



INAUGURATION AND CITY COUNCIL MEETING

Date: Monday – January 4, 2010

I have seen throughout my life how we as a people can rise to a challenge, embrace change and renew our destiny.

*U.S. Senator Edward Kennedy
In remembrance*

INAUGURATION CEREMONY

MAYOR

William Lantigua

CITY COUNCIL

Sandy Almonte

Grisel Silva

Modesto Maldonado

Oneida Aquino

Eileen O'Connor Bernal

Marc Laplante

Frank A. Moran

Roger A. Twomey

Daniel Rivera

LAWRENCE SCHOOL COMMITTEE

James S. Vittorioso
Martina Cruz
Frank Bonet
Samuel Reyes
Mark Gray
Gregory W. Morris

**GREATER LAWRENCE TECHNICAL
SCHOOL COMMITTEE
(Lawrence Members)**

Leo J. Lamontagne
Richard A. Hamilton, Jr.
Pamela Neilon

Procession

Color Guard
Mayor Elect William Lantigua
City Council Members Elect
Lawrence School Committee Members Elect
Greater Lawrence Technical School Committee Members Elect
Reverend Juan Melo
Father Jorge Reyes

Program

Call to Order-Welcoming Remarks *Patrick Blanchette*
Lawrence City Council
January 4, 2000 - January 2, 2010

Presentation of Colors..... *Lawrence High School R.O.T.C*
Lawrence Police Department
& Providence, RI Color Guard

National Anthem..... *National Anthem, Mr. Luis Del Rio,*
Providence, RI Police Inspector

Invocation..... *Reverend Juan Melo, Pastor*
Iglesia de Dios de La Profecia
Lawrence, MA

Oath of Office

Lawrence City Council, Lawrence School Committee,
Greater Lawrence School Committee
Administered by William J. Maloney, Esq., City Clerk

Oath of Office

*Mr. William Lantigua, Mayor-Elect
Administered by Ms. Isabel Melendez, J.P.*

God Bless America Raquel D. Brooks

*Special Presentation Ms. Isabel Melendez,
Community Activist*

*"Thank you Isabel for opening doors to so many in our Community. I stand here today in part because of you."
Mayor William Lantigua*

*Inaugural Address
The Mayor of the City of Lawrence
The Honorable William Lantigua*

*Benediction.....Father Jorge Reyes, Pastor
St. Mary Assumption Parish
Lawrence, MA*

Closing - America the Beautiful..... Lawrence High School Girls Ensemble

I. New Business:

Doc. 1/2010: Election of City Council President

City Clerk William J. Maloney called the Inaugural Meeting of the Lawrence City Council to order at 9:10 p.m. Attendance of all Councilors was taken with all Councilors answering present. City Clerk Maloney called the first order of business to the attention of the Council Members present and asked the Council Members present to proceed with the Election of the City Council President.

Councilor Maldonado nominated Councilor Moran as City Council President which was seconded by Councilor Silva. Councilor Moran accepted the nomination.

Upon no further nominations presented, Clerk Maloney closed nominations and called upon the Council Members for their vote on the nominations presented which was recorded as follows:

[Monday, January 4, 2010]

Vote #1 – Roll call to the Right of the City Clerk:

Councilor Almonte voted for Councilor Frank Moran
Councilor Aquino voted for Councilor Frank Moran
Councilor O’Connor Bernal voted for Councilor Frank Moran
Councilor LaPlante voted for Councilor Frank Moran
Councilor Maldonado voted for Councilor Frank Moran
Councilor Moran voted for Councilor Frank Moran
Councilor Rivera voted for Councilor Frank Moran
Councilor Silva voted for Councilor Frank Moran
Councilor Twomey voted for Councilor Frank Moran

TOTAL: – Councilor Frank Moran – 9 Votes

Upon recording nine votes in favor of Councilor Frank Moran, City Clerk Maloney announced that Councilor Moran has received nine affirmative votes for the position of City Council President for 2010 whereupon Councilor Moran accepted the position as 2010 City Council President.

Upon Councilor Moran’s acceptance as being duly elected President of the Lawrence City Council for 2010, City Clerk Maloney declared Councilor Moran as the 2010 City Council President.

Upon completing the election of the City Council President, City Clerk Maloney turned the proceedings over to City Council President Moran who called the matter of electing the 2010 Vice President of the City Council and requested the Members present to enter nominations.

Doc. 2/2010: Election of City Council Vice President

Councilor Aquino nominated Councilor Silva for Council Vice President which was seconded by Councilor Maldonado. Councilor Silva accepted the nomination.

Councilor Rivera nominated Councilor LaPlante for Council Vice President which was seconded by Councilor Bernal. Councilor LaPlante accepted the nomination.

[Monday, January 4, 2010]

Upon no further nomination presented for consideration, Council President Moran closed nominations and requested that the City Clerk put the matter to a roll call vote which proceeded as follows:

Vote # 1 – Roll call to the Right of the City Clerk:

Councilor Almonte voted for Councilor Silva
 Councilor Aquino voted for Councilor Silva
 Councilor O’Connor Bernal voted for Councilor LaPlante
 Councilor LaPlante voted for Councilor LaPlante
 Councilor Maldonado voted for Councilor LaPlante
 Councilor Rivera voted for Councilor LaPlante
 Councilor Silva voted for Councilor Silva
 Councilor Twomey voted for Councilor Silva
 Council President Moran voted for Councilor Silva

TOTALS – Councilor Silva = 5 Votes; Councilor LaPlante = 4 Votes

Councilor LaPlante presented a motion to reconsider and affirm the approval of Councilor Silva as City Council Vice President. The motion was seconded by Councilor Maldonado and the Council Members present voted as follows:

Vote # 2 – Roll call to the Right of the City Clerk:

Councilor Almonte voted for Councilor Silva
 Councilor Aquino voted for Councilor Silva
 Councilor O’Connor Bernal voted for Councilor Silva
 Councilor LaPlante voted for Councilor Silva
 Councilor Maldonado voted for Councilor Silva
 Councilor Rivera voted for Councilor Silva
 Councilor Silva voted for Councilor Silva
 Councilor Twomey voted for Councilor Silva
 Council President Moran voted for Councilor Silva

TOTALS – Councilor Silva = 9 Votes

Upon recording the above vote, Council President Moran declared that Councilor Silva received nine affirmative votes for the position of City Council Vice President for 2010.

[Monday, January 4, 2010]

Councilor Silva accepted the approval of her nomination and was declared as the duly elected Vice President of the City Council by Council President Moran.

ADJOURNED

On motion for adjournment presented by Councilor LaPlante, seconded by Councilor Maldonado, it was voted unanimously [9-0] to adjourn the meeting at 9:20 p.m.

Attest:

City Clerk
William J. Maloney

**MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL**

DATE: Tuesday, January 5, 2010

A REGULAR MEETING of the City Council was held on **Tuesday, January 5, 2010** at 7: 05 p.m. in the City Council Chamber with all Members present.

Approximately Nine [9] 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 Moran requested those who wished to provide public input and participation to present themselves and address the City Council. Upon the invitation of Council President Moran, the following individuals addressed the City Council:

Linda Schiavone, 5 Bicknell Terrace, Lawrence, MA [Recreation Department Head for the City of Lawrence], stated her disappointment being served with notice of termination of employment earlier in the day.

Joe D'Amico, 11 Lornezo Road, Lawrence, MA, congratulated the Council Members on the election to the City Council and asked that each Member uphold the provisions of the City Charter.

Lindy Gallund, 196 West Street, Lawrence, MA, spoke in support of the newly elected Council Members, School Committee Members, and Mayor with particular emphasis on Mayor Lantigua's promise to improve living conditions in the City of Lawrence.

[Tuesday, January 5, 2010]

Keith Wodyka, President of the Towerhill Neighborhood Association offered his assistance to the Council Members if needed. He stated his disagreement with the court decision to allow a cell tower to be placed on Haverhill Street stating that it is unsightly and dangerous.

III. PUBLIC HEARINGS:

Doc.101/09: Parking – An Act Relative to Parking on Inman Street – Hearing held – Approved – 30 Days waived

At the request of Council President Moran, 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 Moran 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 discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Silva, as seconded by Councilor Twomey, the Council Members present voted unanimously [9-0] to approve the measure.

A further motion presented by Councilor Silva to reconsider and to waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter was duly seconded and unanimously approved by the Council Members Present [9-0].

Doc. 101/09: Approved-30days Waived

Doc.327/09: Stop Sign – 4 way – Buswell and Lexington Streets – Hearing held - Approved

[Tuesday, January 5, 2010]

At the request of Council President Moran, 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 Moran 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 Moran 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 Moran 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 Twomey as seconded by Councilor Silva, the Council Members present voted unanimously [9-0] to approve Stop Sign – 4 way – Buswell and Lexington Streets.

Doc. 327/09: Approved

Doc.328/09: Parking – La Vecina Restaurant and Grocery Store – 202 Broadway Street – 15 minute spaces (2) – Hearing held – Approved

At the request of Council President Moran, 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 Moran 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 Moran closed the public hearing portion of the proceedings and called upon the Council Members present to offer comment or discussion.

[Tuesday, January 5, 2010]

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Rivera as seconded by Councilor Silva, the Council Members present voted unanimously [9-0] to approve (2) 15 minute spaces for La Vecina Restaurant and Grocery Store, 202 Broadway.

Doc. 328/09: Approved

Doc.337/09: Handicapped Parking -2 Gale Street – Jehovah’s Witness Congregation – Hearing held – Deletion Approved

At the request of Council President Moran, 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 Moran 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 Moran 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 Moran closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

Upon a motion to approve the deletion of the measure, presented by Councilor Rivera as seconded by Councilor Silva, the Council Members present voted unanimously [9-0] to delete handicapped Parking -2 Gale Street.

Doc.337/09: Ordinance Deleted

[Tuesday, January 5, 2010]

Doc.343/09: Handicapped Parking – 18 Orchard Street – to be placed – Hearing held – Approved

At the request of Council President Moran, 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 Moran 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 discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Silva, as seconded by Councilor Aquino, the Council Members present voted unanimously [9-0] to approve the measure.

Doc.343/09: Approved

Doc.350/09: Parking – 19 Newbury Street – to relocate a “No Parking” sign to 20 feet from corner – Hearing held – Approved

At the request of Council President Moran, 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 Moran opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

[Tuesday, January 5, 2010]

Upon no discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Silva, as seconded by Councilor Rivera, the Council Members present voted unanimously [9-0] to relocate a “No Parking” sign to 20 feet from corner of 19 Newbury Street.

Doc.350/09: Approved

IV: Communication from Mayor, City Officials & City Attorney:

Doc.5/10: Discussion – cell tower – Tower Hill – Council. Twomey – Ref. to Ord.

Council President Moran recognized Councilor Twomey to address the Council Members regarding the matter.

Councilor Twomey discussed the history of addressing cell tower petitions in the City of Lawrence from application and hearing before the zoning Board of Appeals.

Richard McCarthy of Bicknell Terrace on Towerhill was recognized by Council President Moran. Mr. McCarthy described the cell tower that the Federal Court approved and stated that he believes the tower being constructed will diminish property values in the area.

Mr. Wlodyka addressed the Council Members upon invitation of Council President Moran. Mr. Wlodyka provided a history of the proceedings regarding the placement of the cell tower on Towerhill.

[Tuesday, January 5, 2010]

Assistant City Attorney D'Agostino, upon being recognized provided the Council Members with a copy of the Federal Court Judgment resulting in the cell tower to be placed. Councilor Twomey posed questions to Attorney D'Agostino submitted by Towerhill residents. Attorney D'Agostino provided his reasoning supporting a decision to enter an agreement for judgment on the suit filed in Federal Court.

Council President Moran stated that he was not pleased with the manner the case was handled. Council President Moran inquired about the possibility of appeal which Attorney D'Agostino stated that an agreement for judgment removes all appeals.

Upon being recognized, former Zoning Board of Appeals Member, Robert O'Koniewski recounted the Zoning Board process.

Upon being granted the floor, Councilor Laplante suggested the mater may be better served by drafting an ordinance that may address the issue.

Council President Moran invited Scott Clegg to comment. Mr. Clegg complained that the process was not sufficient regarding the Federal Court case. Mr. Clegg stated that the construction of the cell tower was unlawful.

Upon being recognized, Councilor Twomey presented a motion to withdraw the item, as seconded by Councilor Silva.

Upon being granted the floor, Councilor Rivera stated that notice may be an issue regarding sufficient notice to abutters.

Upon being granted the floor, Councilor Maldonado posed questions about the possibility of viable appeal, which Attorney D'Agostino confirmed.

[Tuesday, January 5, 2010]

Council President Moran asked Attorney D'Agostino to remain available to consult with Council and the Zoning Board of Appeal in future cases.

Upon being granted the floor, Councilor Almonte suggested the matter should be moved forward.

Upon being granted the floor, Councilor Twomey withdrew his motion to withdraw. He asked that the item be sent to the Ordinance Committee.

Upon no further comment, discussion or inquiry, Council President Moran referred the item to the Ordinance Committee.

Doc.5/10: Ref. to Ord.

Doc.8/10: Adoption of Chapter 183 of the Acts of 2009 to extend the mailing time for actual tax bills FY 2010 to January 30, 2010 – Counc. Moran – Approved

Council President Moran introduced and discussed the importance of the measure.

Upon being recognized, Councilor Rivera presented a motion to have the matter declared an emergency measure and to suspend the Rules of the City Council in order to presently address the matter. The motion was seconded by Councilor Maldonado and a discussion among the Council Members ensued.

Upon being granted the floor, Councilor O'Connor Bernal suggested that D.O.R. provides up to January 30, 2010.

A discussion ensued about the measure and how it would affect the tax rate and billing.

Upon being granted the floor, Councilor Silva informed the Council to clarify the vote this evening is to adopt the measure.

[Tuesday, January 5, 2010]

Upon the motion of Councilor Maldonado to adopt the measure and waive any applicable thirty (30) day waiting period pursuant to section 3.8(a) of the City Charter, as seconded by Councilor Almonte, the Council Members present voted unanimously to adopt the measure.[9-0].

Doc.8/10: Approved

V. APPROPRIATIONS-ORDERS-RESOLUTION: - None

VI. COMMITTEE REPORTS: - None

VII. WITHDRAWALS: - None

VIII. OLD BUSINESS:

Doc.356/09: Transient Vendor License – Hugo A. Barrientos – 505 Hampshire Street - Approved

Upon motion presented by Council Vice President Silva to approve the measure, as seconded by Councilor Rivera the Council Members present voted unanimously [9-0] to approve Transient Vendor License for Hugo A. Barrientos, 505 Hampshire Street.

Doc.356/09: Approved

IX. TABLED MATTERS: - None

X. NEW BUSINESS:

Council President Moran brought the matters listed below to the attention of the Council

Members present and referred each to the Council Subcommittee as indicated:

- Doc.3/10: Taxi/Livery Yearly Renewals – Sgt. Melix Bonilla – Ref. to Ord.
- Doc.4/10: Zoning Change – 501 South Broadway Street – Counc. Laplante – Ref.to Ord.
- Doc.6/10: Parking – 71-85 Woodland Street – restrictions – Counc. Almonte – Ref. to Ord.
- Doc.7/10: An Act authorizing the City of Lawrence to deficit borrow – Counc. Rivera – Ref.to Ord.

[Tuesday, January 5, 2010]

A motion was presented by Councilor Laplante to adjourn at 8:35 p.m. Councilor Rivera stated that he had another matter that he wished to address prior to adjournment. The motion presented by Councilor Laplante was allowed to expire without a second to allow Councilor Rivera to be heard.

Upon being recognized, Councilor Rivera stated that he would like to have the minutes of the City Council available in sufficient advance to the next Council Meeting. Councilor Rivera stated that there has been an inordinate amount of time between the availability of the minutes and the time they are presented for approval which does not allow for sufficient time for review. Upon inquiry on the matter, the City Clerk stated that the reduced personnel resources of the office were being applied to best address direct public benefit and service. The City Clerk also stated that the administrative responsibilities involved with conducting recent Municipal Elections and Special State Elections did cause delay in producing City Council Minutes.

Upon being recognized, Councilor Silva stated that she was aware that the work required to assure elections were conducted caused some of the delay and suggested that the new system of direct electronic record keeping would help toward reducing any delays when in place.

