

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, November 21, 2006

A **REGULAR MEETING** of the City Council was held on **Tuesday, November 21, 2006** at 7:09 p.m. in the City Council Chamber with all Members present. Council President Blanchette presided over the meeting.

Approximately eight [8] 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 themselves and address the City Council. Upon the invitation of Council President Blanchette, the following individuals addressed the City Council:

Joseph D'Amico 11 Lorenzo Rd. Lawrence, MA spoke about the application of General Law, Chapter 138 as it relates to the recent appointment of Richard Fielding to the Licensing Board.

John Lydon 9 Munroe Street, Lawrence, MA encouraged the Council to use the appeal process for General Law, Chapter 138 dispute.

Jose Arias 254 Jackson Street, Lawrence, MA spoke in favor the "white goods" trash ordinance but he believes the proposed fee increases are not justified. He stated that he and others in the City of Lawrence cannot afford increases in the fees.

III. PUBLIC HEARINGS: - None

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IV: COMMUNICATION FROM MAYOR, CITY OFFICIALS & CITY ATTORNEY:

Doc. 340/06: Lawrence/Methuen Community Coalition – Harold Magoon – Thanksgiving and Christmas Holiday Events – Counc. Silva – Presented

Council President Blanchette introduced the item and asked Councilor Silva to address the matter. Councilor Silva stated that Harold Magoon was not in attendance but that she had a letter from him to read addressing the measure and thanking the Lawrence/Methuen Commission Coalition.

Doc. 340/06: Presented

Doc. 341/06: Mayor’s Health Task Force – request 15 minutes for an informational Power Point Presentation on “diesel’ and its effects on health of our community – Milagro Grullon. Neighborhood Planner/Mayor’s Health Task Force Coordinator – Presented and Discussed

Council President Blanchette introduced the measure and requested Milagro Grullon, the Neighborhood Planner/Mayor’s Health Task Force Coordinator to present the measure. Milagro Grullon greeted the Council Members and introduced Samuel Krasnow from Environment Northeast who presented a power point demonstration of “diesel” and its effects on the health of the Lawrence community.

Upon conclusion of the presentation Councilor Alvarez-Rodriguez asked if compliance with suggested remedies effected the rates of diesel pollution.

Mr. Krasnow discussed instances of measurable improvement based upon evidence of clean-up measures taken such as filter technology and imposing an engine rebuilt rule.

Councilor Alvarez-Rodriguez discussed the various illnesses and diseases that diesel pollution causes. She also praised the City Council Members support through its resolve to implore the State Legislative to take action to reduce diesel pollution.

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Councilor Alvarez-Rodriguez presented a motion to allow the Community Development Department to pursue diesel pollution clean-up grants.

Council President Blanchette suggested that a motion may not be required to have Community Development pursue grants it may received for a particular purpose.

Councilor Alvarez-Rodriguez stated that the motion was intended to affirm the City Council's position on the matter and believed it would provide support for diesel cleanup.

Upon being granted the floor, Councilor DiMarca thanked Mr. Krasnow for bringing the matter to the attention of the City Council.

Upon being recognized, Councilor Kolofoles commented that he will bring the information provided to the Tower Hill Association.

Council President Blanchette thanked Ms. Grullon for her efforts to bring this matter to the attention of the City Council Members and the public. He also thanked Mr. Krasnow for the information presented.

Doc. 341/06: Presented

Doc. 346/06: Ethic, ABCC and Secretary of State Opinion – possible conflict of interest - Councilor Silva – Presented – Discussed

Council President Blanchette recognized Councilor Silva and requested she present the matter.

Councilor Silva commented that she would request that the City Attorney continue to investigate a possible conflict of interest that Mr. Richard Fielding may have occurred as a result of his recent appointment to the Licensing Board. She also stated that she requests that the City Attorney also investigate possible violations of the City Charter resulting from the Mr. Fielding's appointment to the Licensing Board citing his current and continued

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membership with the Lawrence Housing Authority while he remains a member of the Licensing Board. She further requested that the Council consider “tabling” Mr. Fielding’s approval and delay the administration of the Oath of Office until additional information is obtained and further action that may be necessary is taken. Councilor Silva presented a motion to “table” the appointment.

Council President Blanchette stated that Councilor Silva was not on the prevailing side of the vote approving Mr. Fielding and the item currently before the Council is an item other than the approval measure.

Councilor Silva stated that a possible conflict of interest exists with Mr. Fielding being appointed to the Licensing Board and information she has researched supports that finding.

Council President Blanchette stated that the Lawrence Housing Authority is not a Board of the City of Lawrence even though members of that board may serve the City of Lawrence. A discussion ensued between Council President Blanchette and Councilor Silva regarding the approval process.

