

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, January 22, 2008

A **SPECIAL MEETING** of the City Council was held on **Tuesday, January 22, 2008** at 7: 07 p.m. in the City Council Chamber with all Members present.

Approximately One hundred plus [100 +] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: None

II. PUBLIC PARTICIPATION: None

Council President Blanchette announced the items for consideration.

Council President Blanchette invited Chief Takvorian for an update of the fire at Market and Parker Streets on Monday January 21, 2008. Chief Takvorian presented a status report of the fire occurring on January 21, 2008. Council President Blanchette thanked Chief Takvorian and the Lawrence Firefighters for their extra ordinary efforts.

III. PUBLIC HEARINGS:

Doc. 4/08: FY 2008 Budgetary Adjustments – Hearing – 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.

Mark Andrews, Budge and Finance Director, discussed the various budget amendments that will reduce the amounts as indicated.

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Francisco Urena, Veteran Affairs Director of Lawrence, stated he is in favor of the budget adjustments presented.

Fausto Nunez, 24 Crosby Street, Lawrence, MA thanked the Firefighters for their work. He read from a prepared statement stating his support for the Police Department, Fire Department, Senior Center and the School Department. He submitted a petition signed by home owners.

Chet Sidel, a Lawrence business owner stated that he is in favor of the proposed tax increases being presented. He urged the Council Members to approve the current tax proposal. He discussed the reductions in Auto Insurance Fraud Tax Force.

Gloria Schwartz, President of Prospect Hill Neighborhood Association commented that she supports the Firefighters and discussed the cost and expense of re-employment of laid-off firefighters.

Maureen Nimmo, Library Director, 24 Yale Street, Lawrence, MA asked the Council Members to approve the budget items presented.

Norman Nimmo 24 Yale Street, Lawrence, MA urged the Council Members to approve the proposed budgetary items for consideration. He presented the Council Members with a tax payer petition.

Linda Siegenthaler, 27 Ames Street, Lawrence, MA suggested that the Council Members and the Mayor engage in meaningful discussion regarding City finances. She commented that the Lawrence Library is the most important asset and should be financially preserved.

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Michael Miller, 90 Bowdoin Street, Lawrence, MA stated his support for the approval of the proposed financial measure.

Susan Fink, 6 Rockwood Lane, Lawrence, MA discussed the responsibility of financial aspects of home ownership. She commented that she supports the three financial proposals for consideration by the Council Members.

Barbara Jones, Greenfield Street, Lawrence, MA discussed her support for the financial proposals for consideration.

Lindy Galland, 196 West Street, Lawrence, MA commended the Firefighters for the tremendous work done over the past weekend. She stated that she does not believe the necessary services of police and fire personnel need to be “laid-off” even if the financial measures being proposed are not approved. She read various news articles appearing in recent publications. She discussed recent radio comments encouraging approval of tax increases. She also encouraged the Council to make the right decision.

Scott McNamara, President of the Lawrence Police Patrolman’s Union, stated the Police Union’s support of the three financial measures presented for consideration. He thanked the efforts of the Lawrence Firefighters in putting out the fire over the weekend. He discussed the crime fighting accomplishments of the Lawrence Police Department over the years.

Maurice Sargora, a Lawrence resident and Police Officer stated that he supports the approval of the financial measures presented for approval. He stated that the impact of failing to approve these measures will adversely affect the quality of life in Lawrence.

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Carol Cronin 214 Howard Street, Lawrence, MA commented that she supports the approval of the financial measures being presented for consideration. She stated that the Lawrence Library need the support of the financial measures presented to continue to operate effectively.

Tennis Lily, 40 Spruce Street, Lawrence, MA discussed the risks and effect that failing to raise taxes will have on the whole Lawrence Community.

Andrew Provencal, 141 Amesbury Street, Lawrence, MA stated his support of the financial measures presented for approval. He stated specific support of the Lawrence Library, Fire and Police Departments.

Maria Ramos 248 Farnham Street, Lawrence, MA asked that the Council keep the Libraries open.

