removal plan citing new and improved equipment to be put into service. He also informed the Council Members present that new

[Wednesday, November 8, 2006]

subcontractors had been hired to perform functions that were beyond the capability of the Department of Public Works.

Upon being recognized Councilor Kolofoles discussed his concerns about the City towing schedule and asked Mayor Sullivan about the use of two companies whose offices are located in Methuen rather than Lawrence.

Mayor Sullivan discussed the topics covered at a recent meeting where the implementation of the proposed plan was presented. He stated that the contractor selection process included multiple criteria and the information provided resulted in his approval of the towing contractors submitted. Mayor Sullivan stated that any information the Council Members would like concerning these companies would be provided.

Councilor Kolofoles praised the laborers working for the Department of Public Works in the City of Lawrence citing the difficulty and excellence of their work. He also stated that it would be a service to the public if cable access television notice could be provided of roadway access during a snow emergency as part of the plan.

Upon being granted the floor, Councilor Gonzalez stated that Mr. Viel was doing an excellent job particularly in District C. He thanked Mr. Viel for his assistance and stated that he was confident that the service being provided will continue to be excellent in the future.

Upon being recognized, Councilor Alvarez-Rodriguez stated that issues regarding handicapped parking locations are constantly raised by her constituents and stated that other problems that recur are the snow covered fire hydrants and ice clogged snow drains. She asked if these particular items could be watched more closely during and after snow storms it would assist the public.

[Wednesday, November 8, 2006]

Upon being recognized, Councilor Silva suggested that the sidewalks and bridge walkways be cleared so school children and the elderly are not forced to walk in the street particularly in locations near school buildings and elderly housing facilities.

Council President Blanchette stated he will forward the information provided by Mr. Viel for posting on cable access Channel 22.

Upon being recognized, Councilor Kolofos stated that the City vehicles should be required to have easily visible signs for identification as City vehicles. He asked that the Mayor arrange to purchase larger signs to be affixed to all City vehicles so people can easily identify the vehicles that the City of Lawrence may put into operation.

Mayor Sullivan commented that the City website can be accessed by the public to obtain information during any snow emergency that may occur during the upcoming winter season.

In conclusion, Councilor Alvarez-Rodriguez stated that Haverhill Street and Prospect Street may require additional attention to prevent ice and snow buildup because this location is very dangerous during snow and ice storms.

Doc. 329/06 - Presented

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

Doc. 338/06: Appointment – Human Rights Commission – re-appointment – Pastor Victor Jarvis – Mayor Sullivan – Referred to Personnel

V. APPROPRIATIONS-ORDERS-RESOLUTION: - None

[Wednesday, November 8, 2006]

VI. COMMITTEE REPORTS:

**Doc. 205/06: Loading Zone– Motta’s Club –147 Jackson Street – Ord. Comm. –
Hearing Ordered**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee to order a public hearing, in the form of a motion, which was duly seconded by Councilor Gosselin and unanimously [8-0] voted upon by Council Members present.

Doc. 205/06 - Public Hearing Ordered

Doc. 306/06: Water Rate Increase – Ordinance Committee – Public Hearing Ordered

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion, seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [8-0].

Doc. 306/06 - Public Hearing Ordered

**Doc. 312/06: National Grid and Verizon – request to locate poles, wires and fixtures –
Hampshire St.- Ord. Comm. – Public Hearing Ordered**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was presented in the form of a motion, seconded by Councilor Gonzalez and unanimously approved by the Council Members present [8-0].

Doc. 312/06 - Public Hearing Ordered

**Doc. 310/06: Handicapped – to be deleted - 67 Lynn Street –
Ord. Comm. – Approved**

[Wednesday, November 8, 2006]

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 deletion of the Handicapped sign at 67 Lynn Street, which was duly seconded by Councilor Gonzalez and unanimously [8-0] voted upon by Council Members present.

Doc. 310/06 - Approved

Upon the motion of Councilor Alvarez-Rodriguez, seconded by Councilor Kolofoles, the following items were unanimously approved by the Council Members present [8-0] to consider them as a block.

