



Lowell City Council

Regular Meeting Agenda

Date: January 28, 2020

Time: 6:30 PM

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

1. ROLL CALL

2. MAYOR'S BUSINESS

- 2.1. Presentation - Fru NKimbeng Of A Gift To City Council From The City Of Bamenda In Cameroon.

3. CITY CLERK

- 3.1. Minutes Of City Council Meeting January 21st, For Acceptance.

Documents:

[2020 JANUARY 21 CC MINUTES.PDF](#)

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses

- A) Motion Response - Smith Baker Center
- B) Motion Response - Billerica St
- C) Motion Response - VFW over Beaver Brook Bridge Update
- D) Motion Response - LPD Wellness Programs for First Responders
- E) Motion Response-Process to Change Charter to Allow Residents to Vote and Elect Mayor
- F) Motion Response - Update on Employee Incentive Program
- G) Motion Response - Status of 246.1 Market St.
- H) Motion Response - Update to the Master Plan
- I) Motion Response - Building Permitting
- J) Motion Response - Abatement Process

Documents:

[A\) MOTION RESPONSE - SMITH BAKER CENTER.PDF](#)
[B\) MOTION RESPONSE - BILLERICA ST.PDF](#)
[C\) MOTION RESPONSE - VFW OVER BEAVER BROOK BRIDGE UPDATE.PDF](#)
[D\) MOTION RESPONSE - LPD WELLNESS PROGRAMS FOR FIRST RESPONDERS.PDF](#)
[E\) MOTION RESPONSE-PROCESS TO CHANGE CHARTER TO ALLOW](#)

RÉSIDENTS TO VOTE AND ELECT MAYOR.PDF
F) MOTION RESPONSE - UPDATE ON EMPLOYEE INCENTIVE PROGRAM.PDF
G) MOTION RESPONSE - STATUS OF 246.1 MARKET ST.PDF
H) MOTION RESPONSE - UPDATE TO THE MASTER PLAN.PDF
I) MOTION RESPONSE - BUILDING PERMITTING.PDF
J) MOTION RESPONSE - ABATEMENT PROCESS.PDF

4.2. Informational Reports

- K) Informational Report - FY2021 Budget Update
- L) Informational Report - HCID Update
- M) Informational Report - Polling Location Change Notice
- N) Informational - Accelerated Repair Program Update

Documents:

K) INFORMATIONAL REPORT - FY2021 BUDGET UPDATE.PDF
L) INFORMATIONAL REPORT - HCID UPDATE.PDF
M) INFORMATIONAL REPORT - POLLING LOCATION CHANGE NOTICE.PDF
N) INFORMATIONAL - ACCELERATED REPAIR PROGRAM UPDATE.PDF

4.3. Communication-Accept Resignation Of Melissa Desroches From Board Of Parks

Documents:

COMMUNICATION-ACCEPT RESIGNATION OF MELISSA DESROCHES FROM BOARD OF PARKS.PDF

4.4. Communication-Appoint Mary Callery, Conor Baldwin And Allison Lamey To Suggestion Award Board

Documents:

COMMUNICATION-APPOINT MARY CALLERY, CONOR BALDWIN AND ALLISON LAMEY TO SUGGESTION AWARD BOARD.PDF

4.5. Communication - City Manager Request Out Of State Travel (1) LPD; (1) HHS.

Documents:

2020 JANUARY 28 1 OST HHS 1 OST LPD.PDF

5. VOTES FROM THE CITY MANAGER

5.1. Vote-Accept Easements From Centennial Island Hydroelectric Co. Pertaining To The Concord River Greenway Project

Documents:

VOTE-ACCEPT EASEMENTS FROM CENTENNIAL ISLAND HYDROELECTRIC CO. PERTAINING TO THE CONCORD RIVER GREENWAY PROJECT.PDF

5.2. Vote-Accept Easements From Related Stirling Bay, LLC Pertaining To Concord River Greenway Project

Documents:

[VOTE-ACCEPT EASEMENTS FROM RELATED STIRLING BAY, LLC PERTAINING TO CONCORD RIVER GREENWAY PROJECT.PDF](#)

- 5.3. Vote-To Freeze New Petitions For Timed, Free, On Street Parking Spaces Until Parking Study Is Completed

Documents:

[VOTE-TO FREEZE NEW PETITIONS FOR TIMED, FREE, ON STREET PARKING SPACES UNTIL PARKING STUDY IS COMPLETED.PDF](#)

6. ORDERS FROM THE CITY MANAGER

- 6.1. Loan Order-Accelerated Repairs To Various School Buildings

Documents:

[LOAN ORDER-ACCELERATED REPAIRS TO VARIOUS SCHOOL BUILDINGS.PDF](#)

7. ORDINANCES FROM THE CITY MANAGER

- 7.1. Ordinance-Amend Ch. 9 Create Art. XIV Entitled Community Preservation Committee

Documents:

[ORDINANCE-AMEND CH. 9 CREATE ART. XIV ENTITLED COMMUNITY PRESERVATION COMMITTEE.PDF](#)

8. REPORTS (SUB/COMMITTEE, IF ANY)

9. PETITIONS

- 9.1. Misc. - Andres Rivera Request Installation Of Handicap Parking Sign At 5 Common Avenue.

Documents:

[2020 JANUARY 28 ANDRES RIVERA REQ HP SIGN AT 5 COMMON AVE APT 59.PDF](#)

- 9.2. Misc. - Mark Mello Request Permission To Address Council Regarding Parking Issues On Waite And Chelmsford Streets.

Documents:

[2020 JANUARY 28 MARK MELLO REQ TO SPEAK TO CITY COUNCIL REGARDING PARKING ISSUES ON WAITE AND CHELMSFORD STS.PDF](#)

- 9.3. Misc. - Charles Kafasis Request To Address City Council Regarding Parking Issues; Including Residential Parking Program.

Documents:

2020 JANUARY 28 CHARLES KAFASIS REQ TO ADDRESS CITY
COUNCIL REGARDING RESIDENTIAL PARKING AND OTHER PARKING
ISSUES.PDF

10. CITY COUNCIL - MOTIONS

- 10.1. C. Mercier - Req. City Mgr. Provide A Report Regarding The Process Of Revenue Generated By The Use Of Empty Lots Charging People To Park In And Around The New Court House.
- 10.2. C. Rourke - Req. City Mgr. Update Council Regarding Status Of The Neighborhood Enhancement Enforcement Directive.
- 10.3. C. Conway - Req. City Mgr. Meet With DPW And Other Departments To Explore The Feasibility Of Using A "Chip - Disc" System (A-Tags) That Is Currently Used In New York, Boston, Cambridge And Other Cities To Identify Companies That Did Work For Trench Repair And Other Projects.
- 10.4. C. Elliott - Req. City Mgr. Have LPD Provide A Report Regarding The Number Of Response Calls/Missing Persons Reports From Group Homes Throughout The City.
- 10.5. C. Samaras - Req. City Mgr. Develop Traffic Management Plan And Parking Solutions For The Opening Of The New Court House.
- 10.6. C. Chau - Req. City Mgr. Invite Lowell General Hospital To Make A Presentation To The Council Regarding Their Plans For Providing Health Care Services To The Citizens Of Lowell For The Next Two Years.
- 10.7. C. Chau - Req. City Mgr. Provide A Report Regarding The Feasibility Of Holding A South East Asian New Year Event At The JFK Plaza In April.
- 10.8. C. Chau - Req. City Mgr. Provide An Update Regarding The Status Of Signage For The Area Designated As Cambodia Town.

11. ANNOUNCEMENTS

12. ADJOURNMENT

Office of the City Clerk - 375 Merrimack Street - Phone: 978.674.4161



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: January 21, 2020

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding.

C. Chau requested moment of silence in darkened chamber for Khom Tung.

2. MAYOR'S BUSINESS

2.1. Presentation - Community Choice Aggregate (CCA).

In City Council, M. Leahy introduced Jay Mason, registered speaker, who made presentation regarding Community Choice Aggregate Program. C. Elliott questioned opting in or out aspect of the program. Kathryn Moses (DPD) outlined the options available to consumers. C. Rourke questioned opting in versus opting out. C. Mercier noted that Council voted on matter a short time ago. C. Nuon noted the vote of the Council and that there should be an effort to have citizens opt back into the program. Stephen Malagodi, registered speaker, addressed the Council

3. CITY CLERK

3.1. Minutes of City Council Meeting January 14th, for acceptance.

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

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Communication - City Manager request Out of State Travel (1) LPD.

