



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** July 23, 2019

**Time:** 6:30 PM

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

### 1. ROLL CALL

Roll Call showed 8 present, 1 absent (C. Kennedy).

M. Samaras presiding.

C. Cirillo requested moment of silence in darkened chamber for Theodore T. "Ted" Nichols. C. Mercier requested moment of silence in darkened chamber for Joseph H. Dussault. M. Samaras requested moment of silence in darkened chamber for Charles Nikitopoulos.

### 2. CITY CLERK

#### 2.1. Minutes of Arts and Culture SC July 9th; City Council Meeting July 9th, for acceptance.

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

M. Samaras requested update regarding search for City Auditor. Mary Callery (HR) provided update noting advertising that was used and the number of candidates interested in the job to date. C. Milinazzo questioned procedure for prior group of applicants.

### 3. GENERAL PUBLIC HEARINGS

#### 3.1. Order-Vacate, Discontinue and Abandon Lequin Avenue.

In City Council, Given 2<sup>nd</sup> Reading, hearing held. Speaking in favor was Atty. Brian Akashian who represented the petitioner. No Remonstrants. **Motion** to refer to Clerk's Office for 7 days by C. Elliott, seconded by C. Conway. So voted.



### **3.2. Order-Vacate, Discontinue and Abandon portion of Middlesex St. and portion of Thorndike St.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to refer to Clerk's Office for 7 days by C. Cirillo, seconded by C. Nuon. So voted.

## **4. UTILITY PUBLIC HEARING**

### **4.1. National Grid - Req. installation of (1) SO Pole at 90 Old Ferry Road.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Paul Pellegrini (National Grid). No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Leahy, seconded by C. Milinazzo. So voted. C. Elliott questioned if systems were underground. C. Leahy questioned site of the new Market Basket and how infrastructure was being laid out. Natasha Vance (Transportation Engineer) commented on road improvements and traffic mitigation approved by the Planning Board. C. Elliott noted plans should have included increase in number of traffic lanes. **Motion** by C. Elliott, seconded by C. Leahy to refer site area of Market Basket to Transportation SC for further study and review. So voted.

## **5. COMMUNICATIONS FROM CITY MANAGER**

### **5.1. Motion Responses.**

In City Council, **Motion** "To accept and place on file" by C. Conway, seconded by C. Milinazzo. So voted.

M. Samaras requested Item #5.3 be taken out of order. No objections. So voted.

**A) Motion Response - JFK Plaza** – C. Mercier commented on the improved look and requested that City Hall clock be repaired as well. C. Leahy noted the efforts of the Parks Department in that area.

**B) Motion Response - Slow Children At Play Signs** – Ms. Vance noted the reasoning for placing and removing street signage and commented on her recommendations. C. Leahy noted older signs should be removed. C. Leahy questioned status of striping streets in the City. Ms. Vance outlined progress being made concerning striping project. C. Elliott questioned the use of signs to warn of road dangers and conditions.

**C) Motion Response - Reservoir Signage** – C. Cirillo noted proper signage was in place.

**D) Motion Response - Crime Stoppers** – C. Conway noted efforts of the LPD and the



Manager regarding report and commented on the importance of the program. Manager Donoghue commented on the research done and the funding available for the now dormant program. C. Conway noted program was started by former Superintendent Ed Davis. C. Elliott noted prior success of the program and funding was still available and that information should be forwarded to the community. Manager outlined the program and noted it was done anonymously. C. Leahy noted the importance of continuing the program.

**E) Motion Response - Participatory Budget** – C. Nuon noted that program fosters civic engagement. **Motion** to refer to Finance SC for discussion and presentation by C. Nuon, seconded by C. Cirillo. So voted. C. Cirillo noted need for further discussion. Conor Baldwin (CFO) outlined the program and the process.

## 5.2. Informational Reports

**F) Informational - Library HVAC** – Manager Donoghue outlined the report. Mr. Baldwin noted the Capital Plan and the needs that it will address. Mr. Baldwin noted need to select vendor to perform the work. C. Cirillo noted it was important to identify the issues. C. Leahy noted the amount of visitors to the library and requested time line for completion of work. Mr. Baldwin commented on time line. C. Leahy noted State aid to the library. C. Milinazzo commented that issues should be addressed quickly and noted that additional funding could be done by grants and assistance from the LDFC. C. Conway noted the need for quick action and to be done correctly and to explore possibility of temporary fix.