Upon the motion of Councilor Alvarez-Rodriguez, seconded by Councilor Kolofoles, the following items were declared surplus by unanimous vote of the Council Members present [8-0].

**Doc. 313/06: Surplus Property – 352 Broadway Street – Housing Comm. –
Declared Surplus**

**Doc. 314/06: Surplus Property – 426-428 Broadway Street – Housing Comm. –
Declared Surplus**

**Doc. 315/06: Surplus Property – 4 Brook Street – Housing Comm. –
Declared Surplus**

**Doc. 301/06: Appointment - Council on Aging – Ms. Lola Nelson – 54 Groton St. –
Pers. Comm. – Tabled**

At the request of Council President Blanchette, Councilor Silva presented the report from the Personnel Committed in the form of a motion to appoint Ms. Lola Nelson to Council on Aging contingent upon the applicant's attendance and approval by the Full City Council. The motion was seconded by Councilor Gonzalez.

[Wednesday, November 8, 2006]

Councilor Silva stated that Ms. Nelson was not in attendance this evening as expected and withdrew her motion for approval since the contingency requirement had not been met.

Councilor DiMarca presented a motion to “table” the measure which was seconded by Councilor Parolisi and unanimously [8-0] approved by Council Members present.

Doc. 301/06 - Tabled

**Doc. 316/06: Appointment – Planning Board – Norman B. Nimmo –
Pers. Comm. – Approved**

At the request of Council President Blanchette, Councilor Silva presented the report from the Personnel Committed in the form of a motion to appoint Norman B. Nimmo to the Planning Board. The motion was seconded by Councilor Gosselin.

Upon being granted the floor, Councilor Silva read an opinion from the City Attorney stating that it was legally permissible to appoint a non-citizen to a Municipal Board. She stated that it was her opinion that anyone being considered for appointment to Municipal Boards in the City of Lawrence should be a registered voter. Since Mr. Nimmo is not a registered voter she stated that she could not act favorably on this application.

Upon being recognized, Councilor DiMarca stated he was not a United States citizen when he was “asked” to serve in Vietnam by the United States Military. Based upon the ability of the United States to qualify an individual for conscripted military service, a prerequisite of “citizenship” for the appointment to a Municipal Board is not only unnecessary but invalid..

Upon being recognized, Councilor Parolisi informed the Council Members present that Mr. Nimmo has submitted his application for United States Citizenship which is expected to be approved.

[Wednesday, November 8, 2006]

Upon being recognized, Councilor Alvarez-Rodriguez asked Planning Director Michael Sweeney about Mr. Nimmo's performance as a sitting Planning Board Member. Director Sweeney stated that Mr. Nimmo's performance and attendance have been excellent. He stated that employees of the Planning Department speak highly of Mr. Nimmo. Director Sweeney stated that he believes that Mr. Nimmo's service as a sitting member of the Planning Board has been exemplary and that the Council Members should favorably consider his reappointment. Councilor Alvarez-Rodriguez concluded by stating that she would vote favorably upon the application presented.

Upon being recognized, Councilor Kolofoles asked Director Sweeney for the time frame for the term being recommended. Director Sweeney stated that the term of re-appointment is for five years beginning July 2006. Director Sweeney also discussed the current Planning Board Membership and operations.

Councilor Kolofoles asked Councilor DiMarca if he was ultimately drafted - Councilor DiMarca stated that he "served".

Upon no further inquiry or discussion on the matter, Council President Blanchette thanked Director Sweeney for his comments on the request for appointment. He also thanked Mr. Nimmo for his diligence and hard work on the Planning Board and stated that the question of "citizenship" as a requirement for appointment to a Municipal Board was rare.

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.