Councilor Rivera asked Council President Moran if a motion would be in order to require the minutes be available by the time the agenda is next available. Council President Moran recognized Councilor Rivera who presented a motion directing the City Clerk to have the minutes of the City Council Meeting available with the informational packages before the next City Council Meeting. The motion was seconded by Councilor Aquino and unanimously approved by voice vote of the Council Members present [9-0].

ITEMS ADDED AT THE MEETING

[Tuesday, January 5, 2010]

- Doc.9/10: Involuntary Termination of Michael Sweeney as Planning Director-Mayor Lantigua – Ref. to Pers..
- Doc.10/10: Involuntary Termination of Myles Burke as Commissioner of Inspectional Services -Mayor Lantigua – Ref. to Pers.
- Doc.11/10: Involuntary of Linda Schiavone as Recreation Department Director-Mayor Lantigua – Ref. to Pers..

Council President Moran presented the above items to the Council Members and suggested that he would refer them all to the Personnel Committee for further proceedings.

Councilor Silva presented a motion to suspend the Rules of the City Council to allow Docs. 9/10, 10/10, and 11/10 to be placed on the City Council Agenda for this evening. The motion was seconded by Councilor Maldonado.

After a brief discussion concerning the appropriateness of placing the measures on the Council Agenda, the Council Members voted to add Docs. 9/10, 10/10, and 11/10 to the City Council Agenda of January 5, 2010 as follows: 6-Yes; 3 No

Councilor Oneida Aquino - Yes
 Councilor Sandy Almonte - Yes
 Councilor Roger Twomey - No
 Councilor Marc Laplante - No
 Councilor Daniel Rivera - Yes
 Councilor Eileen O'Connor Bernal - No
 Councilor Modesto Maldonado -Yes
 Council Vice President Silva - Yes
 Council President Moran – Yes

After recording of the vote, Council President Moran referred the following documents to the Personnel Committee as indicated:

- Doc.9/10: Involuntary Termination of Michael Sweeney as Planning Director-Mayor Lantigua – Ref. to Pers.
- Doc.10/10: Involuntary Termination of Myles Burke as Commissioner of Inspectional Services -Mayor Lantigua – Ref. to Pers.
- Doc.11/10: Involuntary of Linda Schiavone as Recreation Department Director-Mayor Lantigua – Ref. to Pers.

[Tuesday, January 5, 2010]

XI. ADJOURNMENT:

Upon Motion of Councilor Laplante as seconded by Councilor Maldonado the Council Members present voted unanimously to Adjourn.

**ADJOURNED
(9:09p.m.)**

Attest:

William J. Maloney
City Clerk

**MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL**

DATE: Wednesday, January 20, 2010

A REGULAR MEETING of the City Council was held on **Wednesday, January 20, 2010** at 7: 02 p.m. in the City Council Chamber with all Members present.

Approximately One Hundred and Twenty [120] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES: Council President Moran informed the Council Members that the City Clerk has submitted the City Council Minutes of the Meetings held on December 15, 2009, January 4, 2010, and January 5, 2010 for their consideration and approval.

Councilor Silva moved to approve the minutes as presented which was seconded by Councilor Rivera and approved by unanimous [9-0] voice vote of the Council Members present.

II. PUBLIC PARTICIPATION:

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

Anna Soto [no address provided], stated that she is in favor of change in Lawrence and supports the measures advanced by Mayor Lantigua.

Maria Pla, 74 Newbury Street, Lawrence, MA stated that Mayor Lantigua needs the support of individuals who have his confidence and asked the Council Members to support Mayor Lantigua.

George Torres, 198 Essex Street – Apt. #416, Lawrence, MA asked the Council Members to support Mayor Lantigua in his efforts to bring change to Lawrence.

[Wednesday, January 20, 2010]

Juan Acevedo Flores, 213 Farnham Street, Lawrence, MA stated that he supports Mayor Lantigua and that change in Lawrence is necessary.

Julio Wallace, 24 Broadway Avenue, Lawrence, MA stated that he supports Mayor Lantigua.

Felix Matos, 74 Newbury Street, Lawrence, MA stated that he supports Mayor Lantigua and the Council Members elected as an indication of change. He stated that Mayor Lantigua and the Council Members should have employees in service who will work together.

Jose Nunez, 129 High Street, Lawrence, MA stated that the Council Members should vote to fire the individuals that Mayor Lantigua wishes to have fired so he can work with people that he can choose and who will advance his administration.

Peggy Clarke, 23 North Boylston Street, Lawrence, MA stated that she supports Mayor Lantigua and that the Council Members should also support Mayor Lantigua.

Edward Shenker, 58 Kingston Street, North Andover, MA discussed engineering designs he developed and submitted to the Lawrence Planning Office for the improvement of the downtown section of Lawrence. He stated that after approval, the former Mayor stopped the construction citing the dangers of wood construction. He stated that he believes his rights were violated.

Alfonso Garcia, 59 Eutaw Street, Lawrence, MA stated that he supports the termination of Mr. Burke and Mr. Sweeney because of their role in creating the budget deficit over eight years of failure.

[Wednesday, January 20, 2010]

Keith Wodyka, President of the Towerhill Neighborhood Association stated that the Towerhill Neighborhood Association does not support the termination of Mr. Burke and Mr. Sweeney. He stated that they are not responsible for the current budget deficit.

Lindy Galland, 196 West Street, Lawrence, MA recounted favorable experiences with Mr. Sweeney as a Councilor at Large. She stated that she supports Mayor Lantigua in his efforts as Mayor.

Ellie Curtin, 198 Essex Street, Lawrence, MA stated her support of Mr. Burke and Mr. Sweeney.

Jose Santiago, 31 Chestnut Street, Lawrence, MA stated that Mayor Lantigua's failure to allow an opportunity to continue employment to those being targeted for termination. He stated that he does not believe the current process is in the best interest of The City of Lawrence. He suggested that the Council Members should "table" the termination measures to allow Mayor Lantigua the opportunity to find suitable replacements.

William Lantigua, Mayor of Lawrence, stated that his address is 200 Common Street [City Hall] because he spends the majority of his time at City Hall. He stated that he is the Mayor and the Council Members are his Council as a resident of Lawrence. He informed the Council Members that the current deficit in Lawrence is 24.5 million dollars as reported by the Department of Revenue of the Commonwealth of Massachusetts. He stated that the former members of the prior administration should not be permitted to work with his office and that he will not allow them to work with the Mayor's Office.

Jacqueline Marmol, 2 Museum Square – Apt. #2, Lawrence, MA stated that she supports Myles Burke and that the Council Members should not terminate him from employment. She

[Wednesday, January 20, 2010]

recounted the personal assistance provided to her by Mr. Burke when she was without work or income even though he didn't even know her.

Dorothy Incropera, 514 Mount Vernon Street, Lawrence, MA stated that she supports Mr. Burke and Mr. Sweeney and that they deserve to have due process.

Frank Incropera, 514 Mount Vernon Street, Lawrence, MA stated that he opposes the Mayor's efforts to fire Mr. Burke and Mr. Sweeney. He stated that those being subject to termination have a right to due process.

Sal Lupoli, Lawrence Business Owner, spoke in support of Mr. Burke and Mr. Sweeney and stated that he opposes their termination.

Anne Anzalone, 26 German Street, Salem, New Hampshire described her termination from employment by Mr. Sweeney as a parking clerk for the City of Lawrence. She stated that she was in fear for herself and her position when she met with Mr. Sweeney who fired her unjustly.

Michael Gagliardi, 28 Furber Street [no City provided], stated that the prior administration failed to properly provide construction employment to Lawrencians for those jobs in Lawrence as required by City Ordinance. He stated that he supports the termination of Mr. Burke and Mr. Sweeney.

Felix Batista, 88 Greenwood Street, Lawrence, MA stated that Mayor Lantigua needs the support of the Council Members and the residents of the City of Lawrence. He stated that serious budget cuts are necessary to address the financial crisis and balance the City Budget.

[Wednesday, January 20, 2010]

Michael Emelio Guerrero, 24 Chestnut Street, Lawrence, MA stated that he supports Mayor Lantigua and that he believes that those being terminated were stealing money from the City of Lawrence because they didn't work to earn it.

Manuel Castro, 156 Spruce Street, Lawrence, MA stated that he supports Mayor Lantigua and that his decision to terminate Mr. Burke and Mr. Sweeney should be supported.

Daniel Rooney, 27 Abbott Street, Lawrence, MA stated that the Mayor does not "own" the Council Members. He stated that termination of Mr. Burke and Mr. Sweeney is not progressive and not in the best interest of Lawrence.

III. PUBLIC HEARINGS:

Doc. 337/09: Handicapped Parking – 2 Gale Street – Jehovah's Witness Congregation – hearing

At the request of Council President Moran, 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. Upon request, the City Clerk explained that the measure presented was previously presented at public hearing on January 5, 2010. The City Clerk stated that the measure presented at that time was to DELETE a City Ordinance for a handicapped parking space that does not exist and that the approval to delete was based upon an erroneous publication draft provided to the City Clerk by the City Attorney. The Council Members were informed that the current publication is for the placement of a handicapped parking space near the Jehovah Witness Congregation Church on Gale Street is properly before the Council for their consideration.

Council President Moran opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members

[Wednesday, January 20, 2010]

Upon no discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Rivera, as seconded by Councilor Silva, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 337/09: Approved

IV. Communication from Mayor, City Officials and City Attorney:

Doc. 305/09: Recovery Plan – rescind of September 30, 2009 – Memo from Mayor Lantigua – ref. to Budget & Finance Cmt.

Doc. 20/10: Community Development Director Mr. James Barnes – request to invite to appear to provide updates/information – Councilor Laplante – ref. to Housing Cmt.

V. APPROPRIATIONS-ORDERS-RESOLUTIONS:

Doc. 12/10: Prior Year Appropriation Approval–Eagle Tribune Invoice – Patrick Blanchette, Economic Development Director – ref. to Budget & Finance Cmt.

Doc. 13/10: Loan Order - Lawrence Deficit Borrowing – Up to \$35,000,000.00 – Patricia M. Cook, Treasurer/Collector Director – ref. to Budget & Finance Cmt.

Doc. 18/10: Resolution – to honor memory of Robert Lavoie – Councilors Bernal, Laplante & Rivera - Tabled

The item was introduced by Council President Moran. The Council Members

[Wednesday, January 20, 2010]

voted unanimously [9-0] by voice vote to “table” the measure.

Doc. 18/10: Tabled

VI. COMMITTEE REPORTS:

Doc. 367/09: Transient Vendor License – Alfred George – 71 High Street – Approved

At the request of Council President Moran, Councilor Bernal presented the report of the Ordinance Committee to the Council Members recommending the approval of the petition presented. The report was presented in the form of a motion to approve, seconded by Council Vice President Silva and unanimously approved by the Council Members present [9-0].

Doc. 367/09: Approved

Doc. 3/10: Taxi/Livery Yearly Renewals – Ord. Comm. - Approved

At the request of Council President Moran, Councilor Bernal presented the report of the Ordinance Committee to the Council Members recommending the approval of the petition presented. The report was presented in the form of a motion to approve and seconded by Councilor Rivera.

Upon being recognized, Councilor Laplante informed the Council Members that the Lawrence Taxi/Livery owners may be called upon to assist with quality of life issues in the City of Lawrence.

Upon not further discussion, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 3/10: Approved

**Doc. 7/10: An Act authorizing City to deficit borrow – Ord. Comm. –
ref. to Budget & Finance Cmt.**

[Wednesday, January 20, 2010]

At the request of Council President Moran, Councilor Bernal presented the report of the Ordinance Committee to the Council Members recommending the approval of the petition presented with the conditions cited in the committee report. The report was presented in the form of a motion to approve.

Council President Moran suggested that the measure should be referred to the Budget and Finance Committee for further proceedings. Councilor Bernal withdrew her motion to approve and moved to have the item referred to the Budget and Finance Committee. The motion to refer the item was seconded by Councilor Almonte and unanimously approved by voice vote of the Council Members present [9-0].

Doc. 7/10: ref. to Budget & Finance

Doc. 9/10: Removal of Michael Sweeney, Planning Director – Pers. Comm. – Defeated

At the request of Council President Moran, Councilor Twomey presented the report of the Personnel Committee without a recommendation for acceptance. The motion was seconded by Council Vice President Silva and unanimously approved by the Council Members present by unanimous voice vote [9-0].

Council Vice President Silva moved to approve the item which was seconded by Councilor Almonte.

Upon being recognized, Councilor Twomey confirmed the procedural aspects of the proceedings before Council with Council President Moran.

Council President Moran stated that the proceedings would begin with Mr. Sweeney being permitted to present his case followed by the City Attorney and Assistant City Attorneys.

[Wednesday, January 20, 2010]

Upon being invited to proceed, Mr. Sweeney stated that he is not the moving party and that it is highly irregular to have the individual subject to being terminated to present a defense prior to any presentation by the City.

Upon being recognized, Assistant City Attorney D'Agostino requested that the proceedings be conducted as outlined by Council President Moran and that Mr. Sweeney being with his presentation.

Mr. Sweeney stated that he could not make a presentation without being apprised of the allegation before the Council Members.

Council President Moran stated that as the parliamentarian of the City Council, he has stated the format of the proceedings and again asked Mr. Sweeney to make his presentation.

Upon the premise that he may be required to forfeit his opportunity to make a presentation, Mr. Sweeney stated that he will make his presentation in the format announced by the Council President.

Councilor Laplante suggested that Mr. Sweeney should be offered time to rebut the presentation offered by the City Attorneys.

Mr. Sweeney present information concerning prior year budgets of his department stating that the allocations resulted in a return to the City rather than a deficit.

Upon conclusion of Mr. Sweeney's presentation, Council President Moran recognized City Attorney Charles Boddy, Assistant City Attorney Richard D'Agostino, and Assistant City Attorney Anne Randazzo who were invited to present their case for the termination of Planning Director Sweeney.

[Wednesday, January 20, 2010]

City Attorney Charles Boddy began the presentation informing the Council Members that termination of employees under the circumstances presented does not require “cause” but only a “reason” which all parties agree has been provided. City Attorney Boddy addressed the Council Members regarding the measure for consideration.

Upon conclusion of City Attorney Boddy’s presentation, Assistant City Attorney Anne Randazzo commenced her presentation by reading Section 3.7(b) of the Lawrence City Charter into the record and stated that the required standard of proof to terminate employees does not rise to the level of “just cause” under the circumstances presented and concerning this employee and the other two employees being considered for termination by the Council Members.

Upon conclusion of Assistant City Attorney Anne Randazzo’s presentment, Assistant City Attorney Richard D’Agostino addressed the Council Members explained the meaning of the terms contained in reading Section 3.7(b) of the Lawrence City Charter in relation to the action of the Mayor to move for termination of the employees before the Council.

Upon conclusion of the presentation of Assistant City Attorney D’Agostino, Council President Moran recognized Mayor Lantigua and invited the Mayor to address the Members of the City Council.

Mayor Lantigua stated that he wished to clarify his earlier comments to the Council Members to be sure that his comments were not misconstrued. Mayor Lantigua stated that his comments that the Councilors were “his Council” – he intended the comment to mean that the Councilors were his Councilors as a citizen of Lawrence just as he is their Mayor as citizens of Lawrence. Mayor Lantigua continued by informing the Council Members and the public that the current deficit for the City of Lawrence is 24.5 million dollars according to reports provided by

[Wednesday, January 20, 2010]

the Department of Revenue of the Commonwealth of Massachusetts. Mayor Lantigua asked the Council Members to allow him the ability to represent the City of Lawrence with employees that share his commitment and method of leadership which is not shared by Mr. Sweeney. Mayor Lantigua stated that he cannot and will not work with Mr. Sweeney and asked that the Council Members approve the termination of Mr. Sweeney as presented.

Upon conclusion of comments offered by Mayor Lantigua, Council President Moran offered Mr. Sweeney the opportunity for rebuttal. Upon being recognized, Mr. Sweeney stated that he remains committed to the City of Lawrence and if given the opportunity to do so he would work in conjunction with the Mayor and his staff. Mr. Sweeney suggested that he would contribute a portion of his salary to the City of Lawrence for its betterment if the Mayor would match the same amount for his salary.