**G) Informational - Summer Recreational Staffing Update** – Manager Donoghue commented on the report regarding hiring staff and challenges with filling lifeguard positions. Peter Fatacanti (Recreation) discussed process and challenges for hiring lifeguards. C. Elliott noted that Rynne Beach should be closed if no lifeguards are on duty. Mr. Fatacanti noted that area is blocked off as best as possible. C. Elliott noted that DCR State agency should be notified of the situation so they can control the site. Manager Donoghue stated that the City would meet with DCR.

## 5.3. Introduction of Suffolk Construction Manager for LHS Project.

In City Council, Manager Donoghue noted company was present and would address the Council. Chris Walensten, Sean Edwards and John Dolan were present from Suffolk Construction. Maryanne Williams was present from SKANSKA. Mr. Dolan outlined the company. Mr. Walensten commented on past projects and current projects as well as safety procedures. Manager Donoghue noted a future presentation before the State agency which would be more detailed. C. Milinazzo noted that Suffolk went through tough process to get hired. Manager Donoghue commented on hiring process. C.



Mercier noted elements that Suffolk stated concerning safety, diversity and use of the apprentice programs.

**5.4. Communication-Accept resignation of Thomas F. O'Brien from Election Commission.**

In City Council, **Motion** "To accept and place on file" by C. Cirillo, seconded by C. Mercier. So voted. C. Elliott requested letter of thanks be sent to Mr. O'Brien.

**5.5. Communication-Reappoint Clifford R. Krieger to License Commission.**

In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Cirillo. Adopted per Roll Call vote 8 yeas, 1 abstain (C. Elliott), 1 absent (C. Kennedy). So voted.

**5.6. Communication-Appoint John J. Sexton to Civic Stadium Commission.**

In City Council, read, **Motion** to adopt by C. Cirillo, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 abstain (C. Elliott), 1 absent (C. Kennedy). So voted.

**Motion** by C. Mercier, seconded by C. Cirillo to take Item #11.1 out of order. So voted.

**5.7. Communication - City Manager request Out of State Travel (1) LPD; (1) HHS (4 per.).**

In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Cirillo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted.

Manager Donoghue recognized new Deputy CFO Allison Chambers. Mr. Baldwin commented on Ms. Chambers and her qualifications. Ms. Chambers addressed and thanked the Council.

**6. VOTES FROM THE CITY MANAGER**

**6.1. VOTE-AUTH CM EX LICENSE AGREEMENT LD HOLDINGS LLC-76  
MERRIMACK ST-SIDEWALK SEATING.**

In City Council, M. Samaras referred discussion to City Solicitor O'Connor who stated matter should be delayed until company goes before City Licensing Commission.

**Motion** by C. Milinazzo, seconded by C. Nuon to delay matter until next meeting of August 13, 2019. So voted.



**6.2. Vote-Accept-Expend 30,000 from MassDevelopment for Transit Oriented Development around Gallagher Terminal.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Cirillo, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted.

**6.3. Vote-Accept-Expend 7,500.00 from Barclay-Giel Seed Grant program to fund Lowell Opioid Storybook Project-Health Dept.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted.

**6.4. Vote-Designate Members of Planning Board of the City of Lowell as Special Municipal Employees.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Cirillo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted.

**6.5. Vote-Transfer 25,000.00 to provide seed funding for employee suggestion award program.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Leahy. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted. C. Conway commented on program and the effort to bring it forward and that it would be successful. Mr. Baldwin noted that there was a current ordinance which provided the framework for the program.

**7. ORDERS FROM THE CITY MANAGER**

**7.1. Loan Order-Repairs to Various School Buildings 305,425.00.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on August 13, 2019 at 7 PM by C. Nuon, seconded by C. Milinazzo. So voted.

**8. ORDINANCES FROM THE CITY MANAGER**

**8.1. Ordinance-Create one Director of Homelessness Initiatives position and salary in the Department of Planning and Development.**



In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on August 13, 2019 at 7 PM by C. Cirillo, seconded by C. Nuon. So voted.

