

MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL

DATE: Tuesday, July 7, 2009

A **REGULAR MEETING** of the City Council was held on **Tuesday, July 7, 2009** at 7: 09 p.m. in the City Council Chamber with all Members present except for Councilor Silva. Councilor Alvarez-Rodriguez arrived at 7:32 p.m.

Approximately Twenty [20] 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 April 7, 2009, April 21,2009, May 5,2009, May 19, 2009, May 21, 2009, June 2, 2009 and June 16, 2009 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Fielding to accept the minutes as presented duly seconded by Councilor Gonzalez, the Council Members present voted unanimously [7-0] to accept the minutes.

II. PUBLIC PARTICIPATION:

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

[Tuesday, July 7, 2009]

Mr. Hamyoun Maali, 53 Chester Street, Lawrence, MA commented on the misuse of the School Department copier to print campaign material by certain candidates seeking elective office.

III. PUBLIC HEARINGS: - None

IV. APPROPRIATIONS-ORDERS-RESOLUTION:

Councilor Kolofoles presented a motion to take document 250/2009 out of the order appearing on the agenda. The motion was seconded by Councilor Fielding and unanimously approved by the Council Members present [7-0].

Doc. 250/09: Proclamation – Sgt. Donald Cronin – Council Pres. Blanchette - Presented

Council President Blanchette presented the Resolution to Sgt. Donald Cronin.

Chief of Police John Romero recognized Sgt. Cronin for his work and dedication to the Lawrence Police Department.

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

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

- 235/09: Appointment – Lawrence Housing Authority’s Board of Commissioner – Zorayda Geronimo- 25 Duckett Avenue- Mayor Sullivan – Ref. to Pers.
- 236/09: Appointment – Bellevue Cemetery Board – Lawrence J. Smith – 8 Burke Street – Mayor Sullivan – Ref. to Pers.
- 237/09: Outdoor Café Seating – proposed ordinance to regulate the use – City Attorney Charles D. Boddy, Jr. – Ref. to Ord.
- 255/09: City Take Home Vehicles – regulating the use of Municipal Vehicles – ordinance – City Atty. Charles D. Boddy, Jr. – Ref. to Ord.

Doc.245/09: Audit Bid Process – Council Pres. Blanchette – Tabled

[Tuesday, July 7, 2009]

Councilor Kolofoles presented a motion to table the measure which was seconded by Councilor Twomey and unanimously [7-0] approve by Council Member present.

Doc.245/09: Tabled

Doc. 246/09: City Council Chamber – Technology Update “Vote Cast” Software – First City in the Commonwealth – Council Pres. Blanchette - Presented

Council President Blanchette discussed the new technology aspects of the City Council Chamber.

Upon being granted the floor, Councilor Kolofoles posed questions about the source of funding for the project.

Doc. 246/09: Presented

Doc.247/09: VETO Legal Opinion – Mayor’s inappropriate use – Council Pres. Blanchette – Presented

Council President Blanchette read the opinion of City Attorney Charles Boddy dated June 23, 2009 concerning the authority of the Mayor to “veto” a measure that had been defeated and not approved by the City Council. In summary, City Attorney Boddy opined that the power to veto measures applies only to those measures that are “approved” by the City Council and not to measures that are defeated by the City Council in its legislative capacity suggesting that no subsequent action occurs on a measure that is defeated and other methods of recourse may be taken to address an issue that is rejected.

Doc.247/09: Presented

Doc.248/09: Elimination of Municipal Primary – to be discussed – cost savings \$100k – Council Pres. Blanchette – Presented

[Tuesday, July 7, 2009]

Council President Blanchette discussed the various other communities moving to adopt measures that may eliminate the necessity of conducting a Municipal Preliminary Election.

[7:32 Councilor Alvarez-Rodriguez arrived]

Upon being granted the floor, Councilor Kolofoles stated that a Municipal Preliminary is necessary to assure the public right to vote is protected.

Upon no further comments, Council President Blanchette referred the matter to the Ordinance Committee.