After a brief discussion among the Council Members, Councilor Twomey was recognized by Council President Moran. Councilor Twomey proceeded by posing several question to Assistant City Attorney D'Agostino concerning whether or not Mr. Sweeney was ever offered an opportunity to work with Mayor Lantigua's Administration to determine if he shared the philosophy of the Lantigua Administration. Upon inquiry directed to Assistant City Attorney D'Agostino by Councilor Twomey, Attorney D'Agostino provided information about the supplemental response of Mayor Lantigua providing further information as to the reasons given for the recommended termination of Mr. Sweeney.

Upon inquiry directed at Mayor Lantigua by Councilor Twomey, Mayor Lantigua stated that the reason for recommending termination of Mr. Sweeney is based in part on his role in creating the substantial deficit of 24.5 million dollars. Mayor Lantigua stated further that he

[Wednesday, January 20, 2010]

does not believe that a legal “cause” for termination is not required. Councilor Twomey posed further questions to Mayor Lantigua concerning whether or not Mr. Sweeney was informed of the administrations philosophy prior to termination.

Upon being recognized, Councilor Rivera stated that the point of the issue concerning the notice to the employee may be moot since that information is contained in the letter of termination and supplement notice. A discussion ensued between Mayor Lantigua and Councilor Rivera regarding the written notice of termination and supplement notice.

Upon continuing, Councilor Twomey discussed the change of administration due to the recent election comparing changes occurring in private industry where it is customary to allow employees a reasonable opportunity to continue employment despite the change in leadership. Mayor Lantigua responded by stating that the current situation is not similar or comparable to private industry. Councilor Twomey stated that he believes the protections afforded employees by the City Charter against arbitrary removal has not been followed.

Upon being recognized, Councilor Maldonado commented that he was elected to implement change to be responsive to those who elected him to office. He stated that he believes that a new Chief Executive Officer in the corporate world would be allowed to require employees to work as directed or suffer consequences including termination. Councilor Maldonado stated that he supports the Mayor in the matter presented.

Upon being recognized, Councilor Laplante stated that he believes the presentation of the City Attorney and the Assistant City Attorneys were more in the form of advocacy favoring the Mayor’s position. He commented that legislation is pending that will address management and finance issues that are being referenced as the reasons for termination of employees. He

[Wednesday, January 20, 2010]

suggested that it may not be prudent to obtain the advice of an “overseer” prior to making such decisions impacting the current financial structure.

Upon being recognized, Council Vice President Silva stated that the two individuals subject to termination proceedings are part of an overall plan of the Administration and that additional termination recommendations will be made addressing those who are responsible for the current deficit.

Upon being recognized, Councilor Laplante continued to express his concerns regarding proceeding with termination of employees prior to obtaining professional guidance.

Upon further questions posed by Council Vice President Silva, Mayor Lantigua stated that he believes that the termination proceedings properly follow the City Charter provisions. Mayor Lantigua also explained that he believed the role of the State Advisor is not as comprehensive as being suggested.

Upon being recognized, Councilor Almonte stated that she supports the proposed terminations of both employees [Mr. Sweeney and Mr. Burke] as presented to Council. She stated that the terminations are intended to being the changes the Administration requires in order to address serious financial problems.

Upon being recognized. Council Vice President Silva stated that she concurs with Councilor Maldonado and believes that Mayor Lantigua should be afforded the opportunity to implement change.

[10:00 PM – COUNCILOR LAPLANTE MOVED TO CONDUCT PROCEEDINGS BEYOND 10:00 P.M., SECONDED BY COUNCILOR AQUINO AND UNANIMOUSLY APPROVED [9-0] BY VOICE VOTE OF THE COUNCIL MEMBERS PRESENT]

[Wednesday, January 20, 2010]

Continuing, Council Vice President Silva stated that she was re-elected to work for the City of Lawrence. She thanked Mayor Lantigua for his ideas and efforts to bring the City of Lawrence forward.

After a brief discussion between Councilor Laplante and Council President Moran regarding the difference between offering a point of personal privilege and comment – Council President Moran asked Council Vice President Silva to continue.

Council Vice President Silva continued by stating that Mr. Sweeney was sometimes disrespectful to the Council Members and stated that there is only one year to resolve the deficit.

Upon no further comment or discussion, Council President Moran called the matter to the attention of the Council Members present for their consideration. Upon a roll call vote of the Council Members present, the motion to terminate the employment of Michael Sweeney as Planning Director for the City of Lawrence failed for lack of a sixth vote as recorded; YES-5; NO-4:

Councilor Oneida Aquino - Yes
 Councilor Sandy Almonte - Yes
 Councilor Roger Twomey - No
 Councilor Marc Laplante - No
 Councilor Daniel Rivera - No
 Councilor Eileen O'Connor Bernal - No
 Councilor Modesto Maldonado -Yes
 Council Vice President Silva - Yes
 Council President Moran – Yes

Doc. 9/10: Defeated

**Doc. 10/10: Removal of Myles Burke, Inspectional Services Commissioner –
 Pers. Comm.- Approved**

[Wednesday, January 20, 2010]

At the request of Council President Moran, Councilor Twomey presented the report of the Personnel Committee without a recommendation for acceptance by the Council Members. The motion was seconded by Council Vice President Silva and unanimously approved by the Council Members present by unanimous voice vote [9-0].

Council Vice President Silva moved to approve the item which was seconded by Councilor Rivera.

Upon being recognized, Councilor Twomey suggested that the Administration should make its presentation first and the employee or his representative should make their presentation.

Upon being recognized, Councilor Rivera that the process in this instance should proceed in the same manners as the matter concerning Mr. Sweeney.

Council President Moran stated that he would defer to Councilor Twomey as the Chair of the Personnel Committee and invited City Attorney Boddy to proceed.

City Attorney Charles Boddy provided the Council Members with a brief summary of reasons for recommended removal of Myles Burke as Inspection Services Commissioner for the City of Lawrence. Attorney Boddy stated that the same explanation provided in the prior proceeding concerning Mr. Sweeney regarding the substantive and procedural aspects that pertain to removal and termination apply in this instance as well and that repeating the same would be redundant.

Assistant City Attorney Anne Randazzo was asked to present information to the Council Members upon completion of the presentation of City Attorney Boddy. Attorney Randazzo

[Wednesday, January 20, 2010]

provided information concerning the reasons for termination presented in regard to Mr. Burke and stated further that Mayor Lantigua will be unable to work with Mr. Burke.

Assistant City Attorney Richard D'Agostino was asked to present information to the Council Members upon completion of the presentation of Assistant City Attorney Randazzo. Attorney D'Agostino stated that the applicable provisions of the City Charter provide for the recommendation for the removal of Mr. Burke from employment. He asked the Council Members to consider the Charter provisions and confirm the removal as presented.

Upon being recognized, Mayor Lantigua requested that he be allowed to address the Council Members after the vote is concluded and recorded. Council President Moran agreed.

Upon being recognized, Mr. Burke addressed the Council Members citing reasons that he should not be terminated.

Upon being recognized, Attorney Thomas Caffrey [representing Mr. Burke] discussed the issues presented by the Administration in favor of termination suggesting that there are other means to obtain the same result sought by the Administration other than termination of his client.

Upon being recognized, Councilor Twomey stated that he opposes the termination of both Mr. Sweeney and Mr. Burke because they were never provided an opportunity to work with the Administration.

Upon being recognized, Councilor Bernal stated that the issue concerning "cause" for termination rests with the Council Members. She suggested that the loss of State funding was a significant contributing factor to the current deficit.

[Wednesday, January 20, 2010]

Upon being recognized, Councilor Rivera stated that continued employment of City Hall employees should be based on performance.

Upon no further discussion, inquiry, or comment offered by the Council Members present Council President Moran called the matter to the attention of the Council Members for their consideration. Upon the roll call vote, the Council Members present voted to approve the termination of Myles Burke as Commissioner of Inspectional Services as follows: YES – 7;

NO -2:

Councilor Oneida Aquino - Yes
 Councilor Sandy Almonte - Yes
 Councilor Roger Twomey - No
 Councilor Marc Laplante - No
 Councilor Daniel Rivera - Yes
 Councilor Eileen O'Connor Bernal - Yes
 Councilor Modesto Maldonado -Yes
 Council Vice President Silva - Yes
 Council President Moran – Yes

Doc. 10/10: Approved

Doc. 11/10: Removal of Linda Schiavone, Recreation Department Director-withdrawn

At the request of Council President Moran, Councilor Twomey presented the report of the Personnel Committee without a recommendation for acceptance by the Council Members. The motion was seconded by Council Vice President Silva and unanimously approved by the Council Members present by unanimous voice vote [9-0].

After a brief discussion among the Council Members and Assistant City Attorney D'Agostino, Council Vice President Silva moved to withdraw the item which was seconded by Councilor Almonte and unanimously approved [9-0] by voice vote of the Council Members present.

[Wednesday, January 20, 2010]

VII. WITHDRAWALS: - None

VIII. OLD BUSINESS:

Doc. 289/09: Drinking Water State Revolving Loan Fund Application - Patricia M. Cook, Treasurer/Collector Director – Public Hearing Ordered

Council President Moran presented the item to the Council Members present explaining that the item, though previously approved, was approved without a public hearing which is required by the City Charter for all loan orders.

Upon the motion of Council Vice President Silva to order a public hearing, seconded by Councilor Rivera, the Council Members present voted as follows by roll call vote; YES-8; NO-0; ABSTAIN-1

Councilor Oneida Aquino - Yes
 Councilor Sandy Almonte - Yes
 Councilor Roger Twomey - Yes
 Councilor Marc Laplante - Abstain
 Councilor Daniel Rivera - Yes
 Councilor Eileen O'Connor Bernal - Yes
 Councilor Modesto Maldonado -Yes
 Council Vice President Silva - Yes
 Council President Moran – Yes

Doc. 289/09: Public Hearing Ordered

IX. TABLED MATTERS: - None

X. NEW BUSINESS:

Council President Moran brought the matters listed below to the attention of the Council Members present and referred each to the Council Subcommittee as indicated:

- 14/10 Transient Vendor License – Carmen Iris Navarro – 52 Wilson Street, Haverhill, MA-ref to Ord
- 15/10 St. Patrick's Day Parade – Sunday, March 21, 2010 @ 1:00 p.m. – Marie G. Gosselin ref. to Ord.

[Wednesday, January 20, 2010]

- 16/10 School Zone Signage – 20 mph in the area of Park, Bruce and Saunders Streets – Council Vice Pres. Silva – ref to Ord.
- 17/10 Flashing Yellow Lights – Park and Bruce Streets – request this be changed to Flashing Red Lights on both sides – Council Vice Pres. Silva – ref to Ord.
- 19/10 Disposition of city-owned Real Estate – April M. Lyskowsky, Real Property Acquisition/Disposition Specialist – ref. to Housing
- 21/10 City Employees – Ordinance prohibiting from holding an elected position – Council Maldonado – ref. to Ord

XI. ADJOURNMENT:

Upon Motion of Council Vice President Silva as seconded by Councilor Almonte, the Council Members present voted unanimously [9-0] to Adjourn.

ADJOURNED
(10:55p.m.)

Attest:

William J. Maloney
City Clerk

**MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL**

DATE: Tuesday, February 2, 2010

A **REGULAR MEETING** of the City Council was held on **Tuesday, February 2, 2010** at 7: 03 p.m. in the City Council Chamber with all Members present.

Approximately Fifty [50] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES:

Council President Moran informed the Council Members present that the minutes of City Council Meetings conducted January 20, 2010 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon being recognized, Councilor Twomey stated that a correction was necessary to page 29 of the Council Meeting held on January 20, 2010.

Upon the motion of Councilor Silva to accept the minutes, with the correction announced by Councilor Twomey, as seconded by Councilor Rivera, the Council Members present voted unanimously [9-0] to accept the minutes of January 20, 2010.

II. PUBLIC PARTICIPATION:

Council President Moran 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 Moran, the following individuals addressed the City Council:

Michael Shirley, 28 Amherst Street, Lawrence, MA, a retired member of Grace Episcopal Church, stated that he is pleased with the new trash collection system and suggested that

[Tuesday, February 2, 2010]

quarterly collection of bulk items be arranged. He also stated that it is important to fill the Recycling Coordinator position as soon a possible.

Homayoun Maali, 53 Chester Street, Lawrence, MA, stated he is pleased with Mayor Lantigua's success upon being elected to the office. He stated that Mayor Lantigua has the right to choose his assistants.

Stephanie Mistretta, 19 Odile Court, Lawrence, MA, stated that DPW dumps snow and blocks her driveway over the past nine years. She stated that DPW has caused damage to her front yard. She asked the Council Members if they could provide her with assistance to stop the snow from being piled in front of her house and to stop DPW from causing damage to her property.

Jose Santiago, 391 Chestnut Street, Lawrence, MA, stated his concern about what he believes is poor leadership by Mayor Lantigua. He stated that the future of good government in Lawrence is in question.

George Herman, 10 Cambridge Street, Lawrence, MA, stated that the meeting of January 20, 2010 was without direction or control.

Lindy Galland, 196 West Street, Lawrence, MA stated that Lawrence residents are subject to employment discrimination. She suggested that the Mass. Rehabilitation Commission exercises too much control over employment and referral agencies.

Bev Mercer, 75 Hillside Ave., Lawrence, MA, stated that a State takeover of the City of Lawrence is likely and that the recent lay-offs of City employees were politically motivated.

Diane Stephens, 29 Yale Street, Lawrence, MA, stated that she is terrified at what is occurring in the City Of Lawrence and believes the recent lay-offs are politically motivated.

[Tuesday, February 2, 2010]

Carmen Navarro, 52 Wilson Street, Haverhill, MA, stated she applied for a Vendor License and requested favorable consideration.

Acting Fire Chief Brian Murphy 65 Lowell St., Lawrence, MA informed the Council Members of the inadequate fire protection in the City Of Lawrence due to reduced staff and the loss of two fire stations.

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA, suggested that review of Police detail should be referred to the Budget and Finance Committee.

III. PUBLIC HEARINGS:

Doc.289/09: Drinking Water State Revolving Loan Fund Application – Hearing held - Approved

At the request of Council President Moran, 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 Moran 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, DPW Director, spoke in favor of the measure.

Leonard Degan, Chief of Staff, stated it should be passed as an emergency measure.

Upon no further discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being recognized, Council Vice President Silva presented a motion to approve the measure and to waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter. The motion was seconded by Councilor Maldonado.

[Tuesday, February 2, 2010]

Upon being granted the floor, Councilor Maldonado posed questions regarding the proposed use of the funds to DPW Director Frank McCann.

Upon being granted the floor, Councilor Rivera posed questions regarding this matter of Water Commissioner Robert Fazio.

Councilor Maldonado posed further questions to Commissioner Fazio regarding amounts expected to be obtained.

Upon being granted the floor, Councilor Laplante asked if the repairs will affect residents of South Lawrence East. Director McCann responded with information about projects that will address necessary repairs in South Lawrence East. Councilor Laplante stated that repairs should be pursued.

Upon no further discussion or comment offered by the Council Members present, Council President Moran 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 Silva, as seconded by Councilor Maldonado, the Council Members present voted unanimously [8-1] to approve the measure and to waive the 30 days waiting period required by section 3.8(a) of The Lawrence City Charter as follows: 8-Yes; 1-Abstain

Councilor Aquino - Yes
Councilor Almonte - Yes
Councilor Twomey - Yes
Councilor Laplante - Abstain
Councilor Rivera - Yes
Councilor O'Connor Bernal - Yes
Councilor Maldonado - Yes

[Tuesday, February 2, 2010]

Council Vice President Silva - Yes
Council President Moran –Yes

Doc. 289/09: Approved-30days Waived

IV: Communication from Mayor, City Officials & City Attorney:

**Doc.22/10: New Automated Trash Collection and Allied Waste Services contract update –
to be discussed – Counc. Rivera – Tabled**

At the invitation of Council President Moran Councilor Rivera introduced the measure. Upon request Councilor Rivera posed questions to DPW Director McCann about the various aspects of the Automated Trash Collection Program, including costs, services, recycling, program coverage, over-flow bag system, impact on small businesses, the current agreement, enforcement and yard waste.