In response to information requested by Councilor Alvarez-Rodriguez, Council President Blanchette stated that “tabling” the matter presently before the City Council would have no impact upon the appointment of Mr. Fielding.

Councilor Kolofoles inquired about the comments of the City Attorney regarding the appointment of Mr. Fielding and suggested that all information in the possession of the City Attorney be forwarded to the City Council Members.

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Council President Blanchette informed the Council Members that Mr. Fielding was sworn in as a member of the Licensing Board and the City Council may not have jurisdictional authority to remove him from the position without a prior recommendation from the Mayor.

In response to questions posed by Councilor Kolofoles, Councilor Silva stated that she expects to receive information concerning Mr. Fielding's conflict of interest in his appointment with the Licensing Board. She also stated that she believes the City Charter has been violated.

Councilor Kolofoles agreed with Councilor Silva that the City Charter has been violated in regard to the action taken to swear Mr. Fielding into the position on the Licensing Board approved by the City Council. A discussion between Councilor Kolofoles and Council President Blanchette ensued about the section of the City Charter that may have been violated.

Upon being recognized, Councilor DiMarca discussed the approval process and stated that it appears that Mr. Fielding has divested himself of his interest in other establishments to relieve any conflict that may have existed.

Upon being recognized, Councilor Parolisi stated that the vote to approve Mr. Fielding as a member of the Licensing Board was based upon a legal opinion provided by the City Attorney. He stated that he did not believe there is a violation of the City Charter in this instance and the appointment should stand.

As a point of information, Councilor Kolofoles stated that no one is permitted to serve on two City Boards at the same time.

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Council President Blanchette suggested to the Council Members if sufficient information is presented to demonstrate a conflict of interest with Mr. Fielding's appointment then action should be taken. He stated that the matter is presented on the agenda as a "Communication" which has been presented.

Doc. 346/06 - Presented

Doc. 348/06: Economic Development Department – to update on the relocation of the tenants of the Intown Mall – Counc. Silva – Presented & Discussed

Council President Blanchette introduced the item and recognized Councilor Silva to present the matter to the Council Members present.

Councilor Silva asked Community Development Director Ezra Glenn to address the Council Members and present an update on the proposed relocation of the tenants occupying the In-town Mall.

Economic Development Director Ezra Glenn discussed the progress of relocating In-town Mall tenants. He explained that the Community Development Department is following the requirements of the Uniform Relocation Act. At the request of Councilor Silva, Director Glenn explained the relocation process to the Council Members present.

Upon being recognized, Councilor DiMarca discussed the Northern Essex's payment of consultants for relocation.

Upon being granted the floor Councilor Kolofoles discussed the relocation and the notice to quit process relied upon to serve the tenants of the building.

At the request of Councilor Frechette, Councilor Kolofoles explained that City Ordinances concerning the collection of rents were being violated. Councilor Kolofoles also

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discussed the relocation process and anticipated court action if tenants fail to vacate in accord with the notices being served.

Director Glenn discussed the matter and stated that the obligation to pursue any necessary court action will depend upon who owns the property at the time the notice to quit becomes actionable. Director Glenn stated that Mr. Jack Fitzpatrick is presently assigned to collect rents due from current tenants on behalf of the City of Lawrence.

Upon no further inquiry or discussion by the Council Members present, the matter was closed.

Doc. 348/06 - Presented

V. APPROPRIATIONS-ORDERS-RESOLUTION:

Council President Blanchette brought the matter listed below to the attention of the Council Members present and referred the items to the Council Subcommittee as indicated:

Doc. 342/06: Appropriation – Snow and Sanding in accordance with Chapter 44, Section 31D, MGL-Frank McCann, Jr., DPW Director-Ref to Budget & Finance

VI. COMMITTEE REPORTS:

Doc. 166/06: Revenues Generating Workshop – Ord. Comm. – Charter Objection

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee to order a public hearing. The report was presented in the form of a motion to order a public hearing which was duly seconded by Councilor Parolisi.

Discussion among the Council Members present ensued about the proper title of the document.

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Upon being recognized, Councilor Gonzalez stated that imposition of the fees for trash to be collected as proposed may cause the targeted items to be abandoned in empty lots and other locations throughout the City.

Councilor Kolofoles stated that he believes the title of the measure was inconsistent with the action the measure was intended to address. He stated that he believed the item before the City Council Members was not the item addressed by the Ordinance Committee.

Council President Blanchette stated that the item presented “is” the correct item and that it appears that the title should reference “Trash Disposal Fees” rather than “Revenue Generating Workshop”. He stated that the title appearing on the Council Agenda and in the Ordinance Committee report is misleading and requested the City Clerk to amend the title to accurately reflect the measure presented.