Doc.248/09: Ref. to Ord.

VI. APPROPRIATIONS-ORDERS-RESOLUTION:

**Doc.234/09: Year End Appropriation Transfers –
Budget and Finance Comm. - Approved**

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Budget and Finance Committee in the form of a motion to approve the Year End Appropriation Transfers, which was seconded by Councilor Twomey.

Upon being granted the floor, Councilor Kolofoles stated the Budget and Finance Committee recommends that constituents of Councilor Abdoo be given assurance that they will be reimbursed for financial losses at a rate of seven cents on a dollar subject to the action filed against the City of Lawrence for certain damages.

Upon being granted the floor, Councilor Abdoo stated that he believed it is appropriate to provide financial reimbursement to of property owners from his District who claim to have incurred damages to their property allegedly as a result of negligence caused by the City of Lawrence Department of Public Works and that the item presented provides

[Tuesday, July 7, 2009]

reasonable assurance of repayment. A discussion ensued between Councilor Abdo and Council President Blanchette regarding the necessity of the proposed action.

Upon being granted the floor, Councilor Twomey provided information regarding the plumbing requirements of the homeowner as informed by Department of Public Works Director McCann.

Upon being granted the floor, a discussion between Councilor Alvarez-Rodriguez and Councilor Abdo ensued regarding the cause of the property damage.

Upon being granted the floor, Councilor Kolofos expressed his concerns regarding the total cost of the property damage to the home owner. Councilor Abdo provided the Council Members with information concerning the property damages resulting to the home owner.

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 unanimously [8-0] to approve the Year End Appropriation Transfers.

Doc. 234/09: Approved

VII. COMMITTEE REPORTS:

Doc. 207/09: Transient Vendor License – Frederick E. Worthington – 11 Winthrop Avenue – Ord. Comm. – Approved

Councilor Kolofos presented a motion to take document 207/09 out of the order appearing on the agenda. The motion was duly seconded and unanimously approved by the Council Members present [8-0].

[Tuesday, July 7, 2009]

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 Transient Vendor License for Frederick E. Worthington, 11 Winthrop Avenue, Lawrence, Massachusetts which was seconded by Councilor Alvarez-Rodriguez and unanimously [8-0] approved by the Council Members present.

Doc. 207/09: Approved

**Doc.198/09: Handicapped Parking – 8 Portland Street – 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 Twomey and unanimously approved by the Council Members present [8-0].

Doc. 198/09: Public Hearing Ordered

**Doc.200/09: Heavenly Donuts – request for tables and chairs on sidewalk –
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 Heavenly Donuts request to place tables and chairs on public sidewalk. The motion was seconded by Councilor Moran.

Upon being granted the floor, Councilor Kolofoles suggested a letter be sent to Inspectional Services Commissioner Myles Burke concerning the use of the public sidewalk presented in the petition.

[Tuesday, July 7, 2009]

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve the measure.

Doc. 200/09: Approved

**Doc.205/09: Dedication – Pvt. Joseph Girgenti @ Allen and General Streets –
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 dedication of Private. Joseph Girgenti at Allen Street and General Street. The motion was seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Alvarez-Rodriguez spoke in favor of the measure.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve the measure.

Doc. 205/09: Approved

**Doc.226/09: Transient Vendor License – Felix Jimenez – 121 Union Street – 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 Transient Vendor License for Felix Jimenez, 121 Union Street, Lawrence, Massachusetts which was seconded by Councilor Fielding and unanimously [8-0] approved by the Council Members present.

Doc. 226/09: Approved

**Doc.229/09: Town of Andover requests the Right of Entry – to place pipe – Ord.
Comm. – Approved**

[Tuesday, July 7, 2009]

At the request of Council President Blanchette, Councilor Kolofoles presented the report from the Ordinance Committee in the form of a motion to approve a request from the Town of Andover for a right of entry into Lawrence in order to place sewer pipe servicing both Andover and Lawrence. The motion was seconded by Councilor Moran and unanimously [8-0] approved by the Council Members present.

