

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, December 5, 2006

A **REGULAR MEETING** of the City Council was held on **Tuesday, December 5, 2006** at 7:09 p.m. in the City Council Chamber with all Members present. Council President Blanchette presided over the meeting.

Approximately Fifty Six [56] 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 Boren ,49 Basswood St., Lawrence, MA asked the Council to change the tax billing months to be different from the current billing of December, April and September. He finds it very difficult to collect rents from tenants particularly during December and April and has difficulty paying these bills timely.

Nereyda Trempe 149 Margin Street, Lawrence, MA asked to have Council consider placing an item on the City Council Agenda to review the performance of the City Building Commissioner.

Geraldo Torres, (unknown address) stated that the City Council should review the performance of the Building Commissioner at a future City Council Meeting.

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Lindy Galland, 196 West Street Lawrence, MA spoke in support of the efforts expended by Reverend James Stokes to provide toys through the United States Marine Toys for Tots Program. She also praised Councilor Gosselin as well for her work and other Council Members for their attendance at recent events to have toys donated to the program.

Ellie Curtin 98 Essex Street, Lawrence, MA stated that parking restrictions on Mill Street are being unfairly enforced since One Mill Street restaurant closed. She stated that the result is that people now park in the limited parking locations near the elderly complex and the Museum Square complex nearby forcing elderly and other residents to walk a greater distance to their homes.

Saed Coates, 11 Lawrence Street, Lawrence, MA stated that it is insufficient to simply publish the winter parking restrictions in the newspaper. He suggested that street signs would give the public better notice of the restrictions and asked the City Council to review the enforcement provisions.

Dave Mazaglia, local 3 labor union representative, spoke against the bi-weekly payroll which he claimed contravenes the SEIU union contract.

III. PUBLIC HEARINGS:

Doc. 205/06: Loading Zone– Motta’s Club –147 Jackson Street – 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.

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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 [9-0] to approve the measure.

Doc. 205/06 - Approved-30 Days Waived

**Doc. 240/06: Commercial Vehicles – Temple to Market St. and Temple to Portland St.
–Hearing Held - Approved**

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

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

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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 Parolisi, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 240/06 - Approved

Doc. 306/06: Water Rate Increase – Hearing Held - Approved

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

Frank McCann, Director of Public Works, spoke in favor of the petition.

Lindy Galland Lawrence, MA stated that she does not apposed to an increase in water rates as long as it is reasonable and small in relation to the expected tax rate increase.

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

A motion was presented by Councilor Parolisi to approve the water rate increase. The motion was seconded by Councilor Frechette.

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Upon being recognized for discussion, Councilor Alvarez-Rodriguez asked DPW Director Frank McCann to discuss the manner the new rates were calculated and to explain the reasons for the proposed increase. At the request of Councilor Director McCann discussed present and future water treatment projects and service improvements anticipated through 2008.

Councilor Alvarez-Rodriguez asked Chief of Staff, Myles Burke if any of the proposed increase amounts were considered in the FY 2007 budget submitted by the administration. Director McCann explained that the proposed rate reflects necessary revenues and expenses of operations.

Councilor Alvarez-Rodriguez stated that she believes the work on water service infrastructure proposed by the DPW and Water Department may not be absolutely necessary and questioned whether or not the proposed rate should be adopted at this time.

Chief of Staff, Myles Burke and Director McCann stated that the proposed water rate should be passed by the City Council.

Councilor Alvarez-Rodriguez stated that she opposes increases that continually request the taxpayer to pay more money through fees and taxes.

At the request of Council President Blanchette, Mr. Burke provided the Council Members present with a summary of Mr. Jacobs' consulting costs and expenses.

Councilor Alvarez-Rodriguez continued by stating that lack of planning defeats any possibility for performance based management. Councilor Alvarez-Rodriguez stated that she will have a hard time voting in favor of the proposed water rate increase.