Upon being granted the floor, Councilor Maldonado posed questions to Director McCann about single barrels that were issued to families who may require additional barrels due to the size of their families. Councilor Maldonado also discussed trash pick-up at locations that are a mixed commercial and residential location. Questions concerning items that are not picked up by the contractor and other larger items such as furniture and mattresses were posed to Director McCann suggesting that illegal trash disposal and dumping can be avoided if additional pick-ups can be arranged.

Upon being granted the floor, Councilor Almonte stated that she agrees with Mr. Shirley [who commented earlier] in regard to conservation efforts. She stated that recycling efforts should be expanded. Director McCann stated that the city will provide as many recycling bins as anyone may request without cost.

[Tuesday, February 2, 2010]

Upon being granted the floor, Councilor Bernal stated that trash is not being picked from commercial business locations without cost but that business owners are offered the opportunity to participate in the recycling program without additional costs. Councilor Bernal posed questions to Director McCann regarding these matters.

Upon being granted the floor, Councilor Aquino asked Director McCann to explain the duties and responsibilities of the Recycling Coordinator position. She also posed questions to Director McCann about the charges intended for businesses for additional trash bags. Director McCann stated that implementation of purchasing trash bags is still being considered.

Council President Moran relinquished his role as President of the Council in favor of Council Vice President Silva in order to pose questions to Director McCann regarding the expected time frame to include all locations and streets in the City for trash pick-up by the contractor. Council President Moran and Director McCann discussed some of the difficulties being addressed before including all City locations into the new trash disposal program. Council President Moran also discussed the apparent increase in trash citations and requested information to determine where the problem areas exist.

Upon being granted the floor, Councilor Rivera stressed the importance of presenting a discussion on this matter and stated that periodic review of the item should be done in the future.

Upon no further comments, inquiry or discussion, Councilor Rivera presented a motion to withdraw the measure, as seconded by Council Vice President Silva.

Upon being recognized, Councilor Laplante suggested that the item should be tabled in order to assure that it remains on the Council Agenda.

[Tuesday, February 2, 2010]

Upon being recognized, Councilor Almonte presented a motion to table the item, which was seconded by Councilor Silva and unanimously approved by the Council Members present [9-0].

Doc.22/10: Tabled

V. APPROPRIATIONS-ORDERS-RESOLUTION:

Doc.12/10: Prior Year Appropriation approval – Eagle Tribune Invoice – Budget and Finance Comm. - Approved

Council President Moran introduced the item.

Upon being granted the floor, Councilor Rivera presented a motion to approve the measure, as seconded by Council Vice President Silva and the Council Members present voted unanimously [9-0] to approve the measure.

Doc.12/10: Approved

VI. COMMITTEE REPORTS:

Doc.348/09: Proposed Rezoning of 66 Parker Street – Ord. Comm. – Public Hearing Ordered

At the request of Council President Moran, Councilor O'Connor Bernal 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 Rivera and unanimously approved by the Council Members present [9-0].

Doc. 348/09: Public Hearing Ordered

Doc. 366/09: National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures on Spruce Street – Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor O'Connor Bernal presented the report of the Ordinance Committee to order a public hearing on the measure presented. The

[Tuesday, February 2, 2010]

report was presented in the form of a motion, seconded by Councilor Twomey and unanimously approved by the Council Members present [9-0].

Doc. 366/09: Public Hearing Ordered

Doc.368/09: FEMA/MEMA – Mitigation Grants – Ord. Comm. – Approved

At the request of Council President Moran, Councilor O'Connor Bernal presented the report from the Ordinance Committee in the form of a motion to approve FEMA/MEMA – Mitigation Grants, as seconded by Councilor Almonte.

Upon invitation, Land Use Planner Daniel McCarthy addressed the Council regarding the proposed endorsements from the affected City Departments recommending approval of the item.

Upon being granted the floor, Councilor Laplante suggested the information be posted on the City web site. Land Use Planner McCarthy stated it would be posted on the City web site.

Upon being granted the floor, Councilor Maldonado posed questions about the administration of the approved grants. Land Use Planner Dan McCarthy stated that the various department heads would be responsible to oversee the administration of grants their departments may receive.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Moran called the motion to the attention of the Council Members present who voted unanimously [9-0] to approve FEMA/MEMA-Mitigation Grants.

Doc. 368/09: Approved

Doc. 6/10: Parking – 71-85 Woodland Street - restrictions – Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor O'Connor Bernal presented the report of the Ordinance Committee to order a public hearing on the measure presented. The

[Tuesday, February 2, 2010]

report was presented in the form of a motion, seconded by Councilor Twomey and unanimously approved by the Council Members present [9-0].

Doc. 6/10: Public Hearing Ordered

Doc.14/10: Transient Vendor License – Carmen Iris Navarro – 52 Wilson Street, Haverhill, MA – Ord. Comm. – Approved

At the request of Council President Moran, Councilor O’Connor Bernal 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 Maldonado and unanimously approved by the Council Members present [9-0].

Doc.14/10: Approved

Doc.16/10: School Zone Signage – 20 mph in the area of Park, Bruce and Saunders Streets – Ord. Comm. – Approved/Letter

At the request of Council President Moran, Councilor O’Connor Bernal presented the report of the Ordinance Committee to approve the measure presented and to send a letter to DPW Director, Frank McCann to “put 20 MPH signs up”. Councilor O’Connor Bernal stated that the letter stress the immediacy of putting up the speed limit signs because the area surrounds a school zone. The report was presented in the form of a motion, seconded by Councilor Maldonado and unanimously approved by the Council Members present [9-0].

Doc.16/10: Approved/Letter

Doc.305/09: Recovery Plan – Rescind of Sept. 30, 2009 – Budget and Finance Comm. - Approved

At the request of Council President Moran, Councilor Rivera presented the report of the Budget & Finance Committee to rescind the Recovery Plan of September 30, 2009. The report was presented in the form of a motion and seconded by Council Vice President Silva.

[Tuesday, February 2, 2010]

Upon being granted the floor, Councilor Laplante initiated a discussion as to reasons necessary to rescind the measure with Councilor Rivera.

Upon invitation, Chief of Staff Leonard Degnan provided further explanation and reasoning for the proposed rescission of the approval. A discussion ensued between Mr. Degnan and Councilor Laplante regarding the financial results if the items subject to the measure were rescinded.

Upon being granted the floor, Councilor Rivera stated that it would be best to dispose of the matter at this time rather than delay.

Upon being granted the floor, Councilor Twomey posed questions about would happen to funds that may not be used.

Upon no further discussion, comment or inquiry offered by the Council Members present, Council President Moran called upon the Members present to consider the matter presented. Upon a motion to approve the measure presented by Councilor Rivera, as seconded by Council Vice President Silva, the Council Members present voted unanimously [9-0] to rescind the provisions of the Recovery Plan previously approved on September 30, 2009.

Doc.305/09: Approved

Doc. 7/10: An Act authorizing the City of Lawrence to deficit borrow – Budget and Finance Comm. – Public Hearing Ordered

At the request of Council President Moran, Councilor Rivera presented the report of the Budget & Finance Committee to order a public hearing on the measure. The report was presented in the form of a motion and seconded by Council Vice President Silva.

Upon being granted the floor, Councilor Laplante asked Chief of Staff, Leonard Degnan about the current bond rating. A discussion ensued between Chief of Staff Degnan and

[Tuesday, February 2, 2010]

Councilor Laplante regarding the bonding process. Councilor Rivera provided additional information regarding the matter. Further discussion ensued between Council President Moran and Mr. Degnan.

Upon being granted the floor, Council Vice President Silva discussed the anticipated process between the City and State Legislature.

Upon being granted the floor, Councilor Rivera explained that the administration has provided more detail about the current deficit.

Upon no further discussion, comment or inquiry offered by the Council Members present, Council President Moran called upon the Members present to consider the matter presented. Upon a motion to order a public hearing on the measure presented by Councilor Rivera, as seconded by Council Vice President Silva, the Council Members present voted unanimously [9-0] to order a public hearing on the matter.

Doc. 7/10: Public Hearing Ordered

VII. WITHDRAWALS:

Council President Moran granted Councilor Laplante the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Housing Committee. Councilor Laplante moved to present the matters listed below in “block” form for withdrawal from the Council Agenda. The motion was seconded by Councilor Maldonado.

A brief discussion ensued between Councilor Almonte and Councilor Laplante regarding keeping Doc. 156/07 and suggested that the matter should not be withdrawn as it concerns handball courts that may still be built and made available to the residents of Lawrence.

[Tuesday, February 2, 2010]

Councilor Almonte requested this item not be withdrawn but referred to the Housing Committee for further proceedings.

Upon no further discussion, Council Members present voted unanimously [9-0] to withdraw Doc. 219/08, Doc. 171/09, Doc. 174/09 from the City Council Agenda:

Doc.219/08: Guilmette School – access and exit to Hancock Housing by students – Hous. Comm. – Withdrawn

Doc. 171/09: Surplus Declaration – 217-223 Essex Street – (Tax Map #106, Lot 12) - Hous. Comm. – Withdrawn

Doc.174/09: Surplus Declaration – Ferry Street – (Tax Map #51, Lot 11) – Hous. Comm. – Withdrawn

Doc.156/07: Handball Courts in Lawrence – Hous. Comm. – Ref. to Housing

Upon being granted the floor, Councilor Laplante presented a motion to send Doc. 156/07 to the Housing Committee. The motion was seconded by Council Vice President Silva and the Council Members present voted unanimously [9-0] to send Doc. 156/07 to the Housing Committee.

Doc.156/07: Ref. to Housing

Doc.344/09: Stop Sign – Williams and Wesley Street – 4 way – Ordinance Comm. – Withdrawn

Council President Moran granted Councilor Bernal the floor for the purpose of presenting matters concerning the withdrawal of matters pending before the Ordinance Committee.

Councilor Bernal presented a motion to withdraw the following item. The motion was seconded by Council Vice President Silva and the Council Members present voted unanimously [9-0] to withdraw the following matter from the City Council Agenda:

Doc.344/09: Withdrawn

[Tuesday, February 2, 2010]

Doc. 13/10: Loan Order – Lawrence Deficit Borrowing up to \$35,000,000 – Budget and Finance Comm. – Withdrawn

Council President Moran granted Councilor Rivera the floor for the purpose of presenting a motion to withdraw matters pending before the Budget and Finance Committee. Councilor Rivera moved to withdraw the above item from the City Council Agenda which was seconded by Council Vice President Silva and unanimously approved by the Council Members present [9-0].

Doc. 13/10: Withdrawn

VIII. OLD BUSINESS:

Council President Moran presented the following matters to the attention of the Council Members and referred them to the subcommittee as indicated:

298/05 Disposition - 55 Jackson Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

314/05 Disposition – 98 Springfield Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

138/07 Disposition – 17-19 Pleasant Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Reg. to Housing

140/07 Disposition – 55 Warren Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

141/07 Disposition – 61 Warren Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

107/08 Disposition – 100 Summer Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

198/08 Disposition – 67-75 South Union Street- April Lyskowsky, Esq. Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

287/08 Disposition – 449 Broadway – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

288/08 Disposition – 453-457 Broadway – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

[Tuesday, February 2, 2010]

295/08 Disposition – 197-203 Jackson Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

300/08 Disposition – 50 Pleasant Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

303/08 Disposition – 83-851/2 Tremont Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

44/09 Disposition – 14-16 Bennett Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

48/09 Disposition – 65 Bradford Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

49/09 Disposition – 67 Bradford Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

79/09 Disposition – 31-35 West Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

80/09 Disposition – 26 Whitman Street – April Lyskowsky, Esq., Real Prop.
Acquisition/Disposition Specialist – Ref. to Housing

185/09 Disposition – 211- 213 Jackson Street – April Lyskowsky, Esq. Real Prop. Acquisition
Specialist – Ref. to Housing

**Doc.8/10: Adoption of Chapter 183 of the Acts of 2009 to extend the mailing time for
actual tax bills FY 2010 – Council Pres. Moran - Approved**

Council President Moran introduced the measure for the consideration of the Council

Members present.

Upon being granted the floor, Council Vice President Silva presented a motion to suspend Rule 21 of the Rules of the City Council in order to extend the Adoption of Chapter 183 of the Acts of 2009 until March 30, 2010. The motion was seconded by Councilor Maldonado and the Council Members present voted unanimously [9-0] to suspend Rule 21 of the Rules of the City Council.

Doc.8/10: Approved

[Tuesday, February 2, 2010]

IX. TABLED MATTERS:

The following items remained “tabled” without further action:

18/10 Resolution – Robert Lavoie – Councilors Bernal, Laplante and Rivera

X. NEW BUSINESS:

Council President Moran brought the matters listed below to the attention of the Council

Members present and referred each to the Council Subcommittee as indicated:

- Doc. 23/10:** Alternate Winter Parking Ban – request to include Sheridan Street – Ordinance to be amended - Council. Almonte – Ref. to Ord.
- Doc. 24/10:** Water and Sewer Bills – Financial review of the current status – Council. Rivera – Ref. to Budget & Finance.
- Doc. 25/10:** Abandoned and Foreclosed residential properties – Ordinance regulating the maintenance – Council. Rivera – Ref. to Ord.
- Doc. 26/10:** Parking – Lowell Street – amend to parking restriction – Council Pres. Moran – Ref. to Ord.
- Doc. 27/10:** Parking – 90 Lowell Street – Police Visitor Parking – Council Pres. Moran – Ref. to Ord.
- Doc. 28/10:** Zoning Change – R-3 to B-1 – 42-44 Jamaica Street – Council Pres. Moran – Ref. to Ord. & Planning Board
- Doc. 29/10:** Police details at events – a review of the policy – Councilor Laplante by request of a constituent – Ref. to Ord.

ITEMS ADDED AT THE MEETING

Doc. 30/10: Appropriation for the Election Office – to cover the costs for the Senatorial Primary & Final Election – David Camasso, Comptroller – Ref. to B & F

Upon being granted the floor, Council Vice President Silva presented a motion to add Doc.30/10 to the Agenda. The motion was seconded by Councilor Rivera and the Council Members present voted unanimously [9-0] to add Doc.30/10: Appropriation for the Election

[Tuesday, February 2, 2010]

Office – to cover the costs for the Senatorial Primary & Final Election to the Agenda.

Council President Moran referred the measure to the Budget & Finance Committee.

Doc. 30/10: Ref. to Budget & Finance

Council President Frank Moran informed that Council Members that recent events concerning the Lawrence Fire Department caused him to invite Acting Chief Brian Murphy to appear before The Lawrence City Council in order to provide information and discuss the current management, operation, and finance of the Lawrence Fire Department. Council President Moran stated requested that the Council Members indulge a personal privilege in regard to the matter in order to provide a forum by which the public may be informed about serious matters regarding public safety.

Upon being granted the floor, Councilor Laplante presented a motion to allow Council President Moran to speak without privilege. The motion was seconded by Councilor Rivera.

Acting Fire Chief Murphy addressed the Council Members regarding staff shortage occurring as a result of attrition. Chief Murphy discussed staffing requirements.

Upon being granted the floor, Councilor Rivera discussed attrition occurring in the Lawrence Fire Department through retirements as they related to the Fire Department Budget.

Upon being recognized, Chief of Staff Leonard Degnan explained and discussed the manner of payments to fire department staff through budgetary funding.

Upon being granted the floor, Councilor Almonte posed questions to Chief Murphy about staffing and budgeting. A discussion ensued between Chief Murphy and Councilor Almonte regarding the possibility of opening all fire houses particularly those that were closed on Tower Hill and Prospect Hill.

[Tuesday, February 2, 2010]

Upon being granted the floor, Councilor Bernal posed questions to Mr. Degan about the Fire Department overtime budget. A discussion ensued between Councilor Bernal and Acting Chief Murphy concerning sufficient staffing.

Upon being granted the floor, Councilor Maldonado posed questions to Acting Chief Murphy about shift distribution and how overtime is allocated or used.

Upon being granted the floor, Council Vice President Silva provided information to the Council Members as to the reasons for the insufficient staffing of the Fire Department. A discussion ensued between Council Vice President Silva and Acting Chief Murphy concerning the use and implementation of mutual aid agreements among the cities and towns in the Lawrence vicinity.