In City Council, read, **Motion** to adopt by C. Elliott, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.



5. VOTES FROM THE CITY MANAGER

5.1. Vote-Accept and Expend 100,000 from EOPSS re FY20 Municipal Staffing award Lowell Fire Dept.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott commented on the grants and noted the use for them. Manager Donoghue noted the grants and how they would be used; including alleviating overtime costs to keep fire stations open. C. Mercier commented on the process for obtaining the grants. Manager Donoghue recognized the efforts of Maryann Ballotta for securing grants. Ms. Ballotta outlined the procedures used to obtain grants and how they are used. C. Conway commented on the effort involved and noted that it eases some budget concerns.

Motion by C. Rourke, seconded by C. Mercier bundle Items #5.2 and #5.3 and take as one. So voted.

5.2. Vote-Accept and Expend 162,500 from EOPSS re FY20 Municipal Staffing award for Lowell Police Dept.

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

5.3. Vote-Accept and Expend 634,861.81 FY20 Shannon Community Safety Initiative Grant from EOPSS for Lowell Police Dept.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier commented on grant and how it would assist in combatting gang violence. C. Elliott commented on the amount of the grant and requested list of organizations in the City who would benefit from it. Manager Donoghue commented of efforts of Ms. Ballotta and that money would ease restraints on the budget.

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. Elliott, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.



7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Wire Insp. - National Grid - Request installation underground electric conduits and a new heavy duty hand hole at 160 Middlesex Street.

In City Council, M. Leahy provided appointments to various subcommittees to the body.

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

8. PETITIONS

8.1. Claims - (3) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Samaras, seconded by C. Mercier. So voted. C. Conway questioned the claims process including time of review; costs; payouts; and communications with petitioners. Solicitor O'Connor outlined the process for claims noting each claim may be handles differently. C. Mercier commented on thirty day limit in which to file certain claims.

8.2. National Grid - Req. installation of new handhole and 100 feet of underground electric conduit at 15-21 Surrey Lane.

In City Council, **Motion** to refer to public hearing on February 4, 2020 at 7PM by C. Conway, seconded by C. Drinkwater. So voted.

9. CITY COUNCIL - MOTIONS

9.1. C. Elliott - Req. City Council vote to request Statehouse delegation work with Administration to fund 4 million dollar earmark in Bond Bill - H4549 - "Act Providing for Capital Repairs and Improvements" - for the study, design and make capital improvements for a public safety facility with fire and police services in the City of Lowell.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted that earmarks were in place and commented on the efforts of the working group to identify them. **Motion** by C. Elliott, seconded by C. Rourke to amend to include report regarding parking bond bill. So voted. Manager Donoghue noted that a letter from the administration would be more effective than a formal resolution and that she would forward the interest of the Council. C. Rourke questioned time frame for parking lot and future plans for private parking. Manager Donoghue outlined existing project and possible private ventures concerning parking. C. Chau questioned process of earmarking funds at the State level. Manager Donoghue commented on some funds and how they were to be used. C. Samaras noted new court house is close to opening. C. Rourke noted that the opening of court house would be done in stages. C. Elliott



questioned plans for interim parking. Manager Donoghue commented on possible locations for interim parking as well as the need for it. C. Nuon commented on satellite at Cross Point.

9.2. C. Elliott - Req. City Mgr./DPD report on status of properties located at 246.1 Market Street; the Power House and Coal Pocket Buildings.

In City Council, seconded by C. Nuon, referred to City Manager/DPD. So voted. C. Elliott requested the report noting the location is downtown and something needs to be done on the blighted properties.

9.3. C. Samaras - Req. City Mgr. have Supt. Of Police provide a report regarding action taken to address violence in the downtown district at closing time of the establishments; additionally work with bar owners to develop solutions to address ongoing issues inside their respective establishments.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Samaras commented on investigating possible change in late night closing times downtown; data should include the use of resources to patrol the area and identify trouble locations. C. Elliott noted it is time to change hours of operation for establishments. C. Conway noted that data should be used so that there can be a safety assessment as well. C. Mercier noted that the area is a neighborhood in the City and that they should be treated as such. C. Chau noted the need to research data and that problem bars should be identified and afford protection for properly manage bars. Manager Donoghue noted the issue remains and there will be an extensive report. C. Elliott noted that State Police have also provided resources to patrol downtown.

9.4. C. Conway - Req. City Mgr. provide update regarding employee incentive program offered by the City.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Conway requested update noting the talent pool of employees in the City. Manager Donoghue noted that there was a current ordinance and that a selection committee will be formed.

9.5. C. Nuon - Req. City Mgr. Have City Assessor's Office Hold Community Meetings throughout the City to Help Guide Residents through the Process of Filing Abatements for Property Assessments.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Nuon noted the need to educate public regarding process.



9.6. C. Nuon - Req. City Mgr. Have Commissioner of Public Works Take Measures to Ensure Repaving Work Done by Contractors is Done Properly.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on use of bond money to ensure work is done properly by contractors.

9.7. C. Nuon - Req. City Mgr. Have Proper Departments (Public Works, Parks) Initiate a Drop-Off Program for Unwanted Household Items that cannot be put in the Trash or Recycled under the Current Waste Management System.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Nuon noted the need to combat illegal dumping and this may be a solution. C. Elliott noted matter was addressed earlier and that there were issues with costs, location and staffing. Manager Donoghue commented that they will update report. C. Conway noted the need to better manage the issue and scale down what items are included. C. Rourke noted that costs are associated with poor recycling and that a cost analysis should be done.

9.8. C. Nuon - Req. City Mgr. Provide Report on City Clerk's Office Efforts to Digitize Public Records and Make Them Available Online.

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Nuon requested data.

10. ANNOUNCEMENTS

In City Council, none.

11. ADJOURNMENT

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

Meeting adjourned at 7:50 PM.

Michael Q. Geary, City Clerk



Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: January 28, 2020

SUBJECT: MOTION OF 1/14/20 BY COUNCILOR NUON
REQUEST CITY MANAGER PROVIDE A REPORT REGARDING STATUS
UPDATE ON THE SMITH BAKER BUILDING

The City issued an RFP to sell the former Smith Baker Center for private redevelopment on July 2, 2019. The Coalition for a Better Acre (CBA) submitted the only response that proposes to create a performance hall and community center. The space would include programming for workforce development, arts, and education that will be modeled on other facilities in the region. However, CBA's lack of experience with community center development, a long rehabilitation timeline, and critical identified funding that is from future competitive grant applications, was of concern to the RFP assessment committee.

Given the City's concerns identified in the RFP response assessment, the Department of Planning and Development (DPD) met with CBA and requested additional information to ensure that the rehabilitation plan is viable and will lead to the immediate stabilization of the building while the funds are raised for a long-term, large-scale project. CBA anticipates a project cost of more than \$18 million and the City requested clarity on what costs are immediately required to stabilize and preserve the building. CBA is preparing the requested information now.

DNT/ns

cc: Craig Thomas, Deputy Director
Patricia Lucken, Asset Manager



Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

SUBJECT: MOTION OF 1/7/20 BY COUNCILOR ELLIOTT
REQUEST CITY MANAGER PROVIDE A REPORT REGARDING STATUS
OF SPEED LIMIT ON BILLERICA STREET

The Transportation Engineer and personnel from the Sign Department performed a site visit to Billerica Street. Per resident reports, Billerica Street has become a cut-through to access Interstate 495 and residents are experiencing speeding traffic. There was also concern that the police are unable to enforce a speed limit if there is not a sign posted. The speed limit in municipalities in Massachusetts is determined by Massachusetts General Law (MGL). As stated in MGL Chapter 90, section 17, the prima facie speed limit in a thickly settled area is 30 mph. Prima Facie is literally translated to mean 'on its face' and is taken to mean the default speed limit. Lowell is a thickly settled area. Unless otherwise posted or if a speed study has been performed on a state road, the speed limit on all Lowell streets is 30 mph and LPD states they can enforce the speed limit using the law.