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Upon being granted the floor, Councilor DiMarca discussed the necessity of replacing existing equipment to assure water service is delivered properly and continually maintained. At the request of Councilor DiMarca, Director McCann informed the Council Members that about 60-70 % of the system is insufficient to adequately deliver water service throughout the City. He concluded that the continuous efforts to improve and up-grade service are costly and very expensive. He stated that he could not speculate about the cost but knows that if the rates are not increased commensurately then service will suffer. Director McCann stated that it would be ideal to have a program in place that continuously reviews and updates service in targeted locations until every portion of the system has been reviewed and updated.

Councilor DiMarca asked whether a rate lower than 2.50 per cubic ft can be adopted to properly complete the work necessary for maintenance and operations. Director McCann stated that adopting a rate lower than the one proposed would not be sufficient to continue maintenance and improvements in the water system.

Upon being granted the floor, Councilor Parolisi asked Director McCann for the previous rate [1.87 per cu ft.] and the reason for proposing a flat rate rather than a rate differential for residential and commercial use.

Director McCann explained that the water use study conducted in the City of Lawrence indicates that a flat rate would be optimum because many commercial users are no longer in business and it would result in a fair distribution of cost to the residential users. A discussion ensued among the Council Members and Director McCann regarding comparative water rates applied by area communities.

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Upon being granted the floor, Councilor Silva stated that the costs of operating a household is directly in contrast to the proposed rate increase. She suggested that operating budgets should follow the national consumer price index. Directing her questions to Mr. McCann, Councilor Silva asked if the company providing services to the City were required to bid on the \$800,000.00 contract. Director McCann stated that the expense was done in and around city facilities and that the cost and expense is expected to be capitalized.

Councilor Silva asked Director McCann if the proposed rate has anything to do with the projects being implemented by Bryan Cahoon within the Water Department. Director McCann stated that Mr. Cahoon's involvement concerns "IT" work performed for the Water Department. He explained that the cost and expense of "IT" work is not reflected in the water department rates. Further inquiry and discussion ensued about work being performed by the "IT" Department and other vendor contracts with the Water Department. Councilor Silva concluded by stating that constituents are genuinely concerned about increases in the water use rates being proposed.

Upon being granted the floor Councilor Kolofoles asked Chief of Staff Myles Burke to provide the documents that were previously requested. Mr. Burke stated that he will provide them as soon as possible but that he did not have them with him at this time.

Councilor Kolofoles asked Director McCann about the 1999-2000 proposal to privatize the water department that failed. Director McCann explained the advantages of completing the new water facility without privatization. Addressing the Water Commissioner, Robert Fazio, Councilor Kolofoles asked if the City of Lynn was "comparable" to "Lawrence". Water Department Director Robert Fazio stated that the

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consultants did provide a comparative study but he didn't believe that Lynn was one of the communities included in that study. He stated that a further study could be provided if necessary. A discussion ensued concerning billing the City of Lawrence for certain construction and maintenance charges. Councilor Kolofoles commented that he has been received complaints from residents concerning the proposed increase in water use rates and he proposed methods of addressing the matter. He stated that the rate payers cannot afford an increase at this time.

Council President Blanchette asked Director McCann if the specific amounts of increases are accurate – Director McCann answered “yes”.

Continuing his inquiry, Councilor Kolofoles asked the management consultants present to explain the method of calculating the annual average increases. Mr. Garvey [one of the consultant representatives present] explained the process used to reach the average amounts referenced in the report. In conclusion, Councilor Kolofoles asked Director McCann to arrange a comparative study with the City of Lynn as soon as possible.

Upon being granted the floor, Councilor Frechette provided a brief history of the water rate process before the City Council and its Sub-Committees. He stated that the proposed rate increase is required to keep the Water Rate Enterprise Fund from running at a deficit which may result in reduce services or possible layoffs. Councilor Frechette stated no other reasonable proposal or plan has been proposed that will result in the required Enterprise Fund being balanced. He stated that one of the biggest complaints he has been receiving is the manner that the water meters are being read to report usage.

