



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: December 18, 2018

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 9 present.

M. Samaras presiding.

C. Mercier requested moment of silence in darkened chamber for Francis “Frank” Muldoon. C. Elliott commented on the legacy of Mr. Muldoon. C. Leahy requested moment of silence in darkened chamber for Earl McQuade.

2. CITY CLERK

2.1. Minutes of City Council Meeting December 11th, for acceptance.

In City Council, minutes read, **Motion** “To accept and place on file” by C. Conway, seconded by C. Nuon. So voted.

Motion to Suspend rules to take Item #9.1 out of order by C. Milinazzo, seconded by M. Samaras. So voted.

3. UTILITY PUBLIC HEARING

3.1. National Grid/Verizon NE - Request installation of new pole at 198 Riverside Street and Sarah Avenue.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was a representative of National Grid. No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Mercier. So voted.

3.2. Verizon NE - Request installation of underground conduit to replace overhead services at 165 Thorndike Street and Highland Street.



In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Everette Bryan (Verizon). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Cirillo. So voted. C. Elliott questioned if paving would be disturbed.

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses.

In City Council, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Leahy. So voted.

A) Affordable Housing – C. Nuon commented on tax auction. City Solicitor O’Connor outlined the auction procedure and commented on the payment plan options. C. Nuon commented on Home Program and mixed income properties. Dianne Tradd (DPD) noted the Home Program involved federal funding and the mixed income properties used state, city and federal funding. C. Milinazzo noted the benefits of the revenue from the tax auctions. C. Kennedy commented on possible use of payment options at the auction. Solicitor O’Connor noted it was not the best practice for that but a program could be designed for specific properties.

B) Diversity Working Group Update – C. Noun noted the group had been established and was active in setting procedures. Kara Keefe-Mullin (Asst. City Manager) outlined time line for the group.

C) RCN Cable – C. Milinazzo noted feasibility study would provide valuable information.

D) Quarterly Financial Reports for Schools – M. Samaras recognized the effort in providing report.

E) Inland St – C. Leahy commented on the report noting the neighbors are pleased with the direction.

F) National Grid Electric Luce St – C. Leahy recognized the report and how it outlined the procedures for re-establishing electricity in the neighborhood.

G) Pan Am - Idling Trains – C. Leahy noted the report and stated the Lawrence Street area should be monitored.

H) Traffic Planning for Retail Cannabis Locations – M. Samaras noted need for plan and zoning control. Manager Donoghue commented on possible Phoenix Avenue site noting that area is currently not zoned for such an establishment. Eric Slagle (Insp.



Services) noted that zoning change is needed in that area for such an establishment. C. Kennedy noted the involvement of the Zoning SC in creating proper locations for establishments. C. Kennedy noted that Salem uses appointment system to ease traffic issues. C. Elliott noted that Cannabis Control SC has been involved with issues as well.

I) 25 MPH Ordinance – Motion by C. Cirillo, seconded by C. Kennedy to refer matter to Transportation SC. So voted.

J) Traffic Light Sequencing - Motion by C. Cirillo, seconded by C. Kennedy to refer matter to Transportation SC. So voted.

K) Split Annual School Appropriation – Manager Donoghue outlined the report. C. Elliott commented on costs associated with plan. Conor Baldwin (CFO) outlined possible funding scenarios and noted the best practice approach for the City. Manager Donoghue noted it was the best practice for the school administration as well as it allows more flexibility.

L) EMG Study & MSBA Repairs – C. Cirillo commented on repair work. Manager Donoghue outlined study which identified needs and the proper approach to address them. Mr. Baldwin noted costs for schools and other municipal buildings. C. Kennedy commented on the need, reimbursement from MSBA and future preventive maintenance. C. Milinazzo noted the use of the consultant reports as well as future debt service to fund repairs.

M) Water Gauge at Pawtucket Falls – C. Kennedy noted the report and awaits the response.

4.2. Petition Responses

A) Petition Response - Bowers St – None.

B) Petition Response - Lakeview Ave – None.

C) Petition Response - Jewett St – None.

4.3. Communication-Accept resignation of Nancy Pitkin-Library Board of Trustees.

In City Council, **Motion** “To accept and place on file” by C. Cirillo, seconded by C. Conway. So voted.



5. VOTES FROM THE CITY MANAGER

5.1. Vote-Accept Gift of 1,000.00 from Moses Greeley Parker Lectures to Pollard Memorial Library.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Conway, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

5.2. Vote-Auth City Manager Ex. Grant of and Modification to Easements (Lawrence St).

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Conway, seconded by C. Milinazzo. Adopted per Roll Call vote 9 yeas. So voted.

5.3. Vote-Authorize City Manager Ex. Easement between City and UML-Howe Bridge ROW.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Conway, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted.

5.4. Vote-Transfer 75,000 due to increases in the number of trials, expert witnesses and other related litigation expenses.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Milinazzo. Adopted per Roll Call vote 9 yeas. So voted.