Upon being granted the floor, Councilor Rivera agreed with the comments and information provided by Vice President Silva. Councilor Rivera stated that staffing the Fire Department is to be given greater priority.

Upon no further inquiry, comments or discussion, Council President Moran thanked Acting Chief, Brian Murphy for his attendance and input.

XI. ADJOURNMENT:

Upon Motion of Councilor Rivera duly seconded by Council Vice President Silva, The Council Members present voted unanimously to Adjourn.

ADJOURNED
(9:56p.m.)

Attest:

William J. Maloney
City Clerk

**MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL**

DATE: Wednesday, February 17, 2010

A **REGULAR MEETING** of the City Council was held on **Wednesday, February 17, 2010** at 7: 04 p.m. in the City Council Chamber with all Members present.*

Approximately Twelve [12] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

[*The Lawrence City Council Meeting was originally posted for Tuesday, February 16, 2010 at 7:00 p.m. but was postponed until Wednesday, February 17, 2010 by order of Council President Moran due to severe weather conditions. The postponement was duly posted by the City Clerk].

I. ACCEPTANCE OF MINUTES:

Council President Moran informed the Council Members present that the minutes of City Council Meetings conducted February 2, 2010 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Rivera to accept the minutes as presented, duly seconded by Councilor Almonte, the Council Members present voted unanimously [9-0] to accept the minutes.

II. PUBLIC PARTICIPATION: - None presented any comment during the Public

Participation portion of the proceedings.

III. PUBLIC HEARINGS:

Doc.348/09: Proposed Rezoning of 66 Parker Street – Hearing held - Approved

At the request of Council President Moran, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public

[Wednesday, February 17, 2010]

notice, Council President Moran 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 discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Council Vice President Silva, as seconded by Councilor Almonte, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 348/09: Approved

Doc. 366/09: National Grid and Verizon New England, Inc. – request permission to locate poles, wires and fixtures on Spruce Street – Hearing held - Approved

At the request of Council President Moran, 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 Moran 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 Moran 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 Moran closed the discussion portion of the hearing and called upon the Members present to consider the matter presented.

[Wednesday, February 17, 2010]

Upon a motion to approve the measure presented by Councilor Maldonado as seconded by Council Vice President Silva, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 366/09: Approved

Doc.6/10: Parking – 71-85 Woodland Street – restrictions – Hearing held – Approved

At the request of Council President Moran, 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 Moran 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 Moran 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 Moran 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 Almonte as seconded by Council Vice President Silva, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 6/10:

Approved

Doc. 7/10: An Act authorizing the City of Lawrence to borrow up to \$25,000,000.00 – Hearing held – Approved

At the request of Council President Moran, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public

[Wednesday, February 17, 2010]

notice, Council President Moran 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 Moran 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 Rivera presented a motion to approve the measure which was seconded by Council Vice President Silva.

Upon a call for discussion, Councilor Rivera commented that the proposed order is necessary to provide the City with financial stability.

Upon being granted the floor, Councilor Twomey stated that the proposed order is intended to apply to the outstanding deficit of 24.5 million dollars. A discussion between Councilor Rivera and Councilor Twomey concerning the use of the funds ensued.

Councilor Twomey posed questions regarding the current deficit amount and the possible projected deficit.

Upon being granted the floor, Councilor Laplante posed questions to Chief of Staff Leonard Degnan regarding actual amounts of deficit at this time. Councilor Laplante also inquired about planned reorganization plans for FY 2009-2010. Mr. Degnan stated there are no reorganizations plans currently in place. Chief Degnan stated there is an appropriation to cover the cost of lay-offs for the current fiscal year and there may be an additional appropriation for the same expenses for next fiscal year. Chief of Staff Degnan clarified that the appropriation for “lay-off” references unemployment compensation payments that are incurred by the City.

[Wednesday, February 17, 2010]

Upon being granted the floor, Council Vice President Silva clarified that the present item is merely a hearing to allow the City to obtain notice of approval by the Lawrence City Council in anticipation of receiving monies from the Commonwealth.

Councilor Laplante posed additional questions regarding a projected date the City Treasury will be depleted should the measure presented not be approved. Chief of Staff Leonard Degnan stated that funding may be depleted possibly by the first of April.

Council President Moran asked Chief of Staff Degnan the reason that the loan approval is being requested for the full amount of the anticipated loan of \$35 million. Chief of Staff Degnan explained that the amount of \$25 million is sufficient for the present time and that an additional request for the remaining \$10 million will be made if and when the funds are needed. A discussion ensued between Council President Moran and Chief of Staff Degnan regarding the financial practicality of administering two separate loans rather than one.

Upon being granted the floor, Councilor Rivera commented on the special legislation being considered.

Upon being granted the floor, Councilor Maldonado stated that this item will allow the city to send out its tax bills.

Upon no further discussion or comment offered by the Council Members present, Council President Moran 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 Rivera as seconded by Council Vice President Silva, the Council Members present voted unanimously [9-0] to approve

[Wednesday, February 17, 2010]

the measure.

Doc. 7/10: Approved

IV: Communication from Mayor, City Officials & City Attorney:

Doc. 35/10: Cell Tower appeal – 178 East Haverhill Street – Councilors O’Connor Bernal and Almonte – Ref. to Ord.

Council President Moran introduced the item and called upon Councilor Bernal to proceed.

Councilor Bernal explained the purpose of placing the item on the agenda. Upon the invitation of Council President Moran, Assistant City Attorney D’Agostino discussed the denial of the special permit and the appeal taken to the U.S. District Court. Councilor Bernal posed questions to Attorney D’Agostino about recommended steps that could be taken to apprise affected abutters or others who may have an interest in any appeal that may be taken by an aggrieved petitioner. A discussion ensued between Councilor Bernal and Attorney D’Agostino regarding suggestions to develop and implement an amended ordinance that would be effective in Lawrence to address issues related to petitions to place cell towers throughout the City.

Upon being granted the floor, Councilor Almonte asked to keep her informed of any situation that may involve the construction of cell towers in Lawrence.

Upon being granted the floor, Councilor Maldonado suggested that Attorney D’Agostino may wish to review a recent North Andover case and provide a summary of the Court’s decision to the Council Members. Councilor Maldonado suggested that information contained in that case may benefit the City of Lawrence in future litigation.

[Wednesday, February 17, 2010]

Upon being granted the floor, Councilor Twomey discussed the possibility of charging a communication company the costs of engaging an expert to evaluate the merits of a petition presented to the City of Lawrence for approval.

Upon inquiry of Council President Moran, Attorney D'Agostino indicated that he is unaware of any Court decision favorable to any city.

Upon no further comment or discussion, Council President Moran referred the measure to the Ordinance Committee.

Doc. 35/10: Ref. to Ord.

Councilor Maldonado commented that it may be of some benefit to the Members of the Zoning Board of Appeals to know all their options whenever a petition for a variance is presented before them with the intention of avoiding additional legal costs and expenses.

Doc.36/10: Saunders School, South Lawrence–status update–request Planning Dept. provide update – Councilor O'Connor Bernal – Ref. to Housing

Council President Moran introduced the measure and invited Councilor Bernal to proceed.

Councilor Bernal discussed the reasons for placing the item on the agenda and invited Interim Chief Economic Development Director Patrick Blanchette to present himself and provide an overview of the status of the sale of Saunders School property.

Director Blanchette informed the Council of the history of the measure and cited some of the reasons for the delays experienced in completing the transfer of title. Director Blanchette stated that the final closing and payment of approximately \$450,000.00 is expected within a few weeks.

Councilor Bernal discussed some of the details of the closing and construction reported by Director Blanchette.

[Wednesday, February 17, 2010]

Upon no further comment or discussion by the Council Members present. Council President Moran referred the matter to the Housing Committee.

Doc.36/10: Ref. to Housing

Doc.37/10: State Appointed Overseer – removing an obstacle for the City to achieve assistance – Counc. Laplante – Withdrawn

Upon being recognized Councilor Laplante presented the item and discussed the possible availability of financial assistance from the Commonwealth which appears t have been moving forward since the resignation of Mayor Lantigua from his simultaneous position as State Representative from the Sixteenth Essex District on February 12, 2010. Councilor Laplante stated that there must be considerable efforts by the State Representatives and other State Officials to provide the necessary financial assistance to Lawrenceans.

Upon being granted the floor, Council Vice President Silva asked which “newspaper” is considered the “newspaper of record”. Councilor Laplante responded by stating that the Eagle Tribune would be the “newspaper of record” as it is the only print media of general circulation.

Council Vice President Silva stated that many of the people attending the hearing on the proposed \$35 million dollar loan held at the State House were of Hispanic origin. Council Vice President Silva suggested that the “newspaper of record” should publish more positive articles about the City of Lawrence.

Upon no further comment or discussion, Councilor Laplante moved to withdraw the item from the City Council Agenda. The motion was seconded by Councilor Almonte and unanimously approved [9-0] by the Council Members present.

Doc.37/10: Withdrawn

[Wednesday, February 17, 2010]

V. APPROPRIATIONS-ORDERS-RESOLUTION:

Doc.30/10: Appropriation – Election Office – Senatorial Primary and Final Election - Budget and Finance Comm. – Approved

At the request of Council President Moran, Councilor Rivera presented the report of the Budget and Finance Committee to approve the item presented, as seconded by Councilor Aquino.

Chief of Staff Leonard Degnan addressed the Council Members and spoke in support of the appropriation.

Council President Moran inquired about how the police details for elections are organized.

Upon being granted the floor, Councilor Maldonado posed questions regarding the funding source to supplement the election debt to Attorney D’Agostino.

Upon no further comment or discussion, the Council Members present voted unanimously [9-0] to approve the appropriation regarding the costs and expenses to administer the Special State Primary and Special State Election for State Senator to Congress.

Doc.30/10: Approved

VI. COMMITTEE REPORTS:

Doc. 26/10: Parking – Lowell Street – amend to parking restrictions – Ord. Comm. & Public Hearing Ordered

At the request of Council President Moran, Councilor Bernal 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 Almonte and unanimously approved

[Wednesday, February 17, 2010]

by the Council Members present [9-0].

Doc. 26/10: Public Hearing Ordered

Doc. 27/10: Parking – 90 Lowell Street – Police Visitor Parking – Ord. Comm. & Public Hearing Ordered

At the request of Council President Moran, Councilor Bernal 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 Almonte and unanimously approved by the Council Members present [9-0].

Doc. 27/10: Public Hearing Ordered

Doc. 287/08: Disposition – 449 Broadway – Housing Committee - Approved
Doc. 288/08: Disposition – 453-457 Broadway – Housing Comm. – Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the disposition of City owned property located at 449 Broadway by transfer of title to Mr. Frank Biancardi together with City owned property located at 453-457 Broadway in the sum of \$51,100.00 with certain deed restrictions. The report was presented in the form of a motion to approve the transfer as seconded by Councilor Rivera.

Upon being granted the floor, Councilor Almonte posed questions to Mr. Biancardi about his proposed use of the land being purchased and efforts made to keep the property in good repair.

Upon no further comment or discussion the Council Members present voted unanimously [9-0] to approve the disposition of 449 Broadway and 453-457 Broadway as presented in

[Wednesday, February 17, 2010]

Document 287/08 and 288/08 to Mr. Frank Biancardi in accord with the recommendation of the Housing Committee for the total sum of \$51,100.00.

Doc. 287/08, Doc. 288/08: Approved

Doc. 44/09: Disposition – 14-16 Bennett Street – Hous. Comm. – Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the recommended sale of the City owned real property located at 14-16 Bennett Street by transferring title to John Sorbello upon payment of the amount of \$21,000.00. The report was presented in the form of a motion to approve the recommended transfer. The motion was seconded by Councilor Maldonado and unanimously [9-0] approved the measure as recommended.

Doc. 44/09: Approved

Doc. 48/09: Disposition – 65 Bradford Street – Housing Comm. – Approved

Doc. 49/09: Disposition – 67 Bradford Street – Hous. Comm. - Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee for the recommended approval of the sale of City owned real property located at 65 Bradford Street and to transfer title to Community Day Care d/b/a Lawrence Community Group together with approval of the sale of City owned real property located at 67 Bradford Street upon payment in the amount of \$30,000.00 with the restriction that the use of the land be only for “Open Space Recreational” [OSR].

The report was presented in the form of a motion to approve. The motion was seconded by Councilor Almonte and the Council Members present voted unanimously [9-0] to approve the transfer of title of 65 Bradford Street and 67 Bradford Street to Community Day Care d/b/a Lawrence Community Group.

[Wednesday, February 17, 2010]

Doc. 48/09, Doc. 49/09: Approved

Doc. 79/09: Disposition – 31-35 West Street – Housing Comm. – Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the sale of City owned real property located at 31-35 West Street by transfer of title to Lawrence Family Development & Educational Fund, Inc. in the amount of \$15,000.00 with a restriction that the land only be used for parking. The report was presented in the form of a motion to approve the transfer. The motion was seconded by Councilor Maldonado and the Council Members present voted unanimously [9-0] to approve the disposition of 31-35 West Street to Lawrence Family Development & Educational Fund, Inc. in the amount of \$15,000.00 with a restriction placed in the deed that the land be used only for parking

Doc. 79/09: Approved

Doc. 80/09: Disposition – 26 Whitman Street – Housing Comm. – Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the sale of City owned real property located at 26 Whitman Street by transfer of title to The Daher Group, Inc. in the amount of \$31,000.00. The report was presented in the form of a motion to approve the transfer of title as recommended. The motion was seconded by Councilor Maldonado and the Council Members present voted unanimously [9-0] to approve the sale of 26 Whitman Street to Daher Group, Inc. in the amount of \$31,000.00 without any deed restriction.

Doc. 80/09: Approved

[Wednesday, February 17, 2010]

VII. WITHDRAWALS:

Council President Moran granted Councilor Bernal the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Ordinance Committee.

Councilor Bernal moved to present the matters listed below in “block” form for withdrawal from the City Council Agenda. The motion was seconded by Council Vice President Silva and Council Members present voted unanimously [9-0] to withdraw the following matters from the City Council Agenda:

Doc.130/08: Traffic Study – installation of traffic signals at Haverhill and Ames Streets – Ord. Comm. - Withdrawn

Doc.136/09: Graffiti Ordinance – to be discussed – Ord. Comm. - Withdrawn

Doc. 330/09: City Contracts – review and enforcement of all city contracts – Ord. Comm. – Withdrawn

Council President Moran granted Councilor Laplante the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Housing Committee.

Councilor Laplante moved to present the matters listed below in “block” form for withdrawal from the City Council Agenda. The motion was seconded by Councilor Almonte and Council Members present voted unanimously [9-0] to withdraw the following matters from the City

Council Agenda:

298/05: Disposition – 55 Jackson Street – Hous. Comm. - Withdrawn
314/05: Disposition – 98 Springfield Street – Hous. Comm. - Withdrawn
138/07: Disposition – 17-19 Pleasant Street – Hous. Comm. - Withdrawn
107/08: Disposition - 100 Summer Street – Hous. Comm. - Withdrawn
198/08: Disposition – 67-75 South Union Street – Hous. Comm. - Withdrawn
299/08: Disposition – 219-225 Park Street – Hous. Comm. - Withdrawn
300/08: Disposition – 50 Pleasant Street – Hous. Comm. –Withdrawn

[Wednesday, February 17, 2010]

VIII. OLD BUSINESS:

Doc. 356/09: Transient Vendor License – Hugo A. Barrientos – 505 Hampshire Street – request to extend operation hours - Approved

Mr. Barrientos addressed the Council Members and asked if he could be permitted to extend the hours of his license to sell fast food until 2:00 a.m. [Tuesday to Sunday].

A discussion ensued among the Council Members regarding the use and purpose of the license as well as the times that it might be best to operate.

Upon being granted the floor, Councilor Almonte suggested it may be better until 3:00 am.

Upon being granted the floor, Councilor Bernal suggested 1 hour past the closing of clubs might serve the same purpose.

After a brief discussion, Council President Moran suggested that it might be more practical to extend the license until 2:00 a.m. which is the same time that area establishments will close at the latest.

Upon no further discussion or comment, Council President Moran called upon the Council Members for their consideration on the matter.

Upon being recognized, Councilor Maldonado presented a motion to approve Mr. Barrientos' request to amend his Transient Vendor License to operate from 8:00 a.m. to 2:00 a.m. The motion was seconded by Councilor Rivera and unanimously approved by the Council Members present [9-0].