[Wednesday, November 8, 2006]

Upon vote of the Council Members present, the measure was approved as follows: Yes = 7;

No = 1; Absent = 1:

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 - Absent
 Council Pres. Patrick Blanchette – Yes

Doc. 316/06 - Approved

Doc. 317/06: Appointment – Prospect Hill Historical Commission – Gloria Schwarz – Pers. Comm. – Approved

At the request of Council President Blanchette, Councilor Silva presented the report from the Personnel Committee in the form of a motion to appoint Gloria Schwartz to the Prospect Hill Historical Commission pending her attending the full Council meeting. The motion was seconded by Councilor Parolisi.

Upon being recognized Councilor Alvarez-Rodriguez praised Gloria Schwartz for her years of service on the Historic Commission.

Council President Blanchette commented on Ms. Schwartz years of work and how she continued the tradition of her husband.

Councilor Kolofoles also commended Ms. Schwartz's work on the Prospect Hill Historical Commission.

Upon no further comments Council President Blanchette called the motion to the attention of the Council Members present The Council Members present unanimously

[Wednesday, November 8, 2006]

approved the appointment of Gloria Swartz to the Prospect Hill Historic Commission

[8-0].

Doc. 317/06 - Approved

Doc. 319/06: Triumph Leasing Corporation Contract – request to extend for three additional years – Budget and Finance Commission – Approved

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

At the request of Councilor Kolofoles, Kathleen Flanagan, appearing on behalf of the Lawrence Police Department, explained the particulars of the trailer rental/lease agreement.

Ms. Flanagan stated that it was advantageous for the Police Department to lease the trailer rather than purchase it because the lease agreement could be terminated at any time if necessary.

Upon being recognized, Councilor Silva stated that she was never provided a copy of the lease agreement and would have had many questions about the agreement if she had been provided a copy.

Upon being recognized Councilor Alvarez-Rodriguez discussed the necessity of building a “state of the art” police facility and would vote favorably due to the need to use these this alternative facility until a new Police Station is built.

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: Yes = 7;

No = 1;- Absent = 1:

[Wednesday, November 8, 2006]

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

Doc. 319/06 - Approved

VII. WITHDRAWALS:

Upon being granted the floor, Councilor Kolofoles stated that he would like to propose certain matters for withdrawal that are currently pending before the Ordinance Committee. Councilor Kolofoles presented a motion to address these matters in “block” form. The motion was seconded by Councilor Alvarez-Rodriguez and the following items were unanimously approved for withdrawal by the Council Members present [8-0].

Doc. 14/06: Voter Registration Card – Ord. Comm. - Withdrawn

Doc. 57/06: License Commission – full time position – Ord. Comm. - Withdrawn

Doc. 71/06: Media Poll Access Policy – Ord. Comm. - Withdrawn

Doc. 89/06: New Voting Booth – Ord. Comm. - Withdrawn

**Doc. 211/06: Appleton and Pemberton Way – agreement enforced –
 Ord.Comm. - Withdrawn**

Doc. 254/06: Hispanic Image Foundation – Ord. Comm. - Withdrawn

Doc. 308/06: Stop Sign - Dale and Allston Streets – Ord. Comm. – Withdrawn

**Doc. 304/06: Appointment – Licensing Board – Mr. Richard Fielding– 51 Steven Street
 – Pers. Comm. – Withdraw/Defeated - Approved**

[Wednesday, November 8, 2006]

At the request of Council President Blanchette, Councilor Silva presented the report of the Personnel Committee favoring the withdrawal of the item from the City Council Agenda. Councilor Silva presented the report in the form of a motion to withdraw which was seconded by Councilor Gonzalez.

Upon being recognized, Councilor Parolisi stated the motion to withdraw from the Personnel Committee was unanimous [3-0] which was based on an opinion from the City Attorney who contacted General Counsel to The State Ethics Commission. Councilor Parolisi stated that the Members of the Personnel Committee were informed that General Counsel for the Commission provided an opinion that the applicant may be approved to serve on the Licensing Board with certain restrictions. Councilor Parolisi explained the process of verification and approval recommended by the State Ethics Commission. Councilor Parolisi stated that based on the information being provided by the Ethics Commission, he would not vote to withdraw the measure.