Manager Donoghue noted development of website regarding changes to voting system in Lowell per Court Decree. Alex Magee from Manager's office outlined the website noting the basic functions and initial outreach to the community. Mr. Magee noted that site will have several language options. C. Elliott noted importance of translation and that Portuguese should be included. C. Nuon noted importance of website to inform citizens and that LTC could assist with outreach as well. Mr. Magee outlined current data on the website. C. Conway questioned if website could track how many visits to the site.

## **9. REPORTS (SUB/COMMITTEE, IF ANY)**

### **9.1. Lowell Commission on Disability July 19, 2019.**

In City Council, C. Conway provided report outlining the attendance and discussion regarding Vero Bike program in terms of supervision, safety, liability and possible use of docking ports. C. Conway noted issues were present with bikes being left on sidewalks and other rights of way. Jeff Wilson (Disability Commission) noted discussions and concerns with the program. C. Leahy questioned the tracking of bikes and pick-ups as well as sidewalk safety issues. **Motion** to accept the report as a report of progress by C. Milinazzo, seconded by C. Mercier. So voted.

### **9.2. Housing SC July 23, 2019.**

In City Council, C. Milinazzo provided report outlining the attendance and discussion of Community Preservation Act (CPA) as well as Edge Apartment zoning issues. C. Milinazzo outlined motions of the subcommittee which allowed the CPA to go forward with a public hearing as well as being placed on a binding referendum question this fall. C. Milinazzo outlined the CPA and referred matter to Law Department to draft proper vote which would indicate a 1% selection as well as all applicable exemptions. C. Milinazzo noted many Edge Apartment issues have been resolved but there is a remaining zoning question which would cause Edge to be cited. C. Milinazzo noted there was a request for LPD to provide report regarding calls to site as compared to other sites. C. Nuon noted the many benefits of the CPA. C. Elliott noted that the people should decide if CPA would benefit them and that information about program should be afforded to them. C. Elliott noted that the Edge was in violation of the law and should be cited and fined. **Motion** to accept the report as a report of progress and adopt the motions of the subcommittee by C. Mercier, seconded by C. Milinazzo. So voted.



**Motion** by C. Elliott, seconded by C. Cirillo to bundle and adopt the accompanying orders of Items #9.3 to #9.8 inclusive. So voted.

**9.3. Wire Insp. - Waveguide - Req. installation of 450 feet of underground and below bridge conduit at Pawtucket St. Bridge over Northern Canal. (TIGER Bridge Project)**

In City Council, **Motion** to accept and adopt the accompanying order by C. Elliott, seconded by C. Cirillo. So voted.

**9.4. Wire Insp. - National Grid/Verizon NE - request installation of (1) JO Pole located at 12 Manchester Street.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Elliott, seconded by C. Cirillo. So voted.

**9.5. Wire Insp. - National Grid/Verizon NE - request installation of (1) JO Pole located at Manchester and Quebec Streets.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Elliott, seconded by C. Cirillo. So voted.

**9.6. Wire Insp. - National Grid/Verizon NE - request installation of (1) JO Pole located on Court Street.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Elliott, seconded by C. Cirillo. So voted.

**9.7. Wire Insp. - National Grid/Verizon NE - request installation of (1) JO Pole on Lundberg Street.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Elliott, seconded by C. Cirillo. So voted.

**9.8. Wire Insp. - Waveguide (for Extenet Systems, Inc.) - request installation of cell antenna at Pawtucket Street Bridge over Northern Canal (TIGER Project).**

In City Council, **Motion** to accept and adopt the accompanying order by C. Elliott, seconded by C. Cirillo. So voted.

C. Leahy requested updated report of double poles in the City.





## **10. PETITIONS**

### **10.1. Misc. - Vilmaira Maldonado request permission to address City Council regarding parking in front of Olympia Restaurant at 457 Market Street.**

In City Council, **Motion** "To refer matter to Transportation Engineer" by C. Elliott, seconded by C. Leahy. So voted. Ms. Maldonado and Arthur Tingus addressed the Council. C. Mercier noted that petition was seeking 15 minute parking and handicap parking and that City should help small businesses.