Although posting a sign does not always translate to better driver behavior, it is possible that drivers commuting through Lowell are unaware of the 30 mph speed limit. The Sign Department will install two 30 mph speed limit signs. One will be installed on Billerica Street, near the intersection with Lawrence Street. The other will be installed on Easton Street near the intersection with Woburn Street. Easton Street leads to several streets which connect to Billerica Street.

The Transportation Engineer recommends considering creating speed limit signs which read '30 mph unless otherwise posted' to place on all the main roads into Lowell. Initial review indicate that would require 16 signs, at an approximate cost of \$150 each, for an approximate cost of \$2,400.

NV/ns
1/28/20

cc: Natasha Vance, Transportation Engineer
John Cooper, LPD Sign Division



Christine Clancy, P.E.
DPW Commissioner
John Gleason
Interim City Engineer

EMD

TO: Eileen Donoghue, City Manager
FROM: Christine Clancy, P.E., DPW Commissioner
DATE: January 28, 2020
RE: C. Elliott – Request City Manager to provide an update regarding bridge construction on VFW Highway at Beaver Brook.

The VFW Highway over Beaver Brook Bridge is under the jurisdiction of the Massachusetts Department of Transportation. S&R Corporation was awarded the contract by MADOT to repair the bridge in 2016. Construction of the bridge commenced in 2016, but has been met with environmental challenges resulting in delays. Despite these delays, the construction of the project has been progressing over the past year.

S&R Corporation is currently working on concrete components of the sub-structure, located below the bridge deck elevations and typically not visible to vehicular traffic.

MADOT has notified the City of Lowell that they have been routinely monitoring the conditions of the existing bridge structure and sidewalks. MADOT informed the City that the latest repairs made to potholes on the existing bridge were made on January 3, 2020.

MADOT was able to provide an updated milestone schedule, with a current anticipated final completion date of September 2021. Please see the anticipated completion dates at major milestones for the remainder of the project below:

Phase 1 (South side)

March 2020 – Structural Steel Erection
May – June 2020 – Bridge deck placement
July 2020 – Completion of Phase 1

Phase 2 (North side)

July 2020 – Demolition of the existing bridge on the North side
Sept 2021 – Anticipated final project completion date

Phase 2 (North side) bridge construction will be similar in appearance to Phase 1, but will shift traffic onto the South portion of the bridge, completed in Phase 1.



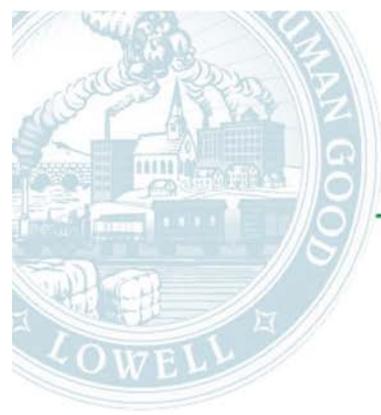
Christine Clancy, P.E.
DPW Commissioner
John Gleason
Interim City Engineer

The City Engineer's office will continue to monitor the progress of Phase 1. Upon completion of the traffic shift, The City will request an updated schedule for Phase 2, and the remainder of the project.

Although, not directly related to this motion, the council requested an update on the Pawtucket Street Bridge over the Pawtucket Canal, which is part of the Tiger Bridge Replacement Project. Work is currently being completed on the inbound side of the bridge. The contractor, MAS Construction, has reported they are targeting the week of February 10 for steel erection, which will be followed by 1-2 months of utility installations, which then will be followed by deck installation. Upon completion of the inbound side of the bridge, work will begin on the outbound side. Bridge completion is anticipated by April 2022, which is also the anticipated date for the entire program complete.

Thanks,

CC: Natasha Vance, Transportation Engineer
CC: John Gleason, Interim City Engineer



Raymond Kelly Richardson
Superintendent

Barry Golner
Deputy Superintendent

Daniel R. Larocque
Deputy Superintendent

To: Eileen Donoghue
City Manager

EMD

From: Raymond Kelly Richardson
Superintendent of Police

Date: January 24, 2020

Re: Council Motion Response

8.7 Councilor Conway – Req. City Manager to meet with Police Superintendent and Fire Chief to provide a report and update regarding “Wellness Programs” for our first responders

Many of our police officers and firefighters today are combat veterans of the United States military. When responding to fatal or life-threatening emergencies such as fires, motor vehicle accidents, cardiac arrests, drownings, suicides, drug overdoses, over time, police officers and firefighters can suffer from Post-Traumatic Stress Disorder, especially those who have served in Iraq and Afghanistan in the past.

After an especially disturbing incident involving death or serious injury of a child or a co-worker, or an incident with multiple deaths, we offer a Critical Incident Stress Debriefing by the Greater Lowell Critical Incident Management Team.

The Fire Department has two Lowell Firefighters that have been trained in counseling firefighters with mental health or substance abuse issues.

Members of the Lowell Police Department have access 24/7 to mental health services. Services are provided by Jeffrey H. Zeizel, Director at Center for Health Resources, Inc. Center for Health Resources is located at 3 Baldwin Green Common, Suite 303, in Woburn, Massachusetts. Mr. Zeizel specializes in drug addiction, alcoholism, family problems, marriage problems, depression, anxiety, death and dying, stress, burnout, PTSD and trauma. He works with many law enforcement officers.

The Lowell Police Department’s training department is running a series of training sessions specifically designed for the benefit of the Lowell Police Department employees on a personal and a family level. The first class, titled “A Holistic Approach to Manage Your Stress and Gain Health,” was held on January 22, 2020 and was attended by 20 employees. Future sessions will

cover topics including diet, exercise, life issues, financial and retirement planning, among other issues that directly affect LPD employees.

The Lowell Police Department and the Lowell Fire Department have both implemented programs to promote physical wellness amongst employees. In late March the Lowell Police Department will be adding a fitness center to provide our officers an accessible venue to exercise. The center will be located on the second floor of the JFK Civic Center. The Lowell Fire Department has a line item in the budget for health and safety every year, as well as a health and safety committee. The LFD purchase gym equipment, cardio-vascular equipment, and other exercise equipment yearly so that firefighters can improve their physical wellness.

Chief Jeffrey Winward and I would be glad to provide a presentation on our respective departments' efforts to promote the wellness of our employees at a meeting of the Subcommittee on Public Safety should the City Council determine it would be valuable.



City of Lowell - Law Department

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Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

January 24, 2020

City Manager Eileen M. Donoghue
Mayor John Leahy
And
Members of the Lowell City Council

Re: Motion of 1/8/2020 by C. Elliott – Req. City Mgr. Provide a Report on Process to Change Charter to Allow Residents to Vote and Elect the Mayor.

Dear Manager Donoghue, Mayor Leahy, and Members of the City Council

I write in response to C. Elliott's motion for a report on the manner and process in which the City Charter could be amended to revise the way in which the City could allow residents to vote to elect the Mayor. As a Plan E municipality, the City Council currently selects a mayor via majority vote among the councilors-elect on inauguration day pursuant to M.G.L. c. 43, §97. A survey of the City Charters of other Plan E municipalities in Massachusetts found that this method was the typical mayoral selection method. For example, the City Charter of Cambridge, which is a Plan E municipality, adopts M.G.L., c.43, §§93-109 verbatim. As a result, Cambridge's mayor is selected via majority vote by the elected members of its City Council. Similar selection procedures can be seen in other communities that are not Plan E but have city council/aldermen arraignments, such as Everett.

However, the City of Worcester, which is also a Plan E community, selects its mayor through a different procedure. Worcester's City Council consists of eleven members, six councilors who serve in districts and five who serve at large. In Section 2-2(b) of Worcester's City Charter, which was amended in 1985:

“All candidates nominated in the preliminary election for the office of councilor at large...shall appear on the ballot as candidates for councilor at large in the regular municipal election and shall also be listed on a separate portion of the ballot as candidates for the office of mayor. The candidate elected to the office of councilor at large and receiving the highest number of votes for the office of mayor shall be mayor. The candidate elected to the office of councilor at large and receiving the next highest number of votes for the office of mayor shall be vice-chair of the city council.”

City Manager Donoghue, Mayor Leahy, and Members of the City Council

January 24, 2019

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As a result, in Worcester the mayor is selected by popular vote by the electorate among only those candidates running for at-large seats. Candidate running for district seats are ineligible to be mayor. Other than the selection process, the powers of the mayor of Worcester remain the same as in other Plan E municipalities.