6. ORDERS FROM THE CITY MANAGER

6.1. Order-60 day trial (various).

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Nuon, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted.

6.2. Order of Taking-portion of 83 Pevey Street (Parcel 2).

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

6.3. Confirmatory Order of Taking-portion of 91 Pevey Street.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Cirillo, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.



7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Cannabis Control SC December 18, 2018.

In City Council, C. Elliott provided the report noting attendance and discussion regarding cannabis retail locations and traffic control surrounding those locations. C. Elliott commented on the community meetings being held in accordance with State regulations and that it may be confusing as the applicants do not have any City approval at that juncture. C. Elliott noted motion that was adopted by the subcommittee which would have any Host Agreements by the City would come before the Council for discussion prior to execution and that Manager would have representative at any community meeting hosted by applicants. **Motion** to accept the report as a report of progress and adopt motions of the subcommittee by C. Cirillo, seconded by C. Mercier. So voted.

8. PETITIONS

8.1. Misc. - Alaina Brackett (Purple Carrot Bakery) request permission to install overhanging sign at 107 Merrimack Street.

In Council, **Motion** to refer to Law Department for report and recommendation by C. Kennedy, seconded by C. Leahy. So voted.

8.2. Misc. - Brian Meade, Jr. (Neighborhood Rep.) opposition petition to MassDOT plan to reconfigure RT. 38 intersection at Oakland Square.

In Council, **Motion** to refer to City Manager/Transportation SC for report and recommendation and have City Manager begin discussion with MassDOT regarding progress of project by C. Kennedy, seconded by C. Cirillo. So voted. The following registered speakers addressed the Council: Brian Meade, Lynn Dailey, Clementine Alexis, Michael Duquette, Matthew Barker and Brian Monaghan. C. Kennedy noted the problems created by the project in the neighborhood. Manager Donoghue noted that she would be speaking to MassDOT regarding project and noted that the project was extensive and did not just deal with that area of the neighborhood. C. Elliott commented on the overall price of the project.

C. Mercier commented on heating issues at Lowell High School while body was still under suspension of the rules. Manager Donoghue outlined decision to design and install new system in field house and noted the condition in all of the schools. C. Elliott commented on his tour of the high school. C. Conway noted the heat has been a problem at the high school for a long period of time. C. Nuon commented on costs to repair units. C. Leahy noted the process was flawed and not proactive in any sense. C. Kennedy commented on moving students to warmer classrooms in the building and the problems that may exist with that. C. Conway noted that there are logistic problems



with moving students but a procedure can be established to do that. C. Cirillo questioned when systems are checked in the schools. Manager Donoghue noted that there needs to be a total assessment of the entire system. C. Leahy noted simple things like checking valves are not being done.

9. CITY COUNCIL - MOTIONS

9.1. M. Samaras - Req. City Mgr. provide a report to the city council and school committee/administration regarding school department reimbursement for the Digital Connections Partnership School Grant Program totaling \$553,217.46 that was sent to the Lowell Treasurer/Collector's Office in February of 2018 as well as Medicaid reimbursement. (per request of the School Committee)

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. M. Samaras deferred to registered speaker, Jacky Doherty (School Committee) who addressed the body. C. Elliott took exception to speaker's assessment of blame and request for funding noting the financial position of the City and the need to live within needs. C. Milinazzo commented on the memo provided by Mr. Baldwin regarding funding. Mr. Baldwin noted the constraints that are placed on certain funds provided to the City as well as the financial issues that the City is experiencing. C. Leahy referenced memo and noted that there must be a sense of fairness when decision are made. C. Kennedy noted that the report requested had been provided for prior to the meeting. C. Nuon noted that the financial position of the City needs to be accounted for before funding is provided. C. Mercier noted report and that there needs to be further review. C. Elliott noted the constraints on the Medicare reimbursements.

Motion by C. Leahy, seconded by C. Conway to suspend rules and take Item #8.2 out of order. So voted.

10. CITY COUNCIL - EXECUTIVE SESSION

10.1. Executive Session - Regarding matter of litigation, namely Huot et al v. City of Lowell, public discussion of which could have a detrimental effect on the City's position.

In City Council, M. Samaras stated reason for Executive Session, **Motion** by C. Cirillo, seconded by C. Conway to enter Executive Session for stated purpose and adjourn from Executive Session (8:45 PM). Adopted per Roll Call vote, 8 yeas, 1 nay (C. Elliott). So voted. M. Samaras stated that body would adjourn from the Executive Session.



11. ANNOUNCEMENTS

In City Council, C. Mercier wished all a happy holiday.

12. ADJOURNMENT

In City Council, **Motion** to Adjourn in Executive Session by C. Elliott, seconded by C. Milinazzo. So voted.

Meeting adjourned at 9:50 PM.

Michael Geary, City Clerk