Doc. 229/09: Approved

Doc. 230/09: Lawrence National Night Out 2009 - 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 2009 Lawrence National Night Out, which was seconded by Councilor Alvarez-Rodriguez and unanimously [8-0] approved by the Council Members present.

Doc. 230/09: Approved

**Doc.232/09: Eli's Restaurant – tables and chairs on sidewalk–
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 a request presented by Eli's Restaurant to place tables and chairs on the public sidewalk for use by its customers. The motion was seconded by Councilor Moran and the Council Members present voted as follows to approve the item. 7-Yes; 1-No; 1-Absent

Councilor Fielding – No
 Councilor Gonzalez – Yes
 Councilor Moran – Yes
 Councilor Abdoo – Yes
 Councilor Alvarez-Rodriguez – Yes
 Councilor Twomey - Yes
 Councilor Silva – Absent

[Tuesday, July 7, 2009]

Council Vice President Kolofoles – Yes
Council President Blanchette - Yes

Doc. 232/09: Approved

Doc. 233/09: Yawkey Children Hospital – Pemberton Park – July 19, 2009 from 10:00 a.m to 8:00 p.m. – 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 a petition presented by Yawkey Children Hospital for the use of Pemberton Park on July 19, 2009 from 10:00 a.m. to 8:00 p.m. The motion was seconded by Councilor Alvarez-Rodriguez and unanimously [8-0] approved by the Council Members present.

Doc. 233/09: Approved

Doc. 228A/09: Surplus Declaration – 327-333 Lowell Street – Hous. Comm. – 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 the real property located at 327-333 Lowell Street as surplus. The motion was seconded by Councilor Twomey and unanimously [8-0] approved by the Council Members present.

Doc. 228A/09: Declared Surplus

Doc. 211/09: Appointment – Human Rights Commission – Victor Jarvis – 3 year term – Pers. Comm. - Approved

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to approve the recommendation for the appointment of Victor Jarvis to the Human Rights Commission for a three year term. The motion was seconded by Councilor Twomey.

[Tuesday, July 7, 2009]

Council President Blanchette posed questions to Rev. Jarvis regarding the reasons he would like to serve on the Human Rights Commission.

Upon being granted the floor, Councilor Kolofoles posed questions to Rev. Jarvis about his role on the Commission and commented on the importance to assure the Commission retains a full compliment of members.

Upon being granted the floor, Councilor Alvarez-Rodriguez posed question to Rev. Jarvis concerning his responsibilities as Chairman of the Commission and to assure there are sufficient members to retain a constant quorum. Rev. Jarvis stated that the authority of appointing members to the Human Rights Commission rests primarily with the Mayor of the City of Lawrence and is subject to the approval of the City Council.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to appoint Victor Jarvis to the Human Rights Commission for a three year term.

Doc. 211/09: Approved

**Doc. 212/09: Appointment – Human Rights Commission –
Annia Santana Lambert – 3 year term. Pers. Comm. - Approved**

At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to approve the recommendation of Annia Santana Lambert as a member of the Human Rights Commission for a term of three years. The motion was seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated her support of Ms. Lambert for the position and thanked her for offering to serve the Community.

[Tuesday, July 7, 2009]

Upon being granted the floor, Councilor Kolofoles also praised Ms. Lambert for her years of service and dedication to the City of Lawrence.

Council President Blanchette also expressed his support of Ms. Lambert for the position recommended.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve Annia Santana Lambert as a member of the Human Rights Commission for a three year term.

Doc. 212/09: Approved

Doc. 214/09: Appointment – Human Rights Commission – Rafael Blanco – 2 year term – Pers. Comm. - Approved

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to appoint Rafael Blanco to the Human Rights Commission for a two year term. The motion was seconded by Councilor Alvarez-Rodriguez.

Upon being granted the floor, Councilor Twomey posed questions to Mr. Blanco regarding his interest in serving as a member of the Human Rights Commission.