Upon being granted the floor, Councilor Silva stated that she has researched information concerning the State Ethics Commission and State Alcohol Beverage Control Commission. She stated it was her opinion that the applicant, Mr. Fielding, must resign from his interest in all establishments before being recommended for the position by the Mayor. Councilor Silva stated that immediate action on the application must be taken by the City Council based upon Section 3.7 (a) of the City Charter which could result in appointment by default if no action is taken.

Upon being recognized, Councilor Parolisi stated that Councilor Silva's information contradicts the City Attorney and State Ethics Commission's opinion regarding this matter.

[Wednesday, November 8, 2006]

Councilor Silva stated that the City Attorney has provided incorrect information before and that her information is not contradictory. She stated further that there were many other qualified applicants for the position; Ms. Leona DiClara in particular. Councilor Silva stated that she took the “heat” before the Safety Committee instead of Councilor DiMarca and Councilor Parolisi.

Upon being recognized, Councilor Parolisi commented that it is the Council’s job to take action based on recommendations presented by the Mayor.

Upon being granted the floor, Councilor Gonzalez stated that he believes that Mr. Fielding may not best represent the City of Lawrence because of his present affiliations.

Upon being recognized, Councilor Silva stated that Mr. Fielding never appeared before the Personnel Committee and was never interviewed.

Upon being granted the floor, Councilor DiMarca commented that Personnel Director Frank Bonet has recently asked to have C.O.R.I. checks done on all applicants.

Council President Blanchette explained that the measure needs to be approved by the City Council first.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked City Clerk William Maloney, to provide the date of the Mayor’s memo. The City Clerk informed the Council that the memo was dated Sept. 28, 2006 and docketed Oct. 3, 2006.

Upon being recognized, Councilor Kolofoles stated that he is concerned that the applicant may be appointed by default pursuant to Section 3.7 (a) of the City Charter which requires the City Council to take action on every recommendation received within a certain limited time frame.

[Wednesday, November 8, 2006]

Council President Blanchette explained the term “inaction” to the Council Members present as it applies to Section 3.7 (a) of the City Charter. He stated that the recommendation presented in this matters is not in danger of being approved by default pursuant to Section 3.7 (a).

Councilor Kolofoles continued by discussing other concerns he has about the ability of Mr. Fielding to serve on matters that may be presented before the Licensing Board. He stated that he believes the opinion of The Ethics Commission limit Mr. Fielding’s ability to vote or decide many cases or issues that are presented for determination by the Licensing Board. Councilor Kolofoles suggested the item should be tabled until the matter is more thoroughly reviewed.

Council President Blanchette stated that Mr. Fielding deserves a decision of the City Council to approve or deny the recommendation for appointment presented. He stated that The Ethics Commission is the highest State Authority concerning conflict issues and it is the opinion of The Ethics Commission that Mr. Fielding is eligible to serve on the Licensing Board. Council President Blanchette stated that he does not believe that social club membership alone is not a disqualifying issue in this or any other case. He stated that he is a long time member of the Rocky Club and his membership with this social organization does not prohibit him from voting on the approval or disapproval of any applicant recommended for appointment to the Licensing Board. He stated that he was ready to render a vote on the matter presented. Council President Blanchette invited Mayor Sullivan to address the Council Members regarding the recommendation as presented.

[Wednesday, November 8, 2006]

Councilor Silva stated that she objected to the procedure of allowing Mayor Sullivan to address the Council Members on the matter presented and by way of motion she invokes City Council Rule 9. The motion was seconded by Councilor Alvarez-Rodriguez and defeated by vote of the Council Members present as follows: YES = 1; NO = 8; ABSENT = 1:

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

A motion presented by Councilor Kolofoles to reconsider failed Rule 9 vote was seconded by Councilor Silva and defeated by vote of the Council Members present as follows: YES = 3; NO = 5; ABSENT = 1:

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

Upon conclusion of the vote to reconsider, Council President Blanchette invited Mayor Sullivan to address the Council Members present.