Thomas Cuddy a Lawrence resident and Police Officer discussed the reasons he supports the approval of the financial measures presented to the City Council. He discussed the measure of dedication of all public safety officers as demonstrated by the emergency fire in South Lawrence over the weekend.

Kelly Martin, 87 Bailey Street, Lawrence, MA commented that she supports the proposed financial measures presented for approval.

Jessica Winiecki, 88 Bailey Street, Lawrence, MA stated that approval of the budget adjustments is a step toward fiscal financial responsibility. She encouraged the Council to keep the Lawrence citizens “safe” by preserving public safety.

Police Chief Romero commented on the extraordinary efforts of the Lawrence Fire Department in response to yesterday’s fire. He commented on his support of the financial

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measures presented for approval. Chief Romero discussed the anticipated and expected results if the proposed measures are not approved.

Fire Chief Takvorian, cited the two multiple alarm fires as proof that fire safety must be prioritized. He discussed the consequences of further staff cuts and the impact upon the public safety and mutual aid.

Norman Jones, 655 Andover Street, Lawrence, MA, from Corporate Express Co. discussed the impact that budget cuts and losses will have from a business perspective. He discussed the impact that “cuts” if implemented, may have upon his company and the community.

Patrick Driscoll, 60 Rollins Street, Lawrence, MA from the Lawrence Fire Department spoke in favor of approving the financial measures presented as a vote of confidence for public safety and the residents of Lawrence.

Linda McNeil, a non-resident of Lawrence spoke in support of the Lawrence Library and Lawrence Fire Department and cited the life saving measures taken by the Andover Firefighters who save her family. She asked for a moment of silence for Firefighter McGuire who died in action a year ago this past Christmas.

Daniel Clarke, a Lawrence resident spoke in favor of approving the financial measures presented for approval.

Sharon Hession, 74 Salem Street, Lawrence, MA discussed the expected result if the financial measures presented are not approved.

John Lydon, 9 Monroe Street, Lawrence, MA discussed the inequitable tax payment distribution between single family homes and multiple family dwellings. He also discussed

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the inequitable tax bills between businesses and home owners. He suggested that longevity payments should be ended in favor of retaining the employees that were recently terminated. Mr. Lydon commented that he supports the proposed financial measures presented.

Ms. Cerone, 70 Grafton Street, Lawrence, MA stated that she supports maintaining the Lawrence Library. She stated that the roads and street lighting can be improved.

Alan Andrews, President of the Lawrence Patrolman's Union stated that the loss of any Police Officer in Lawrence will have an adverse impact upon the City of Lawrence. He stated that he supports the proposed financial matters presented for approval.

Thomas Connors, a Lawrence resident commented on his support of the financial measures presented for approval.

Frank Cialek, 260 South Union Street, Lawrence, MA discussed the loss of the Glenn Street Fire Station and commented that its time to consider re-opening that fire station. He stated that the Council should hire the best Community Development Director for that position. Mr. Cialek stated that he supports the approval of the financial measures presented.

Joseph Parolisi, former City Councilor, stated he supports the financial measures presented for consideration.

Michael Driscoll, Captain of the Lawrence Police Department, discussed the improvements he has seen in diminished crime over the course of years. He stated that he supports the approval of the financial measures presented.

Barney Riley, 117 Bunkerhill Street Lawrence, MA, Director of Council on Aging, commented on the necessity of maintaining the staff of the Senior Center.

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Robert Silva, former Lawrence resident, discussed a recent quick response of Lawrence Firefighters and paramedics to a medical call to his parent's home. He stated that he supports retaining public safety and that proper management of city finances is necessary.

Mr. De LaCruz, stated he is disappointed that many low income residents are losing their homes as a result of high taxes and increased water rates. He commented that the does not support an increase in taxes or water rates.

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.

Council Vice President Kolofoles presented a motion to approve the measure as seconded by Councilor Gonzalez.

Upon a call for discussion Councilor Alvarez-Rodriguez discussed the purpose of the measure. Upon inquiry of Councilor Alvarez-Rodriguez, Director Mark Andrews explained the measure presented. A discussion ensued between Councilor Alvarez-Rodriguez and Director Andrews concerning assessments and abatements. Further discussion ensued of the recent "lay-offs" and how they are reflected in the measure presented.