Doc. 356/09: Approved

[Wednesday, February 17, 2010]

IX. TABLED MATTERS:

The following items remained “tabled” without further action:

18/10: Resolution – Robert Lavoie – Councilors Bernal, Laplante and Rivera

22/10: New Automated Trash Collection and Allied Waste Services contract update – to be discussed – Council. Rivera

X. NEW BUSINESS:

Council President Moran brought the matters listed below to the attention of the Council

Members present and referred each to the Council Subcommittee as indicated:

31/10: Financial review and current status of FY 2008 & FY 2009 Tax receipts – Council. Rivera – Ref. to Budget & Finance

32/10: Financial review and current status of FY 2008 & FY 2009 Utilities – Council. Rivera – Ref. to Budget & Finance

33/10: Pedestrian and Vehicular Safety issues on Winthrop Avenue near Sullivan Park – Council. Laplante – Ref. to Ord.

34/10: Dedication – n.w. corner of Chestnut and Short Streets in Honor of the De Monaco Brothers – Council. Twomey – Ref. to Ord.

38/10: Animal Control Ordinance – review and possible revision of Chapter 6.04 – Council. O’Connor Bernal – Ref. to Ord.

39/10: Charter Review for year 2010 – begin process – Council. O’Connor Bernal – Ref. to Ord.

40/10: Taxi/Livery Fares – amend ordinance (new Section 548.835) – Deputy Chief Bonilla – ref. to Ord.

ITEMS ADDED AT THE MEETING

Council President Moran called the following matters to the attention of the Council

Members as appearing on the Agenda which were referred as indicated:

41/10: Acceptance of PARC 10 Grant for Howard Playstead upgrades-Art McCabe, Manager - Ref. to Budget & Finance

42/10: Acceptance of PARC 11 Grant for Community Garden Initiatives -Art McCabe, Manager – Ref. to Budget & Finance

[Wednesday, February 17, 2010]

XI. ADJOURNMENT:

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

**ADJOURNED
(8:45p.m.)**

Attest:

William J. Maloney
City Clerk

**MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL**

DATE: Tuesday, March 2, 2010

A **REGULAR MEETING** of the City Council was held on **Tuesday, March 2, 2010** at 7: 05 p.m. in the City Council Chamber with all Members present.

Approximately Eleven [11] persons were present.

A Moment of Silence was held.

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES:

Council President Moran informed the Council Members present that the minutes of City Council Meetings conducted February 17, 2010 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Rivera to accept the minutes as presented duly seconded by Councilor Maldonado, the Council Members present voted unanimously [9-0] to accept the minutes.

II. PUBLIC PARTICIPATION:

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

Ellie Bolis, 198 Essex Street, Lawrence, MA discussed the lack of sufficient parking in front of Brunswick House. She suggested that the Council consider issuing authorized parking stickers so residents could park in front of the Brunswick House building.

[Tuesday, March 2, 2010]

Homayoun Maali, 53 Chester Street, Lawrence, MA commended that there are a number of vicious dogs near Bowdoin Street. He suggested that the City ordinances should be revised to provide greater regulation of vicious dogs so Lawrence residents can be safer.

Arthur McCabe, Community Development Manager for the City of Lawrence, offered praise to Councilor Twomey and Councilor Almonte for their assistance with developing and completing the Costello Park grant.

Jose Miguel Rodriguez, 22 Spruce Street, Lawrence, MA stated that the City of Lawrence has too much trash on the streets and is dirty despite the new trash collection system. He asked what happened to the old trash collecting trucks used by the City before the new trash collection system was put into place. He also asked how much it costs the City of Lawrence to house the Registry of Deeds.

Mario Vancamper, 7B Farnham Street, Lawrence, MA stated that the water in the City is not suitable for use and displayed a large glass bottle of dirty tap water to the Council Members. He also stated that the television cable bills are too expensive.

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA stated that he would like some assurance that funds paid by the City to conduct the recent Special Election for State Senator used solely for those expenses.

III. PUBLIC HEARINGS:

Doc. 26/10: Parking – Lowell Street – amend restriction by DELETING existing ordinance and REPLACING with new ordinance – Hearing held - Approved

At the request of Council President Moran, the City Clerk read the public hearing notice regarding the above as published. Upon the conclusion of the Clerk's reading of the public

[Tuesday, March 2, 2010]

notice, Council President Moran 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 discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon no discussion or comment offered by the Council Members present, Council President Moran 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 Maldonado, as seconded by Councilor Almonte, the Council Members present voted unanimously [9-0] to approve the measure.

Doc. 26/10: Approved

Doc. 27/10: Parking – 90 Lowell Street – Police Visitor Parking – Hearing held – Approved

At the request of Council President Moran, 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 Moran opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

Joseph D'Amico asked if the visitor's parking location under consideration is "timed". Councilor Bernal stated that there would be no time limit to this parking space.

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

[Tuesday, March 2, 2010]

Upon being granted the floor, Councilor Laplante suggested that the time limit on such a space might be a good idea.

Council President Moran informed the Council Members that the Lawrence Police were requesting the Council to approve a visitor space without imposing a time limit. A discussion ensued among the Council Members concerning the number of visitor parking spaces that currently exist and that the parking space subject to this petition would add to that number.

Upon no further discussion or comment offered by the Council Members present, Council President Moran 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 Council Vice President Silva as seconded by Councilor Aquino, the Council Members present voted unanimously [9-0] to approve the Police visitor parking at 90 Lowell Street.

Doc. 27/10: Approved

IV: Communication from Mayor, City Officials & City Attorney:

**Doc. 55/10: South Lawrence Fountain enhancement –
Council Pres. Moran – Ref. to Housing**

At the request of Council President Moran, Councilor Twomey introduced the measure and read a comment into the record of the City Council regarding his efforts to improve certain locations throughout the City.

Upon being granted the floor, Councilor Laplante commended Councilor Twomey for his work particularly for the repair of the South Lawrence Fountain.

Councilor Twomey presented an artists sketch of the proposed improvements to the area around the South Lawrence Fountain to the Council Members.

[Tuesday, March 2, 2010]

Upon being granted the floor, Councilor Maldonado posed questions to Councilor Twomey regarding the proposed rehabilitation work.

Upon no further discussion Council President Moran referred the item to the Housing Committee.

Doc. 55/10: Ref. to Housing

V. APPROPRIATIONS-ORDERS-RESOLUTION:

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

Doc.43/10: Appropriation – Election Division – Funding for the Special Primary and Election for State Representative of the Sixteenth Essex District - \$120,000.00 – William J. Maloney, City Clerk – Ref. to Budget & Finance

VI. COMMITTEE REPORTS:

Doc. 140/07: Disposition – 55 Warren Street – Housing Comm. – Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the disposition of City owned property located at 55 Warren Street by transfer of title of the real property to Lawrence Evangelical Church in the amount of \$15,000.00. The report was presented in the form of a motion to approve the recommended transfer. The motion was seconded by Councilor Almonte and the Council Members present voted unanimously [9-0] to approve the disposition of 55 Warren Street with parking restrictions to Lawrence Evangelical Church in the amount of \$15,000.00.

Doc. 140/07: Approved

Doc. 141/07: Disposition – 61 Warren Street – Hous. Comm. - Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the disposition of City owned property located at 61 Warren

[Tuesday, March 2, 2010]

Street by transfer of title of the real property to Lawrence Evangelical Church in the amount of \$15,000.00. The report was presented in the form of a motion to approve the transfer. The motion was seconded by Councilor Almonte and the Council Members present voted unanimously [9-0] to approve the disposition of 61 Warren Street, with parking restrictions to Lawrence Evangelical Church in the amount of \$15,000.00.

Doc. 141/07: Approved

Doc.303/08: Disposition – 83-85½ Tremont Street – Hous. Comm. - Approved

At the request of Council President Moran, Councilor Laplante presented the report of the Housing Committee to approve the disposition of City owned property located at 83-85 ½ Tremont Street by transfer of title of the real property to Nestor DeJesus in the amount of \$6,000.00. The report was presented in the form of a motion to approve the transfer. The motion was seconded by Councilor Almonte and the Council Members present voted unanimously [9-0] to approve the transfer of ownership of 83-85 ½ Tremont Street with parking restrictions to Nestor DeJesus in the amount of \$6,000.00.

Doc. 303/08: Approved

Doc. 358/09: FY 2010 Tax Classification Factor – Budget and Finance Com. - Public Hearing ordered

At the request of Council President Moran, Councilor Rivera presented the report of the Budget and Finance Committee for the approval of an order for a public hearing on the measure presented. The report was presented in the form of a motion and seconded by Councilor Almonte.

[Tuesday, March 2, 2010]

Upon being granted the floor, Councilor Laplante posed questions to the City Clerk regarding how the rate is published. Clerk Maloney explained that the rate is published in accord with the rate provided by the Board of Assessors.

Upon no further discussion the Council Members present voted unanimously [9-0] to order a Public Hearing on the FY 2010 Tax Classification Factor.

Doc. 358/09: Public Hearing Ordered

Doc. 41/10: Acceptance of PARC 10 Grant for the Howard Playstead upgrades – Budget and Finance Comm. - Approved

At the request of Council President Moran, Councilor Rivera presented the report from the Budget and Finance Committee in the form of a motion to approve the measure presented.

The motion was seconded by Councilor Almonte.

Upon being granted the floor, Councilor Twomey posed questions to Arthur McCabe [Community Development Manager] concerning whether or not there would be a provision for matching funds through Community Development Block Grant monies. Mr. McCabe stated that the City would not be required to match funds with the grant and that the sums provided by the grant would be dedicated to the projects approved by the proposals

Upon being granted the floor, Councilor Rivera stated that the plan to hire contractors should require that at least three local Lawrence contractors be contacted by mail to inform them of the opportunity to submit a bid for work on the project.

Council President Moran stated that Lawrence contractors should be provided the first opportunity to obtain work for the project and requested that Community Development provide a list of Lawrence contractors who are available to provide work.

[Tuesday, March 2, 2010]

Manager Arthur McCabe stated that Community Development already has a list of Lawrence contractors and informed the Council Members that the work would not begin until July 1, 2010 in accord with the terms of the grant funding.

Upon being granted the floor, Councilor Rivera amended his motion for approval to include a requirement that at least three to five contractors with local Lawrence addresses be notified by mail of the project work available. Councilor Maldonado seconded the motion with the amendment.

Upon being granted the floor, Councilor Laplante posed questions to Mr. McCabe about the bid process with regard to the requirement to select a low bidder who may not be based in Lawrence. Mr. McCabe discussed the procurement statute and discussed the components put into place by Community Development to reach local retailers, suppliers, and contractors. Councilor Laplante asked Mr. McCabe if the amended motion presented by Councilor Rivera will restrict the implementation of the grant project in any way. Mr. McCabe suggested that it might be better to present the amendment separately from the motion to approve. Council President Moran stated that both the motion to approve and the amendment should be presented together.

Upon being granted the floor, Councilor Rivera suggested that the motion and amendment should be acted upon as presented. He suggested that the motion and amendment would not hinder the procurement process.

Upon being granted the floor, Councilor Maldonado stated that the amendment is not prohibitive but necessary to keep Lawrencians informed about not only this particular project but all projects that might provide employment for residents of Lawrence.

[Tuesday, March 2, 2010]

Upon being granted the floor, Councilor Almonte inquired about the notice requirements included in the bid process. She suggested that community outreach is important but people who may be interested in bidding or securing any contract should also be personally responsible to obtain the necessary information.

Upon invitation, Mr. Uliano [baseball park youth league president] discussed the necessity of the grants being proposed to help improve the playing fields in Lawrence.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Moran called the motion to the attention of the Council Members. Upon vote of the Council Members present, the measure was approved as follows: 8-Yes; 1-No

Councilor Aquino - Yes
 Councilor Almonte - Yes
 Councilor Twomey - Yes
 Councilor LaPlante - No
 Councilor Rivera - Yes
 Councilor Bernal - Yes

Councilor Maldonado - Yes
 Council Vice President Silva - Yes
 Council President Moran - Yes

Doc. 41/10: Approved

Doc. 42/10: Acceptance of PARC 11 Grant for the Community Gardens Initiative – Budget and Finance Comm. - Approved

At the request of Council President Moran, Councilor Rivera presented the report from the Budget and Finance Committee in the form of a motion to approve the measure presented with an amendment that at least three to five contractors with local Lawrence addresses be notified by mail of the project work available. The motion was seconded by Councilor Maldonado.

[Tuesday, March 2, 2010]

Upon being granted the floor, Councilor Bernal stated that Mr. McCabe had earlier requested that the motion for approval and amendment be acted upon separately to allow for implementation of the bid process.

Upon being granted the floor, Councilor Rivera stated that he does not believe that any section of the procurement law will be hindered. He reiterated that contacting three to five contractors with Lawrence addresses is more for informational purposes and not intended to restrict the process in any way.

Upon being granted the floor, Councilor Twomey posed questions to Mr. McCabe about the requirement that all bids are sealed.

Upon being granted the floor, Councilor Almonte discussed the amendment that three to five contractors in Lawrence be notified by mail as part of the process in this instance and possibly on future bids to award contracts through the City of Lawrence. She suggested that it might be of some benefit to have all contractors interested in submitting bids on Lawrence work register with the awarding authority to develop a data base so that each company or person registering will be contacted whenever bids are being solicited.

Upon being granted the floor, Councilor Laplante asked Mr. McCabe if the requirement contained in the motion and amendment will impair the process. Mr. McCabe stated that it is his intention to comply with the procurement law in all respects.

Council President Moran asked Mr. McCabe about the use of an approved vendor list and whether or not such a list was required or used by the City of Lawrence when bids are solicited. Mr. McCabe stated that the State maintains a "vendor list" but there is no requirement in the City of Lawrence that vendors be approved. He stated further that the Community Development

[Tuesday, March 2, 2010]

Department already maintains a list of vendors & contractors on a voluntary basis and that anyone is allowed to submit bids in accord with the process that any bids requires.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Moran called the motion to the attention of the Council Members and the Council Members present voted unanimously [9-0] to accept the PARC 11 Grant for the Community Gardens Initiative.

Doc. 42/10: Approved

Doc. 41/10: Acceptance of PARC 10 Grant for the Howard Playstead upgrades – Budget and Finance Comm. - Approved

Upon being recognized, Councilor Twomey presented a motion to reconsider the vote of the Council on Document 41/10. The motion was seconded by Councilor Maldonado and unanimously approved [9-0] by the Council Members present.

Upon being recognized, Councilor Maldonado presented a motion to approve Document 41/10. The motion was seconded by Councilor Almonte and the Council Members present voted unanimously [9-0] for the acceptance of PARC 10 Grant for the Howard Playstead upgrades.

Doc. 41/10: Approved

VII. WITHDRAWALS: - None

VIII. OLD BUSINESS: - None

IX. TABLED MATTERS:

The following items remained “tabled” without further action:

[Tuesday, March 2, 2010]

- 18/10: Resolution – Robert Lavoie – Councilors Bernal, Laplante and Rivera**
22/10: New Automated Trash Collection and Allied Waste Services contract update – to be discussed – Council. Rivera

X. NEW BUSINESS:

Council President Moran brought the matters listed below to the attention of the Council

Members present and referred each to the Council Subcommittee as indicated:

- 44/10: Payment of Sick and Vacation time accruals for employees have been voluntarily or involuntarily separated from City service since November 1, 2009 – to be updated – Council. Laplante – Ref. to Budget & Finance
- 45/10: Vehicular speeding on Foster Street in and around the Cambridge /South Union Streets intersection–Council Laplante – Ref. to Ord.
- 46/10: Parking – Essex Street –between Milton and Ames Streets – Review/revise restrictions – Council. Aquino – Ref. to Ord.
- 47/10: Parking – intersection of Essex and Warren Streets – 15 minute – Council. Aquino – Ref. to Ord.
- 48/10: Parking – 332 Broadway – 15 minute – Council. Aquino – Ref. to Ord.
- 49/10: Parking – Basswood Street – to be included in the alternate parking ordinance – Council Pres. Moran – Ref. to Ord.
- 50/10: Parking – Eutaw Street – to be included in the alternate parking ordinance – Council Pres. Moran – Ref. to Ord.
- 51/10: Parking – Leahy School on the Bruce Street side (no parking) from 2:15 p.m. to 3:15 p.m. - Council Pres. Moran – Ref. to Ord.
- 52/10: Lawrence Redevelopment Authority (LRA) Account – Council Pres. Moran – Ref. to Budget & Finance
- 53/10: First Quarter and Second Quarter – Revenue status – Council Pres. Moran - Ref. to Budget & Finance
- 54/10: First Quarter and Second Quarter – Budget status by department – Council Pres. Moran – Ref. to Budget & Finance

[Tuesday, March 2, 2010]

XI. ADJOURNMENT:

Upon Motion of Council Vice President Silva duly seconded by Councilor Rivera, the Council Members present voted unanimously to Adjourn.