[Wednesday, November 8, 2006]

Mayor Sullivan discussed the importance of allowing Mr. Fielding to proceed through the approval process in the normal course. He stated that Mr. Fielding would prove to be a great member of the Licensing Board if approved.

Upon being recognized, Councilor Kolofoles asked Mayor Sullivan if he was aware of the applicable rules and regulations pertaining to required party affiliation for the total membership of the Licensing Board. In response, Mayor Sullivan stated that Mr. Fielding is a member of the Republican Party and is recommended to fill a position being vacated by a member of the Republican Party.

Councilor Kolofoles presented a motion to “table” the matter which failed for lack of a second.

At the request of Council President Blanchette, Mr. Richard Fielding presented himself to address the Council Members present and to answer any questions they may have regarding his application for appointment. Mr. Fielding introduced himself to the Council Members and recounted his history of State and Federal appointments to various boards and commissions in the past. He stated that he is currently a member of the Lawrence British Club and a stockholder in the organization.

Upon being granted the floor, Councilor Gonzalez asked Mr. Fielding if he is a member of the Lawrence High School Construction Board. Mr. Fielding stated that he is a member of the Lawrence High School Construction Board.

Upon being recognized, Councilor Silva asked Mr. Fielding who interviewed him for the Licensing Board position from the Mayor’s Office. Mr. Fielding stated that he was interviewed by Mark Sullivan, Colie Ryan, and an individual named Efrain. He stated that

[Wednesday, November 8, 2006]

he could not recall Efrain's last name. Councilor Silva informed Mr. Fielding that her concerns are purely professional and not personal. Councilor Silva discussed the history of the prior Board Member and reasons for Mr. Fielding's recommendation presented by the Mayor. She stated that although she has no personal objection to Mr. Fielding, she cannot support the recommendation.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked Mr. Fielding if he would be required to resign from the British Club prior to his appointment. Mr. Fielding stated he believes he would have to resign as a share holder in the corporation but not as a member of the social organization. Councilor Alvarez-Rodriguez asked Mr. Fielding if he would be disqualified as a member of the School Construction Board. Council President Blanchette informed the Council Members that the School Construction Board is not a City Board.

Councilor Alvarez-Rodriguez stated she believes Mayor Sullivan was going to withdraw the nomination. She suggested that it may be that Mr. Fielding may be required to resign his corporate position with the Lawrence British Club before submitting an application for consideration of appointment. Councilor Alvarez-Rodriguez asked Mr. Fielding if there would be a financial impact if he were required to surrender his license. Mr. Fielding stated that he would not suffer any financial consequences if he surrendered his license at the British Club but he would continue to remain a member.

Upon being granted the floor, Councilor Silva stated that according to the records of The Secretary of State for the Commonwealth of Massachusetts, the Lawrence British Club

[Wednesday, November 8, 2006]

last filed an Annual Report in March of 2005. She stated that her concern is that the work required as a license Commissioner has to be properly and accurately completed. In response to questions about the individual he would replace on the Licensing Commission, Mr. Fielding stated the he has no opinion to offer about the former member.

Upon being recognized, Councilor Kolofoles asked Mr. Fielding when he heard about the vacancy. Mr. Fielding replied three years ago. A discussion among the Council Members ensued about the procedures for publishing vacancies through the Mayor's Office.

Upon inquiry by Councilor Kolofoles, Mayor Sullivan stated that the three individuals who interviewed Mr. Fielding for the position were Mark Sullivan, Colie Ryan and Efrain Rolon.

Councilor Kolofoles asked Mr. Fielding if he would be allowed to vote as a Member of the Licensing Board if he continued to be a member of The Lawrence British Club. Mr. Fielding stated that membership to the organization alone does not prevent him from voting on matters before the Licensing Board. He stated that he would not be allowed to vote as a Licensing Board Member if he were to continue as a license holder of the Corporation.

Council President Blanchette stated that membership with a social club may not affect the ability to approve the recommendation on this appointment. That issue has not been determined and may be subject to a later opinion and determination by the City Attorney.