Upon being granted the floor, Councilor Silva posed questions to Director Andrews about the items presented for approval regarding the proposed "tax rate factor" in relation to the proposed adjustments. She commented that the Mayor is responsible for "cuts" in public safety not the City Council. Director Andrews stated that he believes that budget decisions are based upon a partnership to make rational decisions concerning "cuts".

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Council President Blanchette affirmed that the Mayor, Council and Budget Office are working cooperatively.

Continuing Councilor Silva discussed a comparative analysis of Lawrence Public Safety expenditures and staff with other city and towns. She discussed implementation of grant programs geared toward hiring police and fire department staff. Councilor Silva commented that most phone calls to her from constituents concern matters related to Public Works or Inspectional Services. She stated that it is these services that are being “cut” by the Administration and not by the Council Members. Councilor Silva read a prepared statement into the record. [Not submitted]

Upon being granted the floor, Councilor Twomey posed questions to Director Andrews regarding the proposed adjustments presented. Director Andrews explained the proposed adjustments. Councilor Twomey also posed questions to Treasurer Patricia Cook about the percentage of tax payers who have paid. Director Cook stated about 90%.

Upon being granted the floor, Councilor Moran posed questions to Director Andrews concerning a “public safety plan” in place and whether or not future fiscal plans might be considered for future budgets. Director Andrews responded to questions posed.

Upon being granted the floor, Councilor Abdo commented that he favors the measure and asked if it was necessary to approve the measure as an emergency. Director Andrews discussed the importance of declaring the measure an emergency measure.

Upon being granted the floor, Councilor Gonzalez inquired about funds that were suppose to be generated by the sales of city properties, approximately 3.2 million dollars. He

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discussed the importance of addressing the sale or use of surplus properties to off-set possible losses in public safety personnel.

Upon being granted the floor and addressing Director Andrews, Councilor Kolofoles stated that the Mayor has not been present at any of the Council Meetings where the budget items presented were presented or considered. He stated that the recent fire disaster has resulted in the Mayor attaining national stature. Councilor Kolofoles inquired whether or not Director Andrews had any discussion about the Mayor being present before the Council. A discussion ensued regarding the grant of authority to represent the Administration.

[Councilor Gonzalez presented a motion to conduct Council business past 10:00 p.m. which was duly seconded by Councilor Fielding and unanimously approved by the Council Members present]

Continuing, Councilor Kolofoles inquired about the effect that failure to pass all three of the proposed measures may have upon the overall plan. Director Andrews explained the manner which the plan was presented to the Department of Revenue. A further inquiry and discussion concerning the current measure and pending matters ensued.

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 Gonzalez, the Council Members present voted as follows to approve the measure. 7=Yes; 2=No

Councilor Fielding – Yes
Councilor Gonzalez – Yes
Councilor Moran – Ye
Councilor Abdoo – Yes
Councilor Alvarez-Rodriguez – No

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Councilor Twomey - Yes
 Councilor Silva – No
 Council Vice President Kolofoles – Yes
 Council President Blanchette – Yes

A further motion presented by Councilor Abdo to waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter was duly seconded and approved by the Council Members Present as follows. 8=Yes; 1=No

Council Vice President Kolofoles – Yes
 Councilor Silva - No
 Councilor Twomey -Yes
 Councilor Alvarez-Rodriguez - Yes
 Councilor Abdo - Yes
 Councilor Moran – Yes
 Councilor Gonzalez - Yes
 Councilor Fielding - Yes
 Council President Blanchette – Yes

Doc. 4/08: Approved-30 Days Waived

Doc. 281A/07: Comprehensive Technical Corrections Plan FY 2008–Water and Sewer Increases-hearing – 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.

Budget Director Andrews explained the purpose of proposing a cascading rate and the importance of approval and its effect.

Modesto Maldonado, 115 Spruce Street, Lawrence, MA stated that he believes the recent fire and tragedy is being used to create “fear” in the minds of the Council Members to

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inappropriately approve this and other financial measures. He stated that there are current Council Members who were elected to oppose tax increases. He commented that he does not support the approval of the financial measure presented.