**ADJOURNED
(8:20p.m.)**

Attest:

William J. Maloney
City Clerk

**MINUTES OF THE MEETING
OF THE LAWRENCE CITY COUNCIL**

DATE: Tuesday, March 16, 2010

A **REGULAR MEETING** of the City Council was held on **Tuesday, March 16, 2010** at 7: 05 p.m. in the City Council Chamber with all Members present.

Approximately Twenty [20] persons were present.

A Moment of Silence was held

The Pledge of Allegiance was recited.

I. ACCEPTANCE OF MINUTES:

Council President Moran informed the Council Members present that the minutes of City Council Meetings conducted March 2, 2010 were submitted by the City Clerk for consideration and acceptance of the City Council Members.

Upon the motion of Councilor Vice President Silva to accept the minutes as presented duly seconded by Councilor Maldonado, the Council Members present voted unanimously [9-0] to accept the minutes.

II. PUBLIC PARTICIPATION:

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

Mark Gray, current Member of The Lawrence School Committee representing District E, discussed possible conflicts of interest occurring in the schools.

Thomas Murphy, 20 Hamlet Street, Lawrence, MA, current Member of the Lawrence Licensing Commission, stated that he would like more time to review and research the item

[Tuesday, March 16, 2010]

scheduled for public hearing before the City Council this evening to determine his position on the item prior to the hearing.

Joseph D'Amico, 11 Lorenzo Road, Lawrence, MA, stated the recent fire on Prospect Hill demonstrates the importance of keeping all fire stations open in Lawrence. He stated that he believes the new trash system is working well.

Angelica Gonzalez, 148 Bernard Avenue, Lawrence, MA spoke in support of updating the Massachusetts Bottle Bill.

Upon being recognized, Councilor Laplante suggested that it may be best to let the proponent of the Bottle Bill legislation update to provide their comment on the item at this time. Council President Moran informed Councilor Laplante and the other Council Members that he had placed the item on the agenda and would prefer to have the proponents of the Bottle Bill provide information to the Council Members during time allotted on the agenda in order to determine if there is information that can benefit the City of Lawrence and its residents.

Upon being granted the floor, Council Vice President Silva stated that the presentations are usually entered as "Communications" to allow for comment in that manner.

Upon being granted the floor, Councilor Twomey suggested that "Communication" items are usually reserved for communications from City Officials and the City Attorney. A discussion ensued about the opinion rendered by Attorney Boddy to Councilor Twomey regarding the appropriate use of the "Communications" section of the City Council Agenda.

Upon being granted the floor, Councilor Rivera asked how the opinion of the City Attorney was delivered to each of the Council Members on their desks in the Council Chamber.

[Tuesday, March 16, 2010]

Councilor Twomey stated that he provided a copy to each of the Council Members for their use and reference.

III. PUBLIC HEARINGS:

Doc. 237/09: Outdoor Café Seating – proposed ordinance to regulate the use – Hearing held – Tabled

Council President Moran provided a brief legislative history of the proposed ordinance and informed the Council Members that a public hearing was ordered on the measure but had not as yet be presented at public hearing. Council President in

At the request of Council President Moran, 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 Moran opened the public hearing portion of the proceedings and invited anyone who wished to be heard to present themselves before the Council Members.

Patrick Blanchette, Interim Chief Economic Development Director for the City of Lawrence provided a brief legislative history of the item informing the Council Members that the item was initiated during his last term as President of the Lawrence City Council as a means by which the City of Lawrence could consider, permit, and regulate “outdoor cafes” which are requested by restaurants and other establishments during the months that weather was more conducive to such activities. He provided the Council Member with information concerning the considerations and discussions of the members of the prior Ordinance Committee. Director Blanchette referenced the application process and proposed regulations that were considered necessary by the prior Ordinance Committee.

[Tuesday, March 16, 2010]

Upon no further discussion or comment offered by anyone present, Council President Moran closed the public comment portion of the proceedings and called upon the Council Members present to offer comment or discussion.

Upon being granted the floor, Council Vice President Silva presented a motion to approve the item, as seconded by Councilor Aquino.

Upon being granted the floor, Councilor Bernal stated that the item should be tabled to allow the Licensing Commission to review the measure as requested by Assistant Commissioner Murphy.

Upon being granted the floor, Councilor Twomey agreed and suggested the item be tabled.

Upon being granted the floor, Councilor Maldonado posed questions to Assistant Commissioner Thomas Murphy regarding issues of concerning implementation and regulation.

Upon being granted the floor, Council Vice President Silva informed the Council Members that the applications were to conduct outdoor cafés and not necessarily licenses to serve alcohol. She stated that the applicant would have to obtain all the necessary licenses required for any item to be served whether such items were food, alcohol, or other non-alcoholic beverages. Upon request, Patrick Blanchette informed the Council Members that effort to obtain as much input from the public and other City Departments were made by the Ordinance Committee.

Upon being granted the floor, Councilor Rivera posed questions to Interim Director Blanchette concerning the proposed application process.

[Tuesday, March 16, 2010]

Upon being granted the floor, Councilor Almonte asked how long establishments would be allowed to keep the outdoor café locations open – Interim Director Blanchette stated that all activities must be completed by 11:00 p.m.

Upon being granted the floor, Councilor Maldonado presented a motion to table the item which was by Councilor Twomey. The motion was defeated by roll call vote of the Council Members as follows: 4 -Yes: 5 –No

Councilor Aquino - No
Councilor Almonte - Yes
Councilor Twomey - Yes
Councilor LaPlante - Yes
Councilor Rivera - No
Councilor Bernal - Yes
Councilor Maldonado - No
Council Vice President Silva - No
Council President Moran – No

Upon being granted the floor, Councilor Laplante presented certain amendments to the motion for approval as presented by Council Vice President Silva.

Upon being granted the floor, Council Vice President Silva stated that it was her understanding that any amendment to the main motion on the floor had to be accepted by the Councilor originally presenting the motion.

At the invitation of Council President Moran, Interim Director Blanchette reviewed the proposed application process and proposed regulations that would be put into place.

Upon being granted the floor, Councilor Laplante suggested that the item should probably not proceed until all Council Members have the chance to review the application and regulations indicating that these were not published with the notice of the public hearing.

[Tuesday, March 16, 2010]

Upon Motion of Council Vice President Silva as seconded by Councilor Aquino, the Council Members present voted unanimously to recess for five minutes.

[The Meeting of the Lawrence was recessed at approximately 7:45 p.m.]

[The Meeting of the Lawrence resumed at approximately 7:55 p.m.]

Upon being recognized, Councilor Laplante presented a motion to resume the Meeting of the Lawrence City Council and to come out of recess. The motion was seconded by Council Vice President Silva and unanimously [9-0] approved by the Council Members present.

Upon being granted the floor, Councilor Maldonado suggested that sufficient opportunity to review and present comment on the item may have been provided to the Licensing Commission and others. He suggested that the business owners would soon be requesting outdoor cafes and the application should be provided to them immediately if the measure is continued for any reason to accommodate those business owners who may be expecting to obtain such a license in the near future.

Upon being granted the floor, Councilor Laplante stated that he believes that his amendments were required to be addressed under parliamentary rules of order. He also indicated that he believed the application and regulation guidelines were substantive and should be published with the notice of public hearing.

Upon being recognized, City Clerk Maloney informed the Council Members that Roberts Rules of Order do not make a distinction between “friendly amendments” and “amendments” presented during the course of deliberation. He stated further that it appears that the opportunity to accept or reject a proposed amendment may be to avoid a vote on the matter by allowing the proponent of the original motion the opportunity to incorporate the proposed amendment into the

[Tuesday, March 16, 2010]

original motion as presented without a specific vote to do so. Clerk Maloney stated that Roberts Rules of Order provide that a motion to amend takes precedent over a main motion which and must be addressed before disposing of the main motion.

Upon being granted the floor, Council Vice President Silva withdrew her motion to approve and moved to “table” the measure and continue the hearing proceedings on the measure. The motion was seconded by Councilor Rivera.

Upon being granted the floor, Councilor Maldonado suggested that he would not like to delay anyone interested in an outdoor café application and again suggested that business owners be provided with an application so they may be in process pending the approval of the measure. Council President Moran stated that it may be more prudent to allow the measure to proceed to final determination prior to processing any application.

Upon no further discussion or comment offered by the Council Members present, Council President Moran closed the discussion portion of the hearing and called upon the Members present to consider the motion to “table”.

Upon consideration, the Council Members unanimously voted [9-0] to “table” the item and continue the public hearing proceedings.

Doc. 237/09: Tabled

Doc. 358/09: FY 2010 Tax Classification Factor – Hearing held - Approved

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

[Tuesday, March 16, 2010]

Daniel Rooney, a resident of Lawrence, stated that the proposed rate of 1.75 may be excessive. He suggested that a tax rate the people can afford be established and adopted.

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

Since the matter regarding the approval of the tax factor may take a considerable amount of time, Council President Moran requested that the Council Members consider suspending the Rules of the City Council to allow Document 58/2010 and Document 59/2010 to be taken up at this time to accommodate those individuals who were present to appear before the City Council regarding these matters.

Upon being recognized, Council Vice President Silva presented a motion to suspend the Rules of the City Council and to take Document 58/10 and Document 59/10 out of order appearing on the agenda. The motion was seconded by Councilor Maldonado and the Council Members present voted unanimously to take Document 58/10 and Document 59/10 out of order appearing on the agenda in order to immediately address the items.

Doc. 58/10: Resolution – United Ireland – Councilor Bernal – Presented

Council President Moran acknowledged Councilor Bernal who presented the Resolution.

Doc. 58/10: Presented

Doc. 59/10: Resolution – German Home Fire Assistance – Councilors Almonte and Rivera – Presented

Upon invitation of Council President Moran, Councilor Almonte presented the Resolution.

Doc. 59/10: Presented

[Tuesday, March 16, 2010]

Upon conclusion of presenting the resolutions [Document 58/2010 and Document 59/2010], Council President Frank Moran called the continuation of proceedings regarding establishment of a tax factor for FY 2010 [Document 358/2009].

Doc. 358/09: FY 2010 Tax Classification Factor – Hearing held – Approved

Upon being granted the floor, Council Vice President Silva presented a motion to approve the item, as seconded by Councilor Rivera.

Upon a call for discussion, Councilor Rivera invited Breda Daou, Chairman of the Board of Assessors to address the Council Members and discuss the manner which the rate was reached and proposed.

Upon being granted the floor, Councilor Twomey posed questions about the formula used to determine the tax factor being recommended.

Council President Moran posed questions to Assessor Daou regarding the average tax bill to single family property owners. Assessor Daou stated that the average tax bill for single family home owners in Lawrence with a rate of 1.75 would be approximately 188.90. Council President Moran posed further questions pertaining to the application of the tax factor to determine the amount of property taxes.

Upon being granted the floor, Councilor Laplante discussed application of the proposed tax rate and amount that may result in an increase/decrease in the tax bill to each property owner.

Upon being granted the floor, Council Vice President Silva reiterated that the factor presented is unchanged and results in a decrease in the tax obligation of residential taxpayers and an increase to the industrial tax rate. Assessor Chairman Daou clarified that there would actually be an increase in residential tax rate of approximately 100.00.

[Tuesday, March 16, 2010]

Upon being granted the floor, Councilor Rivera discussed the difference between setting the tax rate and setting the levy which cannot be more than 2.5% by law. Councilor Rivera stated that the proposed rate set at 1.75 has the least impact upon residential taxpayers. He suggested the proposed factor is the most reasonable under current circumstances.

Upon being granted the floor, Councilor Maldonado asked if the City Of Lawrence is required to establish the tax levy at 2.5%. Assistant Assessor Alex Vega stated that it is not required and the levy could go up to 2.5% but could not exceed it. Assistant Assessor Vega explained further that if the tax levy is not set up to the levy limit it will result in a deficit.

Upon being granted the floor, Councilor Almonte and Council President Moran discussed the use of the abatement process by property owners to determine a more accurate property value for assessment.

Upon being granted the floor, Councilor Laplante posed questions about the next scheduled real property assessment. Chairman Daou stated real property in Lawrence is scheduled to be assessed next in 2011. Councilor Laplante stated that he wished to clarify that there is actually an increase to the residential property tax of approximately \$106.00 and that it is not a decrease in that amount.

Upon being granted the floor, Councilor Maldonado stated that the abatement process is available to the public and could be presented upon application to the Assessors Office when the tax bills are received.

Upon being granted the floor, Councilor Almonte asked Chairman Daou if all taxes due are required to be paid even if mailed late by the City of Lawrence. Chairman Daou stated that all outstanding taxes must be paid in full within the due date provided by the notice sent.

[Tuesday, March 16, 2010]

Councilor Almonte stated that it is unfair to require payment of the full amount due because the delay in billing was caused by the City and not the taxpayer.

Councilor Laplante agreed with the proposition. Chairman Daou affirmed that the matter of payment is not discretionary with the City but regulated by the Department of Revenue and could not be change except by DOR.

Upon being granted the floor, Councilor Rivera discussed the reasons the tax bills are being sent late and stated that the cause of late tax billing is directly related to the lack of a balanced budget.

Upon being granted the floor, Councilor Maldonado discussed late billing and receipt of a “double tax bill” may adversely impact those who do not have an escrow account with their mortgage companies. Councilor Maldonado stated that most home owners maintain mortgage accounts that provide for escrow of taxes which is usually a requirement of the lender. Chairman Daou also informed the Council the time frame it would take the City to mail tax bills to property owners.

Upon no further discussion or comment offered by the Council Members present, Council President Moran 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 Council Vice President Silva as seconded by Councilor Rivera, the Council Members present voted unanimously [9-0] to approve the FY 2010 Tax Classification Factor.

Doc. 358/09: Approved

IV: Communication from Mayor, City Officials & City Attorney:

[Tuesday, March 16, 2010]

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

Doc. 56/10: Appointment – Executive Director of the Council on Aging–Ms. Martha Velez –recommendation – Mayor Lantigua- Ref. to Personnel

Doc.78/10: Bottle Bill in Massachusetts – update – presentation – Council Pres. Moran – Presented/Resolution endorsed

Upon invitation of Council President Moran, representatives of the Massachusetts Public Interest Research Group of Salem State College, Salem, Massachusetts presented the item to the Council Members present.

Upon being granted the floor, Councilor Almonte inquired about what the City Council Members can do to assist the endorsement of the resolution presented. The representatives stated that a resolution of support would assist the proposal to update the current bottle bill through the Massachusetts Legislature.

Upon being granted the floor, Councilor Maldonado stated that he supports the resolution to update the bottle bill.

Council President Moran thanked the proponents for their presentation and asked if the Council Members would consider suspending the Rules of the City Council in order to consider endorsing the resolution presented.

Upon motion of Councilor Rivera, seconded by Councilor Almonte the Council Members present voted unanimously [9-0] to suspend the Rules of the City Council in order to consider the resolution presented.

[Tuesday, March 16, 2010]

Upon motion of Councilor Rivera, seconded by Councilor Almonte the Council Members present voted unanimously [9-0] to endorse the Bottle Bill Resolution as follows: 7-Yes; 1-No; 1-Abstain

Council Vice President Silva - Yes
 Councilor Maldonado - Yes
 Councilor Bernal - Yes
 Councilor Rivera - Yes
 Councilor LaPlante - Abstain
 Councilor Twomey - No
 Councilor Almonte - Yes
 Councilor Aquino - Yes
 Council President Moran – Yes

Doc.78/10: Presented/Resolution endorsed

Upon motion of Councilor Almonte, seconded by Councilor Rivera, the Council Members present voted unanimously to take Doc. 34/10 out of the order appearing on the agenda.