Upon being granted the floor, Councilor Alvarez-Rodriguez expressed her support for the approval of Rev. Blanco as a member of the Human Rights Commission.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve the recommendation of Rafael Blanco as a member of the

[Tuesday, July 7, 2009]

Human Rights Commission for a two year term.

Doc. 214/09: Approved

**Doc.215/09: Appointment – Human Rights Commission – Francisco Brea – 2 year term
– Pers. Comm. - Approved**

At the request of Council President Blanchette, Councilor Abdo presented the report from the Personnel Committee in the form of a motion to approve the recommendation of Francisco Brea as a member of the Human Rights Commission for a term of two years. The motion was seconded by Councilor Kolofoles.

Council President Blanchette stated that he supports the recommendation for the appointment of Mr. Brea to the Commission. Council President Blanchette posed questions to Mr. Brea regarding the reasons for his interest in serving as a member of the Human Rights Commission.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that she supports the approval of Mr. Brea as a member of the Human Rights Commission.

Upon being granted the floor, Councilor Kolofoles stated he supports the application of Mr. Brea as a member of the Human Rights Commission.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve the recommendation of Francisco Brea as a member of the Human Rights Commission for a two year term.

Doc. 215/09: Approved

**Doc. 217/09: Appointment – Human Rights Commission – Sandra Siguenza-Hache – 1
year term – Pers. Comm. - Approved**

[Tuesday, July 7, 2009]

At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to approve the recommendation of Sandra Siguenza-Hache as a member of the Human Rights Commission for a one year term. The motion was seconded by Councilor Twomey.

Council President Blanchette posed questions to Ms. Sandra Siguenza-Hache concerning her interest in the position and reasons for applying.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that she supports the appointment of the application to the position.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve the recommendation for the appointment of Sandra Siguenza-Hache to the Human Rights Commission for a one year term.

Doc. 217/09: Approved

**Doc. 218/09: Appointment – Human Rights Commission – Janice Vargas – 1 year term
– Pers. Comm. – Approved**

At the request of Council President Blanchette, Councilor Abdoo presented the report from the Personnel Committee in the form of a motion to approve the recommended appointment of Janice Vargas to the Human Rights Commission for a one year term. The motion was seconded by Councilor Gonzalez.

Council President Blanchette posed questions to Ms. Vargas concerning her interest in continuing to serve as a current member of the Human Rights Commission.

Upon being granted the floor, Councilor Alvarez-Rodriguez stated that she supports the recommendation presented for the appointment of Ms. Vargas as a member of the Human Rights Commission.

[Tuesday, July 7, 2009]

Upon being granted the floor, Councilor Gonzalez commended Ms. Vargas for her work on behalf of the Human Rights Commission.

Upon being granted the floor, Councilor Kolofoles stated that he supports the approval of Ms. Vargas as a member of the Human Rights Commission citing her past and present service on the Commission as evidence of her ability to serve.

Upon being granted the floor, Councilor Abdoo informed the Council Members that the various terms are intended to obtain a staggered term which will allow for different dates/years of appointment of the various members as contemplated by the City Ordinance. A discussion ensued among the Council Members about the method by which a system of appointment is set on a track to stagger the dates of appointment.

Upon no further comments, discussion or inquiry the Council Members present voted unanimously [8-0] to approve the recommendation for the appointment of Sandra Janice Vargas to the Human Rights Commission for a one year term.

Doc. 218/09: Approved

VIII. WITHDRAWALS:

Council President Blanchette granted Councilor Alvarez-Rodriguez the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Housing Committee. The motion was seconded by Councilor Kolofoles and Council Members present voted unanimously [8-0] to withdraw the following matter from the City Council Agenda:

**Doc. 90/09: Resolution – New Pecora Commission Act of 2009 – Hous. Comm. -
Withdrawn**

IX. OLD BUSINESS: - None

[Tuesday, July 7, 2009]

X. TABLED MATTERS:

Doc.256/08: Parking – Prospect St/East Haverhill St- - removal of a 20 minute parking sign - Approved

Councilor Kolofoles presented a motion to remove the item from the table which was seconded by Councilor Alvarez-Rodriguez and unanimously approved by the Council

Members present [8-0].