Councilor Kolofoles stated that the item before the Council “is not” the same item considered by the Ordinance Committee for public hearing and entered a Charter Objection on the matter thereby terminating all further discussion and action.

Doc. 166/06 - Charter Objection

**Doc. 240/06: Commercial Vehicles – Temple to Market St. and Temple to Portland 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 Frechette, and unanimously approved by the Council Members present [9-0].

Doc. 240/06 - Public Hearing Ordered

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**Doc. 324/06: CDAG Funding to restore two bridges that span the Canal –
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 Frechette, and unanimously approved by the Council Members present [9-0].

Doc. 324/06 - Approved

**Doc. 249/06: Lawrence Retirement Board – Ch. 55, Sec 3 of Ch. 64 –
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 Frechette, and unanimously approved by the Council Members present [9-0].

Doc. 249/06 - Approved

**Doc. 274/06: Tenney Street (between Park and Arlington Streets) to be closed during
school dismissal-Ord. Comm. – Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee to approve Tenney Street (between Park and Arlington Streets) be closed during school dismissal. The report was presented in the form of a motion to approve the measure presented, seconded by Councilor Frechette.

By way of information, Council President Blanchette stated that a public hearing was not necessary to approve the measure due to an opinion presented by City Attorney Charles Boddy that indicated that an amendment to the Revised Ordinances was not necessary.

Council President Blanchette further explained that The Lawrence Police Department has the

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authority under current ordinance provisions to close any street in the City of Lawrence for public safety reasons.

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

Doc. 274/06 - Approved

Doc. 325/06: Amesbury Street, North Canal Driveway Apron Improvements – Ord. Comm. – Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee recommending the approval of the measure presented. The report was presented in the form of a motion and seconded by Councilor Frechette.

Upon being recognized Councilor Kolofoles explained the work to be done by the petitioner as presented in the petition.

Upon no further comment or discussion offered, The Council Members present voted unanimously to approve the measure [9-0].

Doc. 325/06 - Approved

Doc. 333/06: World Aids Day – 12/1/06 – use of public sidewalks around Common Ord. Comm. – Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report of the Ordinance Committee recommending the approval of the petition presented. The report was presented in the form of a motion and seconded by Councilor Frechette.

After receiving information about the event from Councilor Alvarez-Rodriguez, The Council Members present voted unanimously to approve the petition as presented [9-0].

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Doc. 333/06 - Approved

Doc. 337/06: Handicapped Parking Signs – 161 Saratoga St. & 6 Saratoga St. – to be removed – Ordinance to be Deleted - Ord. Comm – Approved

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve the removal of the Handicapped sign at 161 Saratoga Street & 6 Saratoga Street and to delete any affected Revised City Ordinance that may exist. The motion was seconded by Councilor Frechette and unanimously [9-0] voted upon by Council Members present.

Doc. 337/06 - Approved

Doc. 328/06: Prior Year Invoices FY '06 – “Pay the Invoices” – Budget and Finance Comm. – 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 prior year invoices FY 2006 as presented. The motion was seconded by Councilor Frechette and unanimously approved by the Council Members present. [9-0].

Doc. 328/06 - Approved

Doc. 334/06: Monarch on Merrimack –Wood Mill, LLC– 250 Merrimack St. – Budget and Finance Committee – Approved

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

Upon being recognized, Councilor Alvarez-Rodriguez asked Orlando Salazar of the Community Development Department to provide further information concerning the TIF application and process.

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After Mr. Salazar provided the additional information requested, the petitioner [Mr. Robert Ansin] was invited by Council President Blanchette to address the Council Members present to provide further information describing the proposed construction.

Upon being recognized, Councilor Silva stated that the project was very positive and very promising. She stated that she would be voting favorably on the petition presented.

Council President Blanchette stated that the project is already having a positive impact on Lawrence Businesses as evidenced by the work being performed on the buildings owned by Mr. Ansin and the use of local construction companies and suppliers to complete renovations.

Upon no further comment or discussion offered, The Council Members present voted unanimously to approve the measure [9-0].

Doc. 334/06 - Approved

Doc. 336/06: Appointment – Zoning Board of Appeals – 3 yr. term. – Atty. Robert O’Koniewski-Personnel - Committee - Approved

At the request of Council President Blanchette, Councilor Silva presented the report from the Personnel Committed in the form of a motion to approve the appointment of Attorney Robert O’Koniewski to the Zoning Board of Appeals as of January 1, 2007. The motion was seconded by Councilor Parolisi.