V. COMMITTEE REPORTS:

Doc. 34/10: Dedication – n.w. corner of Chestnut and Short Streets – in honor of the De Monaco Brothers – Ord. Comm. – Approved

Council President Moran called upon Councilor Twomey to present the matter to the Council Members present.

Councilor Twomey presented the matter and read a letter and comment regarding the proposed dedication into the record.

Upon no further comment, Councilor Twomey presented a motion to approve the item which was seconded by Councilor Rivera and unanimously approved [9-0] by the Council Members present.

Doc. 34/10: Approved

[Tuesday, March 16, 2010]

VI: Communication from Mayor, City Officials & City Attorney:

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

Doc.83/10: Adoption of the Local Option Meals Excise Tax – acceptance of G.L. c. 64G, Section 3A at the rate of six percent – Mayor Lantigua – Ref. to Budget & Finance – Ref. to Budget & Finance

A discussion ensued between Council President Moran and Councilor Laplante regarding the placement of items as “Communications”.

Further discussion ensued between the Council Members about the proper placement of Communication items on the City Council Agenda.

Upon being granted the floor, Councilor Twomey informed the Council Members that he requested a legal opinion on placement of agenda items in the “Communications” section in order to clarify what process or procedures should be applied when such items appear on the agenda in that section. Councilor Twomey suggested that the City Attorney has opined that items appearing in the “Communications” section require some comment, possibly some discussion, and probably a vote of the Council Members.

Upon being granted the floor, Council Vice President Silva discussed the usual manner of placing items in the “Communications” section has been to place those items that are presented from the Mayor, City Officials and the City Attorney that are intended as informative to the Council or the public.

Upon being granted the floor, Councilor Maldonado discussed the standards set by the Council requiring that items be referred to a Subcommittee of the City Council in accord with the Rules of the City Council.

[Tuesday, March 16, 2010]

Council President Moran suggested that the determination of referring any matter to a Subcommittee of the City Council that may require further proceedings is within the discretion of the Council President and that any immediate information or report to be presented is similarly within the discretion of the Council President.

Upon being granted the floor, Councilor Rivera stated that it would appear that new items are required to be sent to a Subcommittee of the City Council as opposed to “Communications” which are likely to be informative.

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

Doc. 84/10: Adoption of the Local Option Meals Excise Tax – acceptance of G.L. c. 64L, Section 2(a) – Mayor Lantigua – Ref. to Budget & Finance

Doc. 85/10: Appointment – Airport Commission – Jose Javier – recommendation – Mayor Lantigua – Ref. to Personnel

Doc. 87/10: City Fiscal Year 2011 CDBG and Home Funding Recommendations – Mayor Lantigua – Ref. to Budget & Finance

Doc.88/10: Fire Department - Fire Protection Status – communications from Acting Fire Chief Brian J. Murphy – Presented/Withdrawn

Council President Moran introduced the measure and invited Acting Fire Chief Brian Murphy who provided an update of the recent flooding of the Shawsheen and Spicket Rivers and the response action of the Lawrence Fire Department and other agencies providing relief and assistance to Lawrence residents.

Council President Moran posed questions to Acting Chief Murphy concerning the actions to assist those who have been displaced due to flooding. Acting Chief Murphy informed the

[Tuesday, March 16, 2010]

Council Members that residents of approximately 20 buildings were displaced and provided with aid.

Upon being granted the floor, Council Vice President Silva thanked Acting Chief Murphy for the quick response and action of the Lawrence Firefighters.

Upon being granted the floor, Councilor Maldonado asked if the Hayden Schofield Playstead was being used to divert flood water. Acting Chief Murphy stated that the Playstead and other open areas were being used in order to avoid certain flood damage and building evacuations.

Upon being granted the floor, Council Vice President Silva discussed the necessity of diverting flood water in the past and the use of this practice to effectively save property and possibly avoid injury to residents.

Acting Chief Murphy also provided information concerning the method of calculating work time and overtime by Lawrence Firefighters as previously requested by Councilor Maldonado. A discussion between Councilor Maldonado and Acting Chief Murphy ensued regarding the work shifts of Lawrence Firefighters.

Upon being granted the floor, Councilor Rivera posed questions about the work cycle of Lawrence Firefighters to Acting Chief Murphy.

Council President Moran posed questions concerning the average number of firefighters for each shift. Chief Murphy stated that there are 23 firefighters when fully staffed which would allow all fire stations to remain open and staffed.

Upon being granted the floor, Councilor Almonte stated that it was imperative that Chief of Staff Degnan be contacted immediately with this information and that all fire stations in

[Tuesday, March 16, 2010]

Lawrence should be opened. Acting Chief Murphy stated that closing any of the fire stations in Lawrence creates a situation that is dangerous to the lives and property of all Lawrence residents. Councilor Almonte affirmed that if there is sufficient staff to keep all fire stations opened, then City Officials must take the immediate action to keep all fire stations opened to assure the public is safe.

Upon being granted the floor, Councilor Twomey posed questions to Acting Chief Murphy about the months during the year that overtime is likely to occur in the Lawrence Fire Department.

Council Vice President Silva presented a motion to conduct Council business past 10:00 p.m. which was duly seconded by Councilor Maldonado and unanimously approved by the Council Members present.

Councilor Twomey continued with posing questions to Acting Chief Murphy discussing the possibility of opening the two fire stations that had been closed for some time.

Upon being granted the floor, Councilor Maldonado asked Acting Chief Murphy about the way payroll is met with the firefighters.

Upon no further inquiry, comment or discussion, Council Vice President Silva, presented a motion to withdraw the measure which was seconded by Councilor Twomey and unanimously approved by Council Members present [9-0].

Doc.88/10: Presented/Withdrawn

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

Doc. 89/10: Disposition – 55-59 Centre Street – under the “Yard Sale Program” – Mayor Lantigua – Ref. to Housing

[Tuesday, March 16, 2010]

Doc. 90/10: Disposition – 68 Cross Street – under the “Yard Sale Program” – Mayor Lantigua – Ref. to Housing

Doc. 91/10: Disposition – 65 Haverhill Street – under the “Yard Sale Program” – Mayor Lantigua – Ref. to Housing

Doc. 92/10: Disposition – 70 Haverhill Street – under the “Yard Sale Program” – Mayor Lantigua – Ref. to Housing

Doc. 93/10: Disposition – 18 Spruce Street – under the “Yard Sale Program” – Mayor Lantigua – Ref. to Housing

Doc. 94/10: Disposition – 183 Union Street – under the “Yard Sale Program” – Mayor Lantigua – Ref. to Housing

VII. APPROPRIATIONS-ORDERS-RESOLUTION:

Council President Moran called the following four matters to the attention of the Council

Members as appearing on the Agenda which were referred as indicated:

Doc.57/10: Appropriation Transfers – Council on Aging – David A. Camasso, Comptroller – Ref. to Budget & Finance

Doc. 81/10: Appropriation Transfer – from Judgments to Litigation - \$60,000.00 – Charles D. Boddy, Jr., City Attorney – Ref. to Budget & Finance

Doc. 82/10: Prior Fiscal Year’s Unpaid Bills – Charles D. Boddy, Jr., City Attorney - Ref. to Budget & Finance

Doc. 86/10: Appropriation Transfer – Department of Public Works – from Sanitation Professional Services to Municipal Garage Vehicular Supplies, Boilers Repair & Maintenance & School Elevator Repairs & Maintenance - \$50,000.00 –Frank McCann, DPW Director Ref. to Budget & Finance

VIII. COMMITTEE REPORTS:

Doc. 4/10: Zoning Change – 501 South Broadway Street – R-2 to B1- Ord. Comm. & Public Hearing ordered

[Tuesday, March 16, 2010]

At the request of Council President Moran, Councilor Bernal 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 Aquino and unanimously approved by the Council Members present [9-0].

Doc. 4/10: Public Hearing Ordered

**Doc.15/10: St. Patrick's Day Parade – Sunday, March 21, 2010 @ 1:00 p.m.
Ord. Comm. – Approved**

At the request of Council President Moran, Councilor Bernal presented the report from the Ordinance Committee in the form of a motion to approve the St. Patrick's Day Parade for Sunday March 21, 2010 at 1:00 p.m, which was duly seconded by Councilor Rivera and unanimously [9-0] approved Council Members present.

Doc. 15/10: Approved

Doc.17/10: Flashing Yellow Lights – Park and Bruce Streets – to be changed to Flashing Red Lights on both sides- Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor Bernal 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 Aquino and unanimously approved by the Council Members present [9-0].

Doc. 17/10: Public Hearing Ordered

Doc. 21/10: City Employees – Ordinance prohibiting from holding an elected position – Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor Bernal presented the report of the Ordinance Committee to order a public hearing on the measure presented. The report was

[Tuesday, March 16, 2010]

presented in the form of a motion, seconded by Councilor Aquino and unanimously approved by the Council Members present [9-0].

Doc. 21/10: Public Hearing Ordered

Doc. 23/10: Alternate Winter Parking Ban – request to include Sheridan Street – Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor Bernal 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 Almonte and unanimously approved by the Council Members present [9-0].

Doc. 23/10: Public Hearing Ordered

Doc. 28/10: Zoning Change – 42-44 Jamaica Street –R3 to B1 – Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor Bernal 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 Rivera and unanimously approved by the Council Members present [9-0].

Doc. 28/10: Public Hearing Ordered

Doc. 40/10: Taxi/Livery Fares – amend ordinance to add 5.48.835 – Ord. Comm. & Public Hearing ordered

At the request of Council President Moran, Councilor Bernal 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 Aquino and unanimously approved by

[Tuesday, March 16, 2010]

the Council Members present [9-0].

Doc. 40/10: Public Hearing Ordered

IX. WITHDRAWALS:

Council President Moran granted Councilor Bernal the floor for the purpose of presenting matters concerning the withdrawal of pending matters before the Ordinance Committee.

Councilor Bernal moved to present the matters listed below in “block” form for withdrawal from the Council agenda. The motion was seconded by Councilor Rivera and Council Members present voted unanimously [9-0] to withdraw the following two matters from the City Council Agenda:

Doc.253/09: Greater Lawrence Technical School – transfer of ball park lights – Ord. Comm. – Withdrawn

Doc. 5/10: Cell Towers – discussion – Ordinance Committee - Withdrawn

X. OLD BUSINESS: - None

XI. TABLED MATTERS:

Upon the motion of Councilor Bernal to remove Doc. 18/10 from the table as seconded by Councilor Maldonado, the City Council Members present voted unanimously to remove the document from the table [9-0].

Doc. 18/10: Resolution – Robert Lavoie – Councilors Bernal, Laplante and Rivera – Approved for Presentment

Upon being recognized, Councilor Bernal presented a motion to adopt the resolution for Robert Lavoie to be presented at the convenience of the Lavoie Family. The motion was seconded by Councilor Laplante.

[Tuesday, March 16, 2010]

Councilor Bernal explained that the Lavoie Family requested that the Resolution be presented in conjunction with the St. Patrick's Day event to take place on March 21, 2010 for their convenience.

Upon being granted the floor, Councilor Laplante informed the Council Members that Robert Lavoie dedicated his life to Scouting and working to develop and educate strong, patriotic young men. He stated that the Family expressed an interest in keeping the presentment of the Resolution as private as possible and that they were very grateful for the recognition by the City Council Members.

Upon being granted the floor, Councilor Twomey suggested that presentment of the honorarium be timed as requested by the Lavoie Family.

Upon no further comments, discussion or inquiry by the Council Members present, Council President Moran called the motion to the attention of the Council Members. Upon vote of the Council Members present, the motion to adopt the Resolution and present the matter was unanimously [9-0] approved by the Council Members present.

Doc. 18/10: Approved

The following items remained "tabled" without further action:

22/10 New Automated Trash Collection and Allied Waste Services contract update – to be discussed – Councilor Rivera

XII. NEW BUSINESS:

Council President Moran brought the matters listed below to the attention of the Council Members present and referred each to the Council Subcommittee as indicated:

60/10: Acceptance of Public Easement for North Canal Bridge connecting Island Street and Canal Street and Related Matters – Art McCabe, Manager – Ref. to Ord.

[Tuesday, March 16, 2010]

- 61/10: Handicapped Parking – 33 Ames Street – Joan E. Kolofos – Ref. to Ord.**
- 62/10: Wholesale Scrap License – Winfield Alloy, Inc. –1-11 Medford Street – Arthur Caras – Ref. to Ord.**
- 63/10: Lawrence Little Leagues – Fund Raising Tag Days – South Lawrence West L.L., South Lawrence East L.L., Prospect Hill L.L., Central L.L. & Tower Hill L.L. – various dates – Sy Uliano, Jr. – Ref. to Ord.**
- 64/10: Right Turns Only – 10.28.090 – Location 6 – Lawrence Street southerly, at Common Street - right lane – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 65/10: Parking – restrictions – 10.36.010 – to remove – Lawrence Street, easterly side from Essex Street to a point Forty (40) feet north – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 66/10: Parking – restrictions – 10.36.010 – to remove – Common Street north side from Jackson Street to a point Fifty (50) feet westerly – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 67/10: Parking – 2 hour – 6:00 a.m. to 7:00 p.m. – 10.36.290-to remove – Lawrence Street easterly side from a point Forty (40) feet northerly of Essex St. to a point one hundred twenty-five (125) feet northerly (eighty-five (85) feet)- Deputy Chief Melix Bonilla – Ref. to Ord.**
- 68/10: Parking – 2 hour – 6:00 a.m. to 7:00 p.m. – 10.36.290 – to add – Lawrence Street east side twenty (20) feet north of Essex Street to a point of eighty (80) feet- Deputy Chief Melix Bonilla – Ref. to Ord.**
- 69/10: Parking – 2 hour – 6:00 a.m. to 7:00 p.m. – 10.36.290 – to add – Lawrence Street east side 120 feet north of Essex Street to a point of 180 feet – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 70/10: Bus Stops, Taxi Cab Stands and Service Zones – 10.36.330 – to remove - Service Zone – Lawrence Street east side from a point located one hundred eighteen (118) feet south of Common Street continuing southerly thirty (30) feet to a point one hundred forty-eight (148) feet south of Common Street – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 71/10: Bus Stops, Taxi Cab Stands and Service Zones – 10.36.330 – to add -Service Zone – Lawrence Street east side 80 feet north of Essex Street to a point of a hundred (100) feet – Deputy Chief Melix Bonilla – Ref. to Ord,**

[Tuesday, March 16, 2010]

- 72/10: Handicapped Parking – 10.36.340 – to remove –Lawrence Street east side from a point located ninety-eight (98) feet south of Common Street continuing southerly twenty feet (20) to a point located one hundred eighteen (118) feet south of Common Street – Deputy Chief Melix Bonilla – Ref. to Ord,**
- 73/10: Handicapped Parking – 10.36.340 – to add – Lawrence Street east side from a point locate a hundred (100) feet north of Essex Street to a point of 120 feet – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 74/10: Handicapped Parking – 10.36.340 – to add – Common Street south side from a point located sixty (60) feet north of Lawrence Street to a point of 80 feet – Deputy Chief Melix Bonilla – Ref. to Ord.**
- 75/10: School Transportation Contract – discussion – Counc. Maldonado – Ref. to Budget & Finance**
- 76/10: Residency Requirement – Ordinance – discussion – Counc. Maldonado – Ref. to Ord.**
- 77/10: Parking – Brunswick House (Essex, Jackson and Methuen Streets) – review of parking issues – possibility of Resident Sticker Parking – Councilor Almonte and Council Vice President Silva – Ref. to Ord,**
- 79/10: Parking - Parthum School – East Haverhill Street – review of parking situation – Counc. Almonte – Ref. to Ord,**
- 80/10: City Employee Time – review of process of all employees – Counc. Rivera – Ref. to Personnel**
- 95/10: Transient Vendor License – William H. Henderson – 36 Lupine Road, Andover, MA – Ref. to Ord.**

XIII. ADJOURNMENT:

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

[Tuesday, March 16, 2010]

ADJOURNED
(10:27 p.m.)

Attest:

William J. Maloney
City Clerk