Lowell could adopt Worcester's mayoral election process. Another option would be to adopt a process similar to, but not exactly the same as, Worcester's process. For example, candidates for district seats could also be eligible to run at-large campaigns for Mayor.

Should the City Council wish to amend the City Charter to modify the process for selecting a mayor, the preferred process would be through passage of a Special Act in keeping with the City's Home Rule powers.

Very Truly Yours,

A handwritten signature in black ink that reads "Christine P. O'Connor". The signature is written in a cursive style with a long, sweeping underline.

Christine P. O'Connor
City Solicitor



Conor Baldwin
Chief Financial Officer

MEMORANDUM

TO: Eileen Donoghue, City Manager *EID*

FROM: Conor Baldwin, Chief Financial Officer *[Signature]*

DATE: January 23, 2020

CC: Mary Callery, Human Relations Director

SUBJECT: **MOTION RESPONSE: Motion 9.4 of 1/21/20 – by C. Conway –** Req. City Mgr. Provide Update Regarding Employee Incentive Program Offered By The City.

After approval by the City Council of a motion made by Councilor Conway in the early months of FY2020, the Administration provided a report to the Council on comparable programs and an existing City Ordinance (Chapter 56, Article IV) which could be reinvigorated to accomplish the primary objective of the motion. A vote was put forth on the Council agenda to transfer \$25,000 from the City Manager's contingency into a new budget account in the Human Relations Department to serve as "seed" money for awards to be granted to successful savings ideas submitted by city employees.

Since that time, the finance team has met to create the necessary forms and internal process to revive the program and has distributed information to Department Heads in the city to inform employees of the incentive program. At a leadership meeting with city Department Heads last calendar year, the City Manager informed the group of the opportunity and asked that department leaders begin to solicit ideas from their employees. The City Manager's Office has since started to receive ideas from employees; with one in particular that has significant savings potential of approximately \$10,000, annually. However, according to the Ordinance, the suggestion board must first be appointed by the City Manager, with City Council confirmation. Those appointments shall be put forth to the Council on the January 28th agenda, consisting of the CFO, HR Director, and Director of the Lowell Plan/ LDFC, who will represent the business community of Lowell.

Once the board is populated, the city can further solicit requests and, if the current batch of suggestions is successful, it is likely that the level of interest from the City of Lowell employee base will increase, significantly.

Please do not hesitate to let me know if there are any questions.



Diane N. Tradd
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *EMD*
FROM: R. Eric Slagle, Director of Development Services
DATE: January 23, 2020
RE: Motion by C. Elliott - Req. City Mgr./DPD Report of the Status of Properties
Located at 246.1 Market St.; The Power House and the Coal Pocket Buildings.

This memorandum addresses the request from Councilor Elliott regarding the status of the property located at 246.1 Market St.

First, it important to provide a quick history and context of this parcel in relation to the rest of the Downtown. (Please see the GIS Map of the parcel below.) The parcel is located within the Downtown Historic District, and is made up of three structures; the Power House, which is the separate structure on the south side of the parcel, between the properties at 200 Market St. and 256.3 Market St.; the Boiler Building, which is the intact structure on the north of the parcel; and the Coal Pocket, which is the hollow structure without a roof attached to the south side of the Boiler Building. These structures make up some of the last mill buildings in downtown Lowell which have not been renovated and put back into use.

Back in 2010, the City issued enforcement against Boott Mills, the owner at the time, regarding a dangerous situation where deterioration of the bricks at the top of the Coal Pocket's exposed gables was causing bricks to fall and endanger vehicles and pedestrians. Though the City pursued litigation against the property owner, the entity claimed insolvency, and was unable to complete the work. The City erected fencing and scaffolding to protect pedestrians, and subsequently placed two liens on the property to cover the cost of the protective measures.

In 2014, a developer obtained an option to purchase the property, and filed an application for a special permit to convert the Power House into residential units. Prior to the application, the City required that the remedial work be done to secure the Coal Pocket, which was accomplished. The liens would be paid at the time of sale. The special permit was granted to convert the Power House into 13 residential units. Ultimately, the sale of the property did not go through at that time.

In 2016, Boot Mills sold the property to another entity, Emerson 100 Real Estate, LLC, a business managed by Steven and Brian Monahan. At the time of the sale, the liens on the property were paid. In early 2017, the owners pulled a permit for exploratory demolition work on the property in furtherance of their renovation plans, pursuant the earlier special permit. In 2018, the owners received a Historic Board permit to renovate the Power House, and filed for building permits to construct the 13 residential units. However, the building permits were never issued and work never commenced.

In late fall of 2019, the property owners approached the City with new plans to renovate the Power House. The City has been informed that the owners will be applying for a new special permit to construct residential units in the Power House, followed by the renovation of the Boiler Building for residential units as well. Staff has not seen the details of the new proposal, but we anticipate a submission within the next 2-3 weeks. Any change in the plans will likely require a new Historic permit.



ES

January 23, 2020



Diane N. Tradd
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *EMD*
FROM: R. Eric Slagle, Director of Development Services
DATE: January 21, 2020
RE: Motion by C. Nuon - Req. City Mgr. Have the Proper Department Update the Master Plan as Required Every Five Years.

This memorandum addresses the request from Councilor Nuon regarding updating the City of Lowell's Master Plan.

As the Council is no doubt aware, the City of Lowell currently has a comprehensive Master Plan, which unlike the City's Open Space Plan (which is required to be updated every five years), the Master Plan should only be updated as needed. That being said, as we are 7 years into Sustainable Lowell 2025, the City is primed for an update to that plan. Sustainable Lowell 2025, which was adopted by the Lowell Planning Board and endorsed by the City Council in March of 2013. The result of this Comprehensive Master Plan process is an officially adopted public document that establishes long-term policies and a shared vision for smart, responsible development within the city. Included within are recommendations regarding transportation, economic development, housing, the physical environment, and other community resources. The Plan also guides the development and maintenance of the many facilities and services provided by the City. As such, the Master Plan is one of the primary policy tools utilized by the City Council, the Planning Board, the Zoning Board of Appeals, and the City's Administration, including the Department of Planning and Development, the Department of Public Works, and other entities. M.G.L. c.41, §81D requires that such Master Plans be adopted by each municipality's Planning Board, and may updated from time to time. That being said, as we are 7 years into Sustainable Lowell 2025, the City is primed for an update to that plan.

The City has been making significant progress in the implementation of the Master Plan since its adoption seven years ago. Projects implementing Master Plan items include, but are not limited to:

- Prioritized community policing strategies that increase the visibility and accessibility of officers and build resident trust.
- Updated and implemented the City's Open Space Plan in both 2014 and 2019.
- Made significant progress on the completion of both the Concord River Greenway and the Riverwalk.

- Facilitated additional market rate housing production within the housing development zone in Downtown Lowell that has been designated under the State's Housing Development Incentive Program (HDIP).
- Drafted, adopted and implemented a Complete Streets policy for the City.
- Completed Utopia Park and successfully installed the 'Hydro' sculpture.
- Constructed the signature bridge and the on-site infrastructure in the Hamilton Canal Innovation District.
- Completed and began implementation of the Urban Renewal Plan for the Ayer City Industrial Park (Tanner St.).

These achievements only scratch the surface of the steps the City has taken in furtherance of Sustainable Lowell 2025.

Working with DPD staff, we have come up with the following proposed timeline for this update:

- June 2020 – January 2021: DPD staff dedicates time and resources to update Sustainable Lowell 2025 to date. DPD staff will need assistance from the City Manager's Office to direct all City Departments to respond to requests for information in a timely manner.
- January 2021: Presentation to Lowell City Council and Lowell Planning Board outlining what has been accomplished over the past seven (7) years.
- January 2021 – May 2022: DPD staff will attend neighborhood meetings and other community events to present the updated plan. DPD staff will plan on hosting one (or two) larger public meetings at the Lowell Senior Center to discuss the following topics: How is the City doing? Do the Goals and Objectives in the Plan still work? What about the Plan needs to be tweaked? Where can the City be better with Plan implementation? Translation services should be provided at the larger public meetings and select smaller community meetings.
- May 2022 – September 2022: DPD staff will incorporate new information from public process and prepare updated plan. We will translate the Goals and Objectives to both Spanish and Khmer (at a minimum).
- September 2022 – November 2022: City Manager and DPD staff will unveil the official updated Master Plan. Staff will present the plan to be endorsed by the City Council and adopted by the Planning Board.
- Ongoing: City Manager's Office and Department Heads should both require and encourage staff to make reference to the updated Master Plan in all correspondence to the City Council, Land Use Boards and members of the public, etc.