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Upon being recognized, Councilor Gonzalez stated that he disagrees with Councilor Frechette regarding the needs of the people of Lawrence. In response, Councilor Frechette stated that he objects to Councilor Gonzalez' comments.

Upon being granted the floor, Councilor Alvarez-Rodriguez asked Chief of Staff Myles Burke if the proposed increase in the water rates were approved would that necessarily result in an increase in the property tax rate. Mr. Burke stated that the Mayor is making every effort not to increase property taxes. Councilor Alvarez-Rodriguez stated that she cannot justify voting for the approval of the proposed increase in water rates. A discussion ensued between Councilor Alvarez-Rodriguez, Councilor DiMarca, and Council President Blanchette regarding the ability and discretion of the Mayor to increase taxes without City Council approval.

Upon being recognized Councilor Silva stated that she opposes the proposed water rate increase.

Upon being granted the floor, Councilor Kolofoles requested Councilor Parolisi to accept a friendly amendment to the motion presented by Councilor Parolisi to cut the proposed increase in half. Councilor Parolisi rejected the amendment proposed by Councilor Kolofoles. Councilor Kolofoles stated that he cannot support the proposed increase in the water rate.

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 = 5; No = 4.

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

Doc. 306/06 - Approved

Councilor Alvarez-Rodriguez presented a motion to take documents 359/06,360/06,361/06 and 362/06 out of the order appearing on the agenda. The motion was seconded and unanimously approved by the Council Members present [9-0].

Councilor Alvarez-Rodriguez presented and read the Resolutions listed below.

359/06	Resolution-Rosalina Nieves-Councilor Alvarez-Rodriguez-Presented
360/06	Resolution-Luis Bonilla -Councilor Alvarez-Rodriguez-Presented
361/06	Resolution-Rev. Cecilio Perez -Councilor Alvarez-Rodriguez-Presented
362/06	Resolution-Juventud Boricua -Councilor Alvarez-Rodriguez-Presented

**Doc. 312/06: National Grid & Verizon–request to locate poles, wires and fixtures–
 Hampshire St. – Hearing Held – Approved**

At the request of Council President Blanchette, the City Clerk read the public hearing notice regarding the above item as published. Upon the conclusion of the Clerk’s reading of the public notice, Council President Blanchette opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members. Upon no public comment offered on the matter, Council President

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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 [9-0] to approve the petition as presented.

Doc. 312/06 - Approved

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

Doc. 356/06: Presentation and Up-Date-Lawrence Police Department- Camera System @ South Union Street and Parker Street –Councilor Silva – Presented – Ref to Ordinance

At the request of Council President Blanchette, Councilor Silva introduced the matter to the Council Members present and stated that she placed the item on the agenda due to her concerns that the Massachusetts Merit Rating Board would impose a rate surcharge on the auto insurance policies of individuals who are found responsible for the offenses resulting from violations occurring at the locations where remote cameras would be installed and operating. She stated that she believes this result is contrary to the information provided to the City Council by Lawrence Police Chief Romero during the presentation on the measure and that the lack of an auto insurance surcharge was critical to the approval of the measure.

Upon being recognized, Police Chief John Romero stated that the Police Department solicited bids to install the remote cameras and he has received three proposals. He stated

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that a review of the proposed citation process by representatives of the Merit Rating Board resulted in an opinion that the proposed system of violation and citation will result in an auto insurance surcharge upon a responsible finding. He stated that the Merit Rating Board is presently reviewing that decision to determine if there is a process available that does not result in imposition of an insurance surcharge. Chief Romero stated that he believes the violation, if determined, is not a surchargeable event and that if the Merit Rating Board finally determines that the violation results in the imposition of an insurance surcharge then it should be abandoned.

Upon being granted the floor, Councilor Frechette discussed the citation procedure with Chief Romero. Further discussions ensued with Councilor Parolisi regarding reasons for the approval of the original measure.