Council President Blanchette introduced the item to the Council Members by way of information.

Councilor Kolofoles presented a motion to approve the item which was seconded by Councilor Moran and unanimously approved [8-0] by the Council Members present.

Doc.256/08: Approved

The following items remained “tabled” without further action:

- 275/07: Marion Avenue – park to be named – Ord. Comm. Cmt.
- 6B/08: City Contract Ordinance – Section 3.04.230- Ord. Comm. Cmt.
- 22/08: Personnel Department – Re-organization
- 236/08: National Grid–req. permission to place underground electric conduits on Green St.-hear.
- 39/09: Water Commissioner – lay off – compliance with MGL Chapter 111 Section 160- City Attorney invited to attend
- 141/09: Resolution – Delila Rivera – Council Pres. Blanchette
- 281/08: Revised Zoning Ordinance – Political Signs – hearing
- 219/09: FOIA Request Ignored by Administration – copy of all bills and documents related to payment to Mintz Levin Law Firm–Budget and Finance Director Mark Andrews and Comptroller Dir. Cammaso to attend to answer questions
- 227/09: Cell Towers – Presence requested of Land Use Planner Dan McCarthy and City Attorney Richard D’Agostino to Explain process in securing cells towers and the appeal process if denied

XI. 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:

[Tuesday, July 7, 2009]

- 238/09: Community Service Agency – 447 Essex Street – requests permission to use the Campagnone Common Park on August 29, 2009 from 11:00 a.m. to 5:00 p.m. – Counc. Moran – Ref. to Ord. Cmt.
- 239/09: Saint Alfio Society – requests permission to conduct their 85th Annual Feast of the Three Saints on Labor Day Weekend – Sept. 4th, 5th, & 6th, 2009 – Jack A. Roy, Treasurer – Ref. to Ord. Cmt.
- 240/09: National Grid and Verizon New England, Inc. – requests permission to locate poles, wires and fixture on Springfield Street- Ref. to Ord. Cmt.
- 241/09: Transient Vendor License – Carlos N. Alba – Amesbury Street –Ref. to Ord. Cmt.
- 242/09: Transient Vendor License – Olga Jimenez – 43 Texas Avenue-Ref. to Ord. Cmt.
- 243/09: Transient Vendor License – Romeo Tellez – 43 Texas Avenue-Ref. to Ord. Cmt.
- 249/09: Transient Vendor License – Eric A. Morales -21 Dartmouth Street-Ref. to Ord. Cmt.
- 251/09: Loading Zone – Senator William X. Wall Experiment Station – 37 Shattuck Street – Ann Marie Allen, Acting Deputy Director- Ref. to Ord.
- 252/09: Team ECR – request permission to use the Pemberton Park for their 3rd Annual Car Show on July 25th, 2009 from 8:00 a.m. to 5:00 p.m. – David Medina, President – Ref. to Ord. Cmt.
- 253/09: Greater Lawrence Technical High School – transfer of ball park lights – Counc. Twomey – Ref. to Ord. Cmt.
- 254/09: Parking – Broadway (west side) between Arlington and Stafford Streets and Broadway (east side) between Arlington and Wyman Streets – 30 minutes – Counc. Gonzalez – Ref. to Ord. Cmt.

ITEMS ADDED AT THE MEETING

Doc.255/09: City Take Home Vehicles – regulating the use of Municipal Vehicles – ordinance – City Atty. Charles D. Boddy, Jr. – Ref. to Ord. Cmt.

XII. ADJOURNMENT:

Upon Motion of Councilor Gonzalez duly seconded by Councilor Fielding, the Council Members present voted unanimously [8-0] to Adjourn.

[Tuesday, July 7, 2009]

ADJOURNED
(8:47p.m.)

Attest:

William J. Maloney
CityClerk