ES

January 21, 2020



Diane N. Tradd
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *EMD*
FROM: R. Eric Slagle, Director of Development Services
DATE: January 23, 2020

RE: Motion by C. Conway - Req. City Mgr. Meet With Appropriate Departments To Explore The Feasibility Of Developing A Plan That Will Help To Mitigate And Expedite The Building Permit Process.

Motion by C. Nuon - Req. City Mgr. Provide Update Regarding Review Of Inspection And Enforcement Procedures Within Development Services To Determine If Better Efficiency Can Be Achieved Through Transfer Of Data Via Tablets Or Other Electronic Means With The Aim Of Improving Turnaround Time Without Adding Personnel.

This memorandum addresses the requests from Councilor Conway and Councilor Nuon regarding the expediting of the building permit and inspection process in the City. We are taking significant steps to continue to improve our efficiency and customer service.

Mobile Tablets

- Working with MIS to finish converting all permit and code enforcement activity and records into the MUNIS system by the end of calendar year 2020. Currently in the process of creating and updating both Sanitary Code and Building Code violations in MUNIS to allow greater tracking and accountability.
- We are committed to a significant technology upgrade with our inspectors, looking at the introduction of tablets for scheduled inspections. This would eliminate the duplicate data entry in the office and the field.
- MIS is actively working with the outside vendor for our data management system, which runs the permit, inspection, and code enforcement module for Development Services. The vendor currently supports a mobile platform which allows for field inspections to be conducted remotely. They are working to provide greater access to our City systems which could potentially provide greater functionality for more inspector field work. At the same time, we are looking at our internal processes to make sure that they are optimized for the use of mobile technology. It is important to be able to provide this access while maintaining the security for those crucial systems.
- We currently have a Building Inspector testing the functionality of an I-Pad with an attached keyboard to perform field inspections. We will use the remainder of FY2020 to perform field tests and work out the processes needed to make the tablets fully functional. In FY2021, assuming funding is available, we would roll out the tablets to all of the inspectors.

- We are working to identify and/or plan for funding for the 16-19 devices Development Services staff would need for mobile inspections. To purchase the I-Pads we are currently testing, with the keyboard and other attachments (hardened case, hand grip, etc.), the price would be \$1,400 - \$1,800 each. At that rate, the initial capital outlay for the devices would be \$25,000 - \$35,000. Remote cellular access, which would be required for functionality, would cost \$50 per device per month, for a total of \$11,000 - \$12,000 annually, plus \$2,000 - \$3,000 per year for maintenance, repair and replacement. We will be working with the CFO to identify sources of funding for the purchase price of the devices, potentially a capital request, and will request the annual costs be included in the department budget in FY2021.

Other Items Going Forward

- Working with MIS, proceeding with the project to make online permitting available for permitting in calendar year 2020. At this time we are working on finalizing the online documentation and anticipate rolling out a pilot program for online permits before the end of FY20. Assuming the pilot is successful, we should see a full roll-out in FY21. Online permitting will increase efficiency by allowing contractors to enter permit applications from home, and digitally upload their supporting documents. This will enable our clerks to focus on reviewing the entered data, rather than having to do data entry themselves, limit the time with multiple customers at the counter, and reduce delays in permit processing due to missing documents.
- Development Services has made significant progress in the digitizing of all of our paper property files, working closely with MIS, with the goal of making those files available to the public online. This will make our department function more efficiently by reducing the number of public records and research requests we receive, while increasing the transparency of the department functions to the public.
- In the spring of 2020, Development Services will be putting forward a Customer Service training module for the entire staff of the department, all of whom have significant customer interactions. This is an important step to reiterate to all staff the importance of customer service as a critical part of our jobs representing the City, both in the office and in the field. We believe this is a crucial part of maintaining the excellent customer service we provide to the public.
- Since early 2018, the City has replaced the Building Commissioner, Senior Building Inspector, Senior Health Inspector, three (3) Local Building Inspectors, Electrical Inspector, and has hired a new on-call Electrical Inspector and on-call Plumbing/Gas/Sheetmetal Inspector. Although Development Services experienced this significant staff turnover in the last 20 months, all positions have been filled with talented and effective staff, and progress continues toward achieving transformative improvement in the way the City of Lowell delivers these services. Any gaps in customer service that resulted during this transition period should be mitigated by the department inspectors now being at full staff.

As always, we endeavor for our process to be as efficient and transparent as possible for the homeowners, contractors, and developers that work with the City, while maintaining full compliance with the State Building, Sanitary and Fire Codes, and local Zoning Ordinance. We work very closely with the Lowell Fire Department, the City Engineer's Office, the Transportation Engineer, and other City offices get permits reviewed and approved as soon as possible. Importantly, this work could not be accomplished without close collaboration with CIO Miran Fernandez and his team at MIS. As the Council can see based on the lists above, the smooth integration of technology solutions into the code enforcement, permitting and inspection processes enables us to strive for much greater efficiencies.

ES

January 23, 2020



Conor Baldwin
Chief Financial Officer

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Conor Baldwin, Chief Financial Officer *[Signature]*

CC: Sue LeMay, Chief Assessor
Christine O'Connor, City Solicitor

DATE: January 23, 2020

SUBJECT: MOTION RESPONSE: 1/21/2020 - C. Nuon. – Req. City Manager Have City Assessor's Office Hold Community Meetings Throughout The City To Help Guide Residents Through The Process Of Filing Abatements For Property Assessments

The third quarter tax bills were mailed to Lowell residents and taxpayers in late December. Lowell issues four (4) quarterly tax bills each fiscal year and, under normal circumstances, the first two bills are considered "preliminary" bills, which are calculated based on using the previous years' annual tax bill. When the actual values and tax rate are determined, in simple terms, we take the calculated annual tax and deduct the first two quarterly payments. This amount is then split between the third and fourth quarter real estate tax bills.

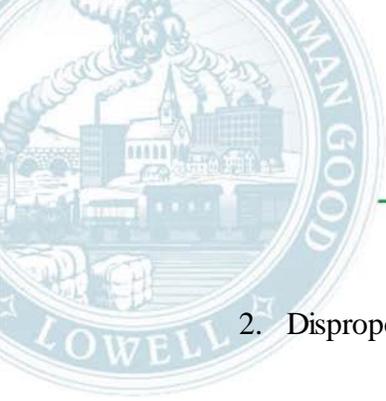
Tax Abatement Process

Tax abatements for residents are governed by Massachusetts General Laws Chapter 59. An abatement is a reduction in the tax assessed on a property for the current fiscal year. For a resident to dispute their valuation or assessment, or to correct any other billing problem or error that caused the tax bill to be higher than it should be, a taxpayer must apply for an abatement.

The Assessor's Office is the main point of contact at City Hall for residents to file for abatements or to speak with city staff regarding their property values and/or tax bills. The Assessor is required by Massachusetts Law to list and value all real and personal property, which includes all changes of title and subdivisions. Valuation is subject to ad valorem (according to value) taxation on an assessment roll each year. Assessed values in Massachusetts are based on "full and fair cash value", or 100% of the fair market value.

A taxpayer may apply for abatement under the following for conditions:

1. Overvalued (assessed value is more than fair cash value on January 1 for any reason, including clerical and data processing errors or assessment of property that is non-existent or not taxable to you);



Conor Baldwin
Chief Financial Officer

2. Disproportionately assessed in comparison with other properties;
3. Classified incorrectly as residential, open space, commercial or industrial real property, or;
4. Partially or fully exempt.

The Assessor's Office can be reached by phone at 978-674-4200 during normal business hours or by email on the City of Lowell website. The Assessor's webpage can be located at www.lowellma.gov and within the department's document library, at <http://lowellma.gov/156/Assessing-Forms>.