Daniel Rooney, a Lawrence resident stated that he believes the amount selected for the rate is arbitrary. He stated that he is watching the Council closely and that he supports the measure.

Mark Gray , 159 Carlton Street, Lawrence, MA commented that he does not favor the tax measures presented for approval and suggested that the Council should adopt measures he has proposed for police oversight to save money.

Frank McCann, Department of Public Works Director, spoke in favor of approving the water/sewer measure proposed for approval.

Robert Fazio, Water Department Commissioner discussed the importance to approve the measure presented and urged the Council to consider the importance and necessity of having an operable water system.

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.

Councilor Kolofoles presented a motion to approve the measure and the motion was seconded by Councilor Fielding.

Upon a call for discussion, Councilor Alvarez-Rodriguez commented about the discourse in public dialogue regarding the matter presented. She stated that she took

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exception to the negative characterization of home owners who are forced to lose property to foreclosure.

Upon being granted the floor, a discussion and inquiry ensued between Councilor Kolofoles and DPW Director McCann about FY 2007 water and sewer rates and the history of increases. Councilor Kolofoles posed questions to Budget Director Andrews about the current operations of the Water Treatment plant in accord with the consent order. A discussion between Councilor Kolofoles and Director Andrews ensued regarding the implementation of the consent order.

**[11:00 PM: COUNCILOR ABDOO PRESENTED A MOTION TO
CONDUCT PROCEEDINGS PAST 11:00 WHICH WAS SECONDED BY
COUNCILOR KOLOFOLES AND APPROVED
UNANIMOUSLY BY THE COUNCIL MEMBERS PRESENT]**

Resuming, Councilor Kolofoles posed question to Director Andrews about the proposed water rate increases and the complaints and concerns of constituents and their ability to meet these expenses. Further inquiry about the price structure presented in the proposed items submitted for approval ensued by Councilor Kolofoles to Director Andrews. Upon inquiry by Councilor Kolofoles, Commissioner Fazio responded to matters addressed concerning the deficit in the water budget. Inquiry and discussion concerning delinquent water bills ensued. Addressing Director Andrews, Councilor Kolofoles suggested that the proposed water rate be reduced from the amounts advertised to 2.65 for the water and 2.75 for the sewer rate [1/1/08]. Councilor Kolofoles proposed that the proposed rate advertised not be put into effect until after March 2008. Director Andrews responded by suggesting that the proposed “amendment” suggested may not be sufficient to appease the Department of Revenue.

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Council President Blanchette asked if the proposed Water Rate would permit water operations. Director McCann stated that it would not be feasible. Director Andrews indicated that a feasible rate would be alright if the sewer rate increase were adjusted to 2.90 effective January 1, 2008. A discussion ensued among Council President Blanchette, Council Vice President Kolofoles and Director Andrews as to whether or not a water/sewer rate can be effective on an ex post facto basis.

Councilor Kolofoles moved to amend his motion to approve the measure and noted that it was his intention to assure that any new rate charged was not applied retroactively. The motion was seconded by Councilor Fielding.

Upon being granted the floor, Councilor Abdoos stated that he disagrees with Councilor Kolofoles and believes that the rates proposed should be considered as published in the public notice. Councilor Kolofoles agreed with Councilor Abdoos in principal but stated that he believes the rates cannot be applied retroactively.

Council President Blanchette called the motion with Councilor Kolofoles's amendments to approve the water rate at 2.85 and to prohibit retro-active application of any rate change. The Council Members present defeated the motion as follows. 3-Yes; 6-No

Councilor Fielding – Yes
Councilor Gonzalez – Yes
Councilor Moran – No
Councilor Abdoos – No
Councilor Alvarez-Rodriguez – No
Councilor Twomey - No
Councilor Silva – No
Council Vice President Kolofoles – Yes
Council President Blanchette – No

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Upon being recognized, Councilor Twomey presented a motion to approve the measure as presented. The motion was seconded by Councilor Abdo and the Council Members present approved the measure as follows. 5-Yes; 4-No

Council Vice President Kolofoles – No
 Councilor Silva - No
 Councilor Twomey - Yes
 Councilor Alvarez-Rodriguez - No
 Councilor Abdo - Yes
 Councilor Moran – No
 Councilor Gonzalez - Yes
 Councilor Fielding - Yes
 Council President Blanchette – Yes

Upon being granted the floor, Councilor Kolofoles discussed the matter regarding possible retroactive application.