Upon being recognized, Councilor Kolofoles posed questions to Attorney O’Koniewski about his interest on the Zoning Board of Appeals and past experiences as a member of the Lawrence Redevelopment Authority. Questions were also asked by Councilor Kolofoles about Attorney O’Koniewski’s knowledge about the current Zoning Laws and regulations.

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Upon no further comment, inquiry, or discussion the Council Members present voted unanimously [8-0] to approve the appointment of Mr. O’Koniewski to the Zoning Board of Appeals. [Councilor Alvarez-Rodriguez left the Council Chamber and was marked “Absent”]

Doc. 336/06 - Approved

Doc. 335/06: Disposition – 1-3 Howe Court – request to rescind Sale on Prior RFP – Michael R. Sweeney, Planning Department Director – 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 request to rescind the prior Request For Proposal as approved by the City Council for the disposition of 1-3 Howe Court. The motion was seconded by Councilor Parolisi and unanimously [9-0] approved by the Council Members present.

Doc. 335/06 - Approved

Doc. 225/06: Surplus Declaration –48 Pleasant Street – M. Sweeney, Planning Dir.- Housing Committee – Declared Surplus

At the request of Council President Blanchette, Councilor Alvarez-Rodriguez presented the report from the Housing Committee in the form of a motion to declare 48 Pleasant Street surplus property. The motion was seconded by Councilor Parolisi and unanimously [9-0] approved by the Council Members present.

Doc. 225/06 - Declared Surplus

VII. WITHDRAWALS:

Council President Blanchette granted Councilor Kolofoles the floor for the purpose of presenting items to be considered for withdrawal from the City Council Agenda. Councilor Kolofoles moved to present the matters listed below in “block” form recommending the same

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items to be withdrawn from the Agenda of the Lawrence City Council. The motion was seconded by Councilor Frechette and Council Members present voted unanimously [9-0] to withdraw the following matters from the City Council Agenda:

Doc. 120/06: Chickering St. to Winthrop Ave.- “Do not enter” Sign – Ordinance Committee – Withdrawn

Doc. 311/06: Handicapped Parking – 34 Walnut Street – Ordinance Committee – Withdrawn

Doc. 120/06 and Doc. 311/06: Withdrawn

Council President Blanchette granted Councilor Parolisi the floor for the purpose of presenting items to be considered for withdrawal from the City Council Agenda . Councilor Parolisi presented a motion to withdraw the items listed below from the City Council Agenda in “block” form. The motion was seconded by Councilor Frechette and Council Members present voted unanimously [9-0] to withdraw the following matters from the City Council Agenda:

Doc. 10/04: Water Treatment – update – Budget and Finance Committee – Withdrawn

Doc. 36/04: TIF’S – modify to reflect pay back of public funds for non-compliance Budget and Finance Committee – Withdrawn

Doc. 60/04: Capital Budget – execution timeline – Budget and Finance Committee – Withdrawn

Doc. 269/04: Water, Sewer Depts. Review of budget – Budget and Finance Committee – Withdrawn

VIII. OLD BUSINESS: - None

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

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

343/06	Consolidation of voting locations – Prospect Hill – Council Pres. Blanchette-Ref to Ord.
344/06	CORI Checks for elected officials and appointed officials hired by the City - Councilor Silva – Ref. to Committee on the Whole
345/06	Boards and Commissions applicants – must be a registered voter to apply- Councilor Silva-Ref to Ord.
347/06	City Departments – request to up-to-date reports – Councilor Silva-Ref. to Committee on the Whole
349/06	National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures – Osgood Street-Ref. to Ord.
350/06	Disclosure of Financial Interest by Municipal Employee – Frank Martin, Firefighter, Lawrence Fire Dept. - Ref. to Ord.
351/06	Oak Street – procedure to close streets during school dismissal –Council Pres. Blanchette & Councilor Silva – Ref. to Ord.
352/06	FY 2007 Tax Recapitulation – John L. Griffin, Budget and Finance Director-Ref to Budget & Finance
353/06	FY 2007 Tax Classification Factor – John L. Griffin, Budget and Finance Director-Ref to Budget & Finance
354/06	Verizon New England, Inc. – request to place conduits – Methuen and Amesbury Streets-Ref to Ordinance

In conclusion, the Members of the Lawrence City Council spoke individually and extended their wishes for a Happy Thanksgiving to everyone.

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XI. ADJOURNMENT:

Upon the motion presented by Councilor DiMarca as seconded by Councilor Frechette, the Council Members present voted unanimously to Adjourn.

**ADJOURNED
(9:20p.m.)**

Attest:

William J. Maloney
City Clerk