To avoid loss of appeal rights or addition of interest and other collection charges, the tax must be paid as assessed on the due date. The following individuals may file an application with the local board of assessors:

1. The assessed or subsequent (acquiring title after January 1) owner of the property;
2. The owner's administrator or executor;
3. A tenant paying rent who is obligated to pay more than one-half of the tax;
4. A person owning or having an interest or possession of the property, or
5. A mortgagee if the assessed owner has not applied;

The various types of personal exemptions, the exemption amount, and the requirements for eligibility are detailed in various clauses of Chapter 59 § 5 for surviving spouses, disabled veterans or widows of disabled veterans, blind, or elderly homeowners. The staff in the Assessor's Office is knowledgeable in the exemption amounts and application process and can assist any residents with questions or with the process. For specific details about personal exemptions and the logistical requirements, the best way for a taxpayer to navigate the process is to speak with the staff at City Hall.

The application for abatements for overvalue of a property must be filed with the board of assessors on or before the date the first installment payment of the actual tax bill mailed for the fiscal year is due and they do not stay the tax, meaning that the full amount must be paid by the due date and, if an abatement is granted, a refund will be processed by the city. Actual tax bills are those issued after the tax rate is set. Applications filed for omitted, revised or reassessed taxes must be filed within 3 months of the date the bill for those taxes was mailed.

These deadlines cannot be extended or waived by the assessors for any reason. If an application is not timely filed, the statute dictates that the applicant loses all rights to an abatement and the assessors cannot, by law, grant one. To be timely filed, the application must be (1) received by the assessors on or before the filing deadline or (2) mailed by United States mail, first class postage prepaid, to the proper address of the assessors on or before the filing deadline as shown by a postmark made by the United States postal service.



Conor Baldwin
Chief Financial Officer

While the assessor's office is unable to provide legal advice on specific cases, it will endeavor to publicly provide educational materials on tax payers' rights of appeal; the applicable time standards, and the typical grounds of appeal. The application deadline for abatements in FY2020 is February 3rd and the Administration will immediately make available information for the residents of Lowell through social media, the city website, and other means of communication to meet the tight time frame. The City Assessor's Office and other members of the finance team will meet to formulate a potential training/ informational session to be held next year immediately prior to the mailing of the third quarter tax bill, so that residents have an opportunity to learn more about the process and ask questions. The finance department is also currently compiling a newsletter to be mailed each year informing residents, in multiple languages, of the options available. In the meantime, please contact the Office of the City Assessor with any questions or concerns.



Conor Baldwin
Chief Financial Officer

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*
FROM: Conor Baldwin, Chief Financial Officer *CB*
DATE: January 24, 2019
SUBJECT: FY2021 Budget Update – Governor’s Budget Submittal (“H1”)

On January 22nd, Governor Charlie Baker submitted to the Legislature a \$44.6 billion fiscal 2021 state budget plan for fiscal year 2021. Gov. Baker’s budget would increase the main discretionary local aid account, Unrestricted General Government Aid, by 2.8% (\$31.6 million), the same rate as the expected growth in state tax revenue. The governor’s fiscal 2021 budget submission would bring Chapter 70 school aid up to \$5.48 billion, an increase of \$303.5 million (5.9%). The majority of the funds would implement improvements to the foundation budget, adding weight for low-income students, English Language Learners (“ELL”), special education costs, and school employee health benefits. One of the most notable components of the Governor’s budget proposal, in regards to Lowell budget, is a proposed \$12,783,357 million increase in Chapter 70 funding, which goes directly to the school district. This increase far surpasses recent trends in the Chapter 70 account.

The city’s main, non-school, local aid account, known as Unrestricted General Government aid (“UGGA”), was increased by a much smaller amount \$748,903. This amount is relatively consistent with the 5-year average increase of approximately 1.74%. Other municipal aid accounts remained relatively stable, with the notable exception of the proposed increase to the Charter School Reimbursement, which is scheduled to increase by \$2.3 million according to the Governor’s proposal. Municipal assessments and charges (a.k.a. “cherry sheet” charges) paid by the city increased by approximately \$3.5 million, overall, in the Governor’s proposal. The charter school assessment continues to account for the largest single increase among the many charges at an approximately \$3.5 million increase in FY2021. Despite the increase to the reimbursement aid for Charter Schools, and assuming the legislature fully funds the reimbursement at this amount, the assessment still outpaces the aid. This will again be a significant fiscal challenge for the city as we create the financial plan for the ensuing fiscal year.

All departments in the city are busy preparing their FY2021 budget request since the instruction documents were distributed to them on January 7th. Requests are due to the finance office by the close of business on February 8th, 2019. Now that the Governor has submitted his budget proposal to the Legislature, the revenue picture is becoming clearer and we can fine-tune our revenue projects to try to incorporate those requests when they are received. Aside from the increases to our fixed costs contained on the cherry sheet, the city is faced with other fixed cost increases such as \$1.47 million increase in the pension assessment and anywhere from a 3% - 6% increase in health insurance.



Office of the City Manager
City Hall • 375 Merrimack Street • Lowell, MA 01852
P: 978.674.4402 • F: 978.970.4007
www.LowellMA.gov

Conor Baldwin
Chief Financial Officer

Enclosed with this memorandum is a summary of the local aid and municipal charges included in the Governor's proposal. Some of the numbers may change slightly as the state budget moves through the legislative process, but the major accounts such as Chapter 70 and UGGA typically remain largely in place. The finance department is confident that a balanced budget proposal will be delivered to the Lowell City Council for approval on or about May 26, 2021.

	FY2020 Final Estimate	FY2020 Governor's Budget (H1)	Year over Year Increase/ (Decrease)
Education			
Chapter 70	163,023,947	175,807,304	12,783,357
Charter Tuition Reimbursement	3,922,994	6,245,769	2,322,775
Offset Receipts			
School Choice Receiving Tuition	57,108	48,981	(8,127)
Sub-Total - Education Items	167,004,049	182,102,054	15,098,005
General Government			
Unrestricted Aid (UGGA)	26,746,523	27,495,426	748,903
Veterans Benefits	507,446	495,285	(12,161)
State Owned Land	284,359	301,512	17,153
Exemptions: VMB & Elderly	209,228	208,116	(1,112)
Offset Receipts			
Public Libraries	182,955	182,993	38
Sub-Total - General Government	27,930,511	28,683,332	752,821
TOTAL ESTIMATED RECEIPTS	194,934,560	210,785,386	15,850,826

	FY2020 Final Est.	FY2020 Governor's Proposal	Increase/ (Decrease)
State Assessments and Charges			
Mosquito Control Projects	77,923	79,956	2,033
Air Pollution Districts	26,911	27,447	536
RMV Non-Renewal Surcharge	325,900	325,440	(460)
Sub-Total - Assessments & Charges	430,734	432,843	2,109
Transportation Authorities			
Regional Transit	1,044,338	1,070,448	26,110
Sub-Total - Transportation Authorities	1,044,338	1,070,448	26,110
Annual Charges Against Receipts			
Special Education	62,020	56,316	(5,704)
Sub-Total - Annual Charges	62,020	56,316	-
Tuition Assessments			
School Choice Sending Tuition	956,175	868,346	(87,829)
Charter School Sending Tuition	26,568,526	30,094,618	3,526,092
Sub-Total - Tuition Assessments	27,524,701	30,962,964	3,438,263
Grand Total - Cherry Sheet Assessments	29,061,793	32,522,571	3,460,778



Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*
FROM: Diane Tradd, DPD Director
DATE: January 28, 2020
SUBJECT: INFORMATIONAL UPDATE – Hamilton Canal Innovation District

The following report addresses the current status and anticipated schedule for the projects that are currently under construction or design in the Hamilton Canal Innovation District (HCID).

Justice Center:

- Building and site completion, March 2020.
- Move in over 3 weekends in March.
- City has requested that Stockpile on City-owned Parcel 1 of the HCID to be removed by February 29, 2020.
- In addition to the 300 parking spaces the City will provide, the Office of the Trial Court will utilize 166 spaces at the District Court and Superior Court sites. These sites are serviced by an existing LRTA bus route/stop and will not require an additional shuttle bus. They will also reach out to private property owners with large parking lots located at key gateways to the City that are also serviced by an existing LRTA bus route/stop..