Councilor Abdo presented a motion to waive any applicable thirty (30) day waiting period pursuant to section 3.8(a) of the City Charter, as seconded by Councilor Twomey and the Council Members present voted to approve the motion as follows.

5-Yes; 4-No

Councilor Fielding – Yes
 Councilor Gonzalez – Yes
 Councilor Moran – No
 Councilor Abdo – Yes
 Councilor Alvarez-Rodriguez – No
 Councilor Twomey - Yes
 Councilor Silva – No
 Council Vice President Kolofoles – No
 Council President Blanchette – Yes

Doc. 281A/07: Approved-30 Days waived

Doc. 301/07: FY 2008 Tax Classification Factor – hearing – Approved – 30 Days waived

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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.

Budget Director Andrews spoke in support of the measure and asked the Council Members for their approval.

Edward Warnshuis spoke in favor of the item.

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.

Upon being granted the floor, Councilor Alvarez-Rodriguez commented that she wishes to affirm her position on this and other financial matters.

Council President Blanchette read an opinion letter from the City Attorney, Charles Boddy regarding Doc. 301/07 concerning the tax factor. He discussed the issues from the City Of Lawrence regarding the financial matters presented.

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 and the Council Members present voted to approve the tax rate factor as published on Jan. 14, 2008 as follows. 6-Yes; 3-No

Council Vice President Kolofoles – Yes
Councilor Silva - No
Councilor Twomey - Yes
Councilor Alvarez-Rodriguez - No

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Councilor Abdoo - Yes
 Councilor Moran – No
 Councilor Gonzalez - Yes
 Councilor Fielding - Yes
 Council President Blanchette – Yes

Upon the motion of Councilor Abdoo to waive any applicable thirty (30) day waiting period pursuant to section 3.8(a) of the City Charter, as seconded by Councilor Kolofoles, the Council Members present voted to waive any applicable thirty (30) day waiting period as follows. 6-Yes; 3-No

Councilor Fielding – Yes
 Councilor Gonzalez – Yes
 Councilor Moran – No
 Councilor Abdoo – Yes
 Councilor Alvarez-Rodriguez – No
 Councilor Twomey - Yes
 Councilor Silva – No
 Council Vice President Kolofoles – Yes
 Council President Blanchette – Yes

Doc. 301/07 – Approved [30 day period waived]

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

None

V. APPROPRIATIONS-ORDERS-RESOLUTION: None

VI. COMMITTEE REPORTS: None

VII. WITHDRAWALS: None

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
128/06	Acting Jobs Positions and Consultants – on more than 90 days

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367/06 Water Treatment Center – Fiber Optics – update on who authorized such work to occur –
Where is the contract and the bid? – Council President Blanchette
46/07 Sign Ordinance – new sign – discussion – Peter Blanchette, Building Inspector
14/07 Temporary Appointments–proposed amendments to Sec. 2.04.081 of the Municipal Code
34/07 Arlington Mills Smart Growth District – hearing held
288/06 Traffic and Public Safety–5 corners (Floral, School, Hancock, Doyle Streets and
Oregon Avenue) - Ord. Comm.
13/06 Parking Garage – new high school site –Counc. Gosselin
281/07 Comprehensive Technical Corrections Plan FY 2008 – Recap – B & F Comm.
123/06 Residency Requirement – revisiting – Ord.Comm.
124/07 Parking – Orchard St. – Ord. Comm.
9/08 Resolution – Greater Lawrence Technical School Football Team –Champions –
Council Pres. Blanchette

X. NEW BUSINESS: None

XI. ADJOURNMENT:

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

**ADJOURNED
(11:47p.m.)**

Attest:

William J. Maloney
City Clerk