### **10.2. Misc. - Eastern Bank (Richard Batten - Batten Bros., Inc.) request installation of an overhanging sign at premises located at 50 Central Street (Prescott Street side).**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Cirillo, seconded by C. Nuon. So voted.

### **10.3. Siena Engineering (TC Systems/AT&T) - Request installation of underground telecommunications conduit on Andover Street from Dancause Road to Tewksbury line.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on August 13, 2019 at 7 PM by C. Conway, seconded by C. Cirillo. So voted.

## **11. CITY COUNCIL - MOTIONS**

### **11.1. C. Mercier - Req. City Mgr. have proper department find a location for the Lowell Philharmonic Orchestra to rehearse.**

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Mercier noted the talent of the orchestra and the efforts of the people involved. M. Samaras questioned if they are seeking storage facility. Julia Harmon spoke of the organization and noted it is best to store your equipment were you practice and perform.

### **11.2. C. Mercier - Req. City Mgr. find ways and means to upgrade Hovey Field so that the old playground equipment be replaced by new equipment so children are safe to enjoy their park.**

In City Council, C. Mercier withdrew motion. So voted.





**11.3. C. Nuon - Req. City Mgr. have proper department develop a plan to connect Western Avenue to the Hamilton Canal Innovation District.**

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted the request was self-explanatory.

**11.4. C. Nuon - Req. City Mgr. work with offices of Congresswoman Lori Trahan as well as Senators Warren and Markey to conduct an informational workshop to raise awareness regarding the US Census 2020.**

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Nuon noted the need to have all families counted in Lowell.

**11.5. C. Leahy - Req. City Mgr. provide a report regarding bunt-out homes on Sagamore, Shaw and Arthur Streets.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted that delays should be discovered and dealt with in order to move process along. C. Mercier questioned status of lien auctions in Lowell. Solicitor O'Connor noted delay in auction but it is moving forward.

**11.6. C. Leahy - Req. City Mgr. update City Council regarding Central Street bridge construction.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted there were several complaints regarding area.

**11.7. C. Elliott - Req. City Mgr. invite State delegation and School Department to meet with City Council regarding current bullying policies, state laws.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted the need to look for stronger laws to protect bullying victims. C. Elliott noted need for schools and city to be involved. M. Samaras commented on programs at schools. C. Mercier noted laws need to be changed. C. Leahy noted need to continue to press the issues. C. Conway noted school responsibility in these areas. M. Samaras noted group effort to resolve issue.

**11.8. C. Elliott - Req. City Mgr. provide a report regarding developing on-line building applications and permits.**



In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott noted trend to doing business on line.

**11.9. C. Cirillo - Req. City Mgr. have the proper department analyze all of Lowell's elementary and middle school's playground equipment for wear and age and if there is currently no playground equipment at a school provide a timeline/plan to install a playground.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Cirillo noted it was important to update and have equipment at all schools. Nicole Bruener addressed the body. C. Leahy commented on prior report from the school administration. C. Conway noted some money would be available through grants and Project Learn. C. Elliott noted budget earmarks. C. Mercier noted importance of the playgrounds at schools.

**11.10. C. Cirillo - Req. City Mgr. work with the Lowell Police Department to provide the City Council with a vandalism report on the bike share program bikes and distribute the Veotide Vandalism Statement to the community.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Cirillo noted there have been some damage issues to the bikes and that a few are ruining the program for others.

**11.11. M. Samaras - Req. City Mgr. have proper department draft a Memorandum of Understanding between the City, UMass Lowell, Middlesex Community College and Lowell National Historical Park in support of Lowell's status as a Global City of Learning.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Samaras noted Council support for the program and that City is moving forward.

## **12. ANNOUNCEMENTS**

In City Council, Manager Donoghue noted downtown police substation will open this week. C. Leahy questioned if canals would be filled during Folk Festival. M. Samaras noted Folk Festival this weekend.

## **13. ADJOURNMENT**

In City Council, **Motion** to Adjourn C. Milinazzo, seconded by C. Mercier. So voted.



Meeting adjourned at 9:10 PM.

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Michael Q. Geary, City Clerk