Lord Overpass:

- ET&L is under contract for the project.
- Mobilization and public outreach to begin in mid-February, with Variable Message Boards, opening the field office, delineation of lay-down areas and clearing.
- Construction to begin mid-March to mid-April, Weather dependent.
- ET&L to provide a detailed schedule with Traffic Management Plans (TMPs) to the City by the end of January, which will be brought forward to the Council soon thereafter.
- Project construction duration of 36 months is anticipated.

HCID Garage:

- Foundation is complete, coming in ahead of schedule and on budget. This is a major milestone as the schedule and financial risks on the project were predominantly associated with this phase of the work.
- Crane to erect the precast/ Reinforced Concrete (RC) panels is being delivered and assembled over January 27th through the 30th. Crane will be 240' tall and will require a smaller crane to assemble it.
- Delivery of RC panels to begin 1/31/20 and will last for 60 working days. The TMP for these deliveries was carefully evaluated by contractor, precast manufacturer and their truck drivers, including test driving several routes to find the least impactful. Some signage will be removed at the Market Basket/Senior Center to prevent damage.
- Planned truck route will travel Route 3 to Drum Hill, Wood Street to Middlesex St to Broadway. This route eliminates the right turn off Dutton onto Broadway, which is not possible without stopping oncoming Dutton St traffic.

- Project completion scheduled for October 2020. Team is currently reviewing the remainder of the scheduled trade work to identify any areas that would enable us to accelerate the project.

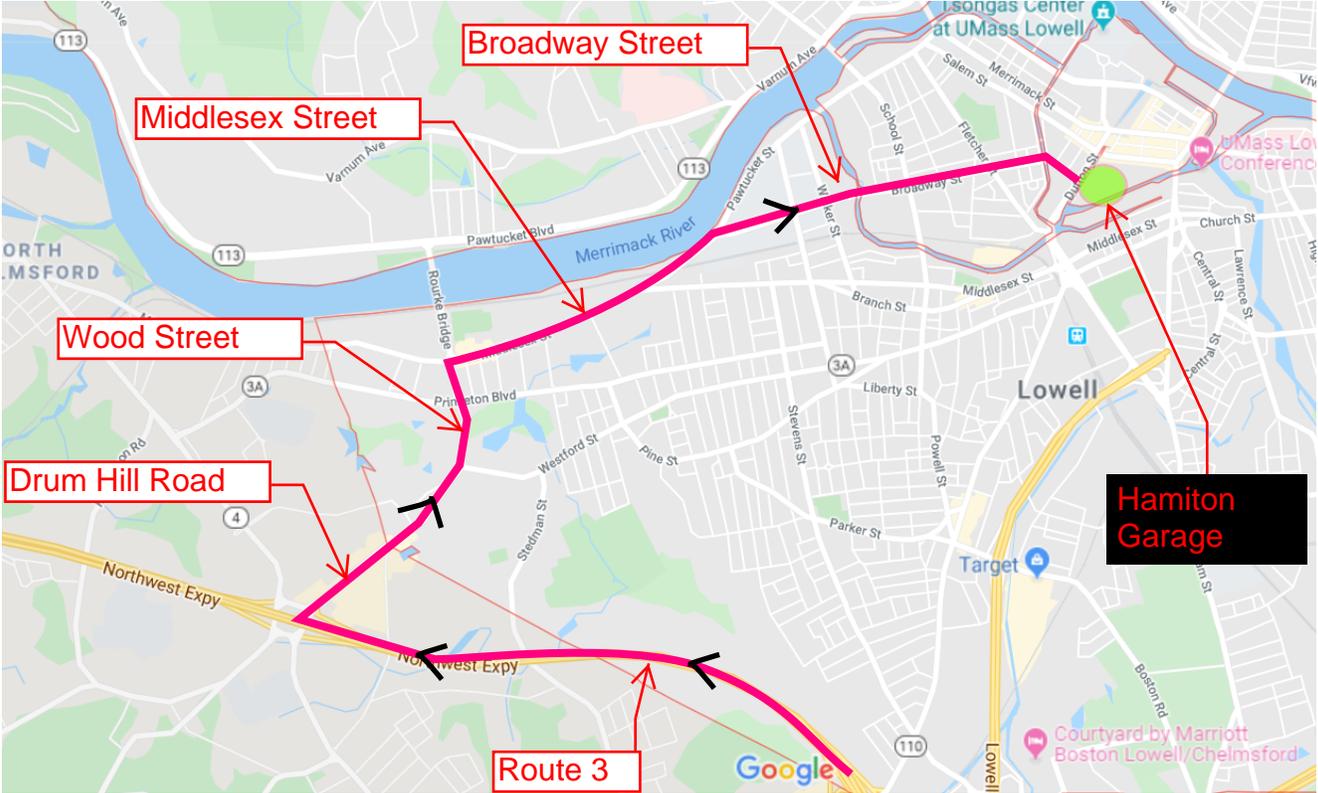
Streets F & G/ Signature Bridge Project:

- Newport will remobilize to the site in April in order to complete the work on the bridges.
- Project anticipated completion June 30, 2020.

The City continues to receive strong interest in the remaining parcels in the HCID and is in conversations with several developers to continue building out the HCID.

NV/ns

cc: Natasha Vance, PE, Transportation Engineer
John Gleason, Acting City Engineer
Joseph Giniewicz, Garage Project Manager, Urban Renewal Project Manager





Zoe Arthur, Chairwoman
Beverly Anthes
James A. Pope
Paul Ratha Yem

January 24, 2020

City Manager Eileen M. Donoghue
Mayor John J. Leahy
Members of the Lowell City Council

Re: Designation of New Polling Locations

Dear City Manager Donoghue, Mayor Leahy, and Members of the City Council:

On January 23, 2020, the Lowell Election Commission, pursuant to M.G.L. c. 54, §24 and in accordance with the Lowell City Charter, voted to designate Greenhalge Elementary School as the new polling location for Ward Five, Precinct Two (5-2), Ward Five, Precinct Three (5-3), and Ward Nine, Precinct One (9-1). This change in polling locations will be in effect for the upcoming Presidential Primary on March 3, 2020.

The Election Commission also voted to designate Lowell City Hall as an early voting polling place. The Massachusetts General Court has authorized five (5) days of early voting, to take place the week before the March 3, 2020 Presidential Primary (February 24 – February 28, 2020).

If you have any questions, please do not hesitate to contact the Elections Department.

Very truly yours,

Elliott J. Veloso
Interim Director of Elections

cc. Christine P. O'Connor, City Solicitor



Eileen Donoghue
City Manager

Kara Keefe Mullin
Assistant City Manager

Alex Magee
Assistant to the City Manager

MEMORANDUM

TO: Mayor Leahy and Members of the City Council
FROM: Eileen Donoghue, City Manager *ED*
DATE: January 23, 2020
SUBJECT: Accelerated Repair Program Update

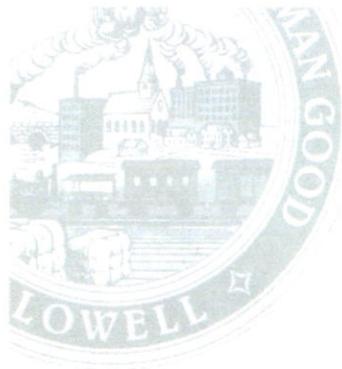
I am excited to update the City Council on the progress that has been made on our Accelerated Repair Program (ARP) school building-systems projects. Beginning in the fall of 2018, my administration aggressively pursued a number of applications to the Massachusetts School Building Authority's (MSBA) ARP Program, ultimately submitting applications for a potential 15 projects across eight school locations. We were very excited to have eight projects located at six schools invited into the program. These projects, which include new boiler systems at the Bailey, Daley, Greenhalge, McAuliffe, Rogers and Sullivan schools, and new roofs at both the Bailey and Sullivan, are critical to the preservation and maintenance of the school buildings and learning environments therein. These eight projects represent just over \$13.6 million dollars in value, of which the state will offer reimbursement grants to cover 78.95% of the cost, creating opportunities that we simply cannot miss out on.