Upon no further comment or discussion of the matter, Council President Blanchette asked Chief Romero to keep the Council Members informed about any progress and thanked him and Councilor Silva for the informational presentation. Council President Blanchette referred the matter for further proceedings before the Ordinance Committee.

Doc. 356/06 - Presented – Ref to Ord.

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:

363/06: Appointment – Council on Aging – Gladys E. Owler – Mayor Sullivan- Ref. to Personnel

364/06: Appointment-Cultural Council Board-Ms. Dolores Calaf- Mayor Sullivan- Ref to Personnel

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V. APPROPRIATIONS-ORDERS-RESOLUTIONS:

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

At the request of Council President Blanchette, Councilor Parolisi presented the report from the Budget and Finance Committee in the form of a motion to approve the measure, which was duly seconded by Councilor DiMarca and unanimously [9-0] voted upon by Council Members present to approve the appropriation for snow and sanding in accordance with Chapter 44, Section 31D.

Doc. 342/06 - Approved

VI. COMMITTEE REPORTS:

**Doc. 327/06: Bilingual Coordinator- Salary review – William J. Maloney, City Clerk –
B & F Comm. - Approved**

At the request of Council President Blanchette, Councilor Parolisi presented the report from the Budget and Finance Committed in the form of a motion to approve the increase of the Bilingual Coordinator's salary, which was duly seconded by Councilor Kolofoles.

Upon being recognized, Councilor Frechette commented favorably on the matter and stated that Mr. Tejada was unfairly passed over for an increase in salary.

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

Doc. 327/06 - Approved

**Doc. 352/06: FY 2007 Tax Recapitulation–John L. Griffin, Budget and Finance
Director–Budget and Finance Committee - Approved**

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At the request of Council President Blanchette, Councilor Parolisi presented the report from the Budget and Finance Committee in the form of a motion to approve FY 2007 Tax Recapitulation which was seconded by Councilor Alvarez-Rodriguez.

Upon being recognized, Councilor Frechette asked that the City Council be provided with all memos sent from the Department of Revenue be provided to the Council Members.

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

Doc. 352/06 - Approved

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

At the request of Council President Blanchette, Councilor Silva presented the report from the Personnel Committee in the form of a motion to reappoint Pastor Victor Jarvis to the Human Rights Commission. The motion was seconded by Councilor Alvarez-Rodriguez.

Upon being recognized, Councilor Alvarez-Rodriguez asked Pastor Victor Jarvis about the duties and responsibilities of the assistants to the Human Rights Commission and the work they were performing. Reverend Jarvis described the assistant's duties and responsibilities as requested. Councilor Alvarez-Rodriguez also asked about information dissemination to which Reverend Jarvis stated that information was being disseminated to the public but the functions of the Commission were being hindered because the body lacked a quorum simply because there were not enough members appointed as of yet.

Councilor Alvarez-Rodriguez suggested that the current members should continue to work diligently even though there were not enough members to establish a quorum at this time.

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Upon being recognized Councilor DiMarca suggested that the Human Rights Commission serve in an advisory capacity until the membership reaches a quorum.

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

Doc. 338/06 - Approved

VII. WITHDRAWALS:

Council President Blanchette granted Councilor Parolisi the floor for the purpose of presenting items for withdrawal that remain pending before the Budget and Finance Committee. Councilor Parolisi moved to present the matters listed below in “block” form and recommended the Council Members consider withdrawing each of the items from the City Council Agenda. The motion was seconded by Councilor Gosselin and unanimously approved by the Council Members present [9-0]. Whereupon, the Council Members present voted unanimously [9-0] to withdraw the following matters from the City Council Agenda:

Doc. 108/06: Lawrence Downtown Parking Association – A list of members, Staff, number of parking lots in the City, reports, budget (Revenue, Expenditures) miscellaneous and contracts-Councilor Silva –Budget and Finance Committee - Withdrawn

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

VIII. OLD BUSINESS:

Doc. 166/06: Trash Disposal Fee – Ord. Comm. & hearing to be ordered – Charter Objection – Public Hearing Ordered

Council President Banchette provided the Council Members present with a brief legislative history of the above item and stated that a Charter Objection by Councilor

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Kolofoles was recorded at the last meeting of the City Council which resulting in the suspension of all further action until the present time. Council President Blanchette asked Councilor Kolofoles how he wished to proceed on the item. In response, Councilor Kolofoles read the report of the Ordinance Committee to proceed with a public hearing on the item. The motion for a public hearing was seconded by Councilor Parolisi and unanimously approved [9-0] by Council Members present.