Councilor Kolofoles asked Mr. Fielding about his opinion regarding the recent request by the Lawrence Police Department to require establishments in the City of Lawrence to close at 11:00 p.m. and early weekend closing hours. Councilor Kolofoles then

[Wednesday, November 8, 2006]

read Attorney Boddy's opinion letter regarding the recommended appointment of Mr. Fielding to the Licensing Board into the record.

Upon being recognized Councilor Alvarez-Rodriguez asked Mr. Fielding several questions about possible conflicts he may have due to his service and association with several boards and commissions other than the Licensing Board.

Councilor Kolofoles asked Mr. Fielding if he would be willing to conduct investigations into allegations presented to the Licensing Commission – Mr. Fielding stated that he would be willing and able to conduct any investigation as necessary.

Upon no further discussion, comment, or inquiry on the matter presented, the Council Members defeated the motion to withdraw the item upon the following vote:

Yes = 2; No = 6; Absent = 1

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

Upon conclusion of the defeated vote to withdraw, Councilor Parolisi presented a motion to approve the Mayor's recommendation to appoint Mr. Richard Fielding to the Licensing Board. The motion was seconded by Councilor Gosselin and approved by the Council Members as follows: Yes = 6; No = 2; Absent. = 1:

Councilor Frechette – Absent
 Councilor Silva - No
 Councilor Alvarez-Rodriguez - Yes
 Councilor Kolofoles - Yes

[Wednesday, November 8, 2006]

Councilor DiMarca - Yes
 Councilor Parolisi – Yes
 Councilor Gonzalez - No
 Councilor Gosselin - Yes
 Councilor Blanchette – Yes

Doc. 304/06 - Withdraw/Defeated - Approved

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
 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:

321/06 Resident Sticker Parking – Ferguson Street – Counc. Gosselin and Joseph Viel, DPW-Ref to Ordinance
 322/06 Handicapped Parking Sign – 56 Floral Street - Maritza Padron – Ref to Ordinance
 323/06 Parking – 64 Milton Street – 15 minute – Counc. Kolofoles – Ref to Ordinance
 327/06 Bilingual Coordinator- Salary review – William J. Maloney, City Clerk-Ref to Budget & Finance
 328/06 Prior Year Invoices FY 2006 – Frank McCann, Jr., DPW Director – Budget & Finance
 330/06 Parking – Nightingale Court – restrictions – one side – Counc. Kolofoles – Ref to Ord.
 331/06 Parking – Caulkins Court – restrictions – one side – Counc. Kolofoles-Ref to Ord.
 332/06 Parking – Riverview Place – restrictions – one side – Counc. Kolofoles-Ref to Ord.
 333/06 World Aids Day –request permission to use the sidewalk around the Common Park and to place a stage on Appleton Way for a Candlelight Vigil and Moment of Reflection on Dec. 1, 2006 – Juan Luberes, Greater Lawrence Family Health Center-Ref. to Ord.
 334/06 Monarch on the Merrimack – Wood Mill, LLC – 250 Merrimack St.- TIF/EOA Applications – Orlando Salazar, Economic Development Coordinator-Ref to B & F
 335/06 Disposition – 1-3 Howe Court – request to rescind Sale on Prior RFP – Michael R. Sweeney, Planning Department Director-Ref to Housing

[Wednesday, November 8, 2006]

- 336/06 Appointment – Zoning Board – nomination – Atty. Robert F. O’Koniewski –
Michael R. Sweeney, Planning Department Director – Ref to Personnel
- 337/06 Handicapped Parking Signs – 161 Saratoga Street & 6 Saratoga Street – to be removed
Ref to Ordinance

ITEMS ADDED AT THE MEETING

- 339/06 No Parking Signs – 27-29 Loring Street – Council Pres. Blanchette – Ref to Ord.

XI. ADJOURNMENT:

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

ADJOURNED
(9:55p.m.)

Attest:

William J. Maloney
City Clerk