Doc. 166/06 - Approved

IX. TABLED MATTERS:

Doc. 99/06: National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures on East Gilbert Street – hearing held - Approved

Councilor Kolofoles presented a motion to remove the item from the “table” which was seconded by Councilor Frechette and unanimously [9-0] approved by the Council Members present.

Councilor Alvarez-Rodriguez presented a motion to approve the petition presented which was seconded by Councilor Gosselin and unanimously [9-0] approved upon by Council Members present.

Doc. 99/06 - Approved

Doc. 146/06: Captain Pizza-262 Essex St. –permission to place tables and chairs on sidewalk – Withdrawn

Councilor Kolofoles presented a motion to remove the measure from the “table” which was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council Members present [9-0].

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Councilor Kolofoles presented a motion to withdraw the item from the Council Agenda which was seconded by Councilor Alvarez-Rodriguez and unanimously approved [9-0] by the Council Members present.

Doc. 146/06 - Withdrawn

**Doc. 301/06: Appointment – Council on Aging – Ms. Lola Nelson – 54 Groton St.-
Personnel Committee – Withdrawn**

Councilor Silva presented a motion to remove the measure from the “table” which was seconded by Councilor Frechette and unanimously approved by the Council Members present [9-0].

Councilor Silva moved to withdraw the item from the Council Agenda which was seconded by Councilor DiMarca and unanimously approved [9-0] by the Council Members present.

Doc. 301/06 - Withdrawn

The following items remained “tabled” without further action:

60/06	Zoning Board of Appeals, Planning Board, Lawrence Redevelopment Authority and Conservation Commission – hearing held
215/06	Good Citizenship Award – Mayor
128/06	Acting Jobs Positions and Consultants – on more than 90 days
257/06	Resolution – Dr. Claire Paradiso

X. NEW BUSINESS:

**Doc. 355/06: Petition for Auction License -309 Andover Street – December 19, 2006
(8:00 am to 4:00 p.m.- Koster Industries, Inc. – Approved**

Council President Blanchette introduced the measure informing the Council Members that the petitioner had been in contact with the City Clerk and filed an application for a “one day” license to conduct an auction at 309 Andover Street in Lawrence. He stated that if the

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usual procedure of filing the application for consideration by the Ordinance Committee and later recommendation were to be followed, the date of the proposed auction would pass since the next possible date for hearing on the item would be the day of the auction.

Upon being recognized, Councilor Alvarez-Rodriguez presented a motion to have the matter declared an emergency measure and to suspend the Rules of the City Council in order to immediately address the matter. The motion was seconded by Councilor Frechette and unanimously [9-0] voted upon by the Council Members present.

Councilor Parolisi presented a motion to approve the measure which was seconded by Councilor Gonzalez and unanimously approved [9-0] by the Council Members present.

Doc. 355/06 – Declared Emergency - Approved

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:

**357/06: Handicapped Parking- 36 Newton Street-Counc. Frechette –
Ref to Ord.**

**358/06: H & R Block- Request to use Campagnone Park to celebrate National Tax
Advice day – January 11, 2007 (11:00 am to 1:00 pm) – Ref to Ordinance**

XI. ADJOURNMENT:

Upon a Motion to Adjourn presented by Councilor Alvarez-Rodriguez as seconded by Councilor Parolisi, the Council Members present voted unanimously to Adjourn.

**ADJOURNED
(9:55p.m.)**

Attest:

William J. Maloney
City Clerk