These projects, which are moving along at an aggressive pace, are slated for construction during the upcoming 2020 construction season, and should all be completed by next heating season in the Fall of 2020. The four schools which are getting boiler replacements – Daley, Greenhalge, McAuliffe, and Rogers – are expected to gain final approval at the February MSBA Board meeting. The two schools which have combined boiler and roof projects – Bailey and Sullivan – are expected to gain final approval at the April MSBA board meeting. The MSBA requires the full funding amount be approved by the local elected body, and reimburses up the project limits. The split in expected approval dates is due to the complexity involved in the roof designs at the Bailey and Sullivan schools. All eight of the projects are continuing to move forward on their original timelines, thanks to constant oversight by my staff and strong communication with our OPM Leftfield and Designer CGKV Architects.

I would also like to update the Council on our plans for submitting another round of applications, which the MSBA is currently accepting. Again, the minimum requirements in order to submit a Statement of Interest include a combination of the following: A)Boiler System at least 20 years old; and/or B)Roof System at least 20 years old; and/or C) Windows/Doors at least 30 years old; AND total estimated project cost at least \$250,000. We have identified 21 projects located at 14 schools to submit applications for, based on the school and its major building systems' ages. These applications, which require the approval of both the City Council and School Committee, include re-submitting applications from 2019 for potential roof and/or boiler projects at the Daley, Greenhalge, Lincoln, McAuliffe, Rogers, Pawtucketville Memorial (all six of these schools had applications submitted in 2019, and were either not invited into the program or were only awarded a boiler when we were seeking a boiler and roof). Additionally, my team has identified eight new school locations to apply for roofs and/or boilers, including the Bartlett, Butler, McAvinue, Moody, Murkland, Robinson, Shaughnessy, and Wang schools. In total, these applications represent a potential 21 projects located across 14 different schools in addition to the eight which are already in progress. The applications for these new schools are currently in preparation, and votes to approve submission of these applications will be forthcoming at the February 4th City Council and February 5th School Committee meetings.

Given the excellent value these projects give the City, I have directed my staff to continue to aggressively pursue these funding opportunities wherever they are available.

Please do not hesitate to reach out with any questions.



Eileen Donoghue
City Manager

January 24, 2020

Ms. Melissa Desroches
51 Whitney Avenue
Lowell MA 01850

RE: Your Resignation Letter

Dear Ms. Desroches:

This letter acknowledges receipt of your letter in which you resign from the Board of Parks. Your resignation is accepted.

I am filing your resignation and this acceptance thereof with the City Clerk, as required by law, and also forwarding copies as a "communication" to the City Council.

The City of Lowell appreciates your service as a member of the Board of Parks, and on its behalf I extend thanks.

Very truly yours,

Eileen M. Donoghue
City Manager

B&C/BOP

cc: City Clerk
City Council
City Auditor
Human Relations Manager
Board of Parks
MIS

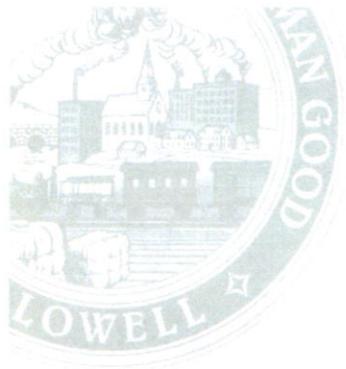
Board of Parks
City of Lowell
Lowell, MA 01853

March 26, 2019

To whom it may concern:

I will be resigning from the Board of Parks, effective immediately. I have enjoyed my time on the board, serving the people of Lowell and working with dedicated board members. I appreciate the opportunity.

Many thanks,
Melissa Desroches



Eileen Donoghue
City Manager

January 23, 2020

Mayor John J. Leahy
And
Members of the City Council

RE: Suggestion Award Board; Appointments thereto

Dear Mayor Leahy and Members of the City Council:

Pursuant to the authority specified under the Code of the City of Lowell Article IV §56-25, it is with pleasure that I am appointing Mary Callery, HR Director, Conor Baldwin, CFO and Allison Lamey of the Lowell Plan to the Suggestion Award Board of the City of Lowell to a two (2) year term expiring January 28, 2022, or such time thereafter until a successor is appointed and qualified.

Confirmation by the City Council is required for these appointments and is hereby requested.

I would be happy to answer any inquiries you may have concerning these appointments.

Very truly yours,

Eileen M. Donoghue
City Manager

boards:141

cc: City Clerk
City Solicitor
Board of Appeals

City Auditor
Human Relations Manager
MIS

Raymond Kelly Richardson
Superintendent

Barry Golner
Deputy Superintendent

Daniel R. Larocque
Deputy Superintendent

OK
RRK
1/21/20 00

To: Eileen Donoghue
City Manager

From: Raymond Kelly Richardson
Superintendent of Police

Date: January 22, 2020

Re: Out of State Travel

I respectfully request your permission to send three members of the Lowell Police Department to attend Investigative Interviewing and Advanced Interrogation. The class will be held at the Nashua Police Department. I have supplied a breakdown of costs below. Thank you for your time in this matter.

Conference: Investigative Interviewing and Advanced Interrogation

Location: Nashua, NH

Dates to Travel: March 31, 2020 – April 3, 2020

Flight: \$0

Hotel: \$0

Conference Cost: \$575.00 per person, total \$1,725.00

Mileage/Fuel/Toll/Parking: Will submit receipts upon return

Car Rental: \$0.00

Per Diem: \$0

Number of people: 3

JoAnn Keegan
Interim Director of Health & Human Services
978.674.1050

Date: January 22, 2020
To: Eileen Donoghue, City Manager
From: JoAnn Keegan, Interim Director of Health and Human Service
CC: Maryann Ballotta, Public Safety Research and Planning Director, Police Department

Regarding: Permission to attend out of state workshop for:
Lainnie Emond, Substance Abuse Coordinator, Health Department

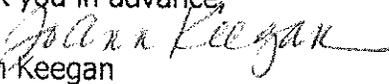
Lainnie Emond is requesting permission to attend the three-day 2020 Comprehensive Opioid Abuse Program (COAP) National Forum. The Forum is being held Tuesday March 10th through Thursday March 12th in Arlington, Virginia. Lainnie will fly out on Monday March 9th as the Forum starts at 8:30am on March 12th.

The COAP National Forum is hosted by the Bureau of Justice Assistance, and is a federal conference geared towards COAP grantees who are addressing the opioid epidemic in their communities. At the COAP National Forum, Lainnie will learn about innovative strategies that communities from across the county are utilizing to decrease the rate of fatal opioid-related overdoses. The COAP National Forum will also cover topics such as safeguarding the health and well-being of staff working at the front lines of the opioid epidemic, providing support to families and children, treatment best practices, and maximizing resources through multidisciplinary partnerships.

The Lowell Police Department, via the COAP grant, will cover expenses for Lainnie to attend the conference. Lainnie's position will be funded in-part by the COAP grant in the next fiscal year. Below is the breakdown of the total cost for Lainnie to attend the COAP National Forum:

COAP National Forum: Free to attend
Hotel: \$256.00 + fees/tax (three nights = \$840, estimate including fees/tax)
Airfare: \$400 (estimate)
Mileage to/from Airport (Bos-DC-Bos): \$20
Food Allowance: \$50/day (four days = \$200)
Estimated Total Cost: \$1,460

Thank you in advance,


JoAnn Keegan
Director of Health and Human Services

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to accept a Temporary Construction Easement and a Permanent Easement from Centennial Island Hydroelectric Co., (“HYDRO”) to the City of Lowell pertaining to the City’s project, known as Concord River Greenway Project.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Manager be and hereby is authorized on behalf of the City of Lowell, to accept a Temporary Construction Easement and a Permanent Easement from Centennial Island Hydroelectric Co., (“HYDRO”) to the City of Lowell which involves property known as 670 Lawrence Street, which involves among other things, a temporary construction easement in the approximate area of 10,347 square feet over, under, in, along, across and upon HYDRO’S PROPERTY to enable construction of the Concord River Greenway, in accordance with the Easement plan attached hereto and made a part hereof and referred to as Exhibit “B”. Said Easement Agreement shall be in the form or substantially the form attached hereto and referred to as Exhibit “A”; and

The City Manager be and hereby is authorized on behalf of the City of Lowell, to accept a permanent easement for the use and benefit of the CITY and its residents, guests, agents, employees, invitees and the general public and other parties to whom the City may give rights to use this permanent easement to be used for a public walkway (the “WALKWAY”) as part of the Concord River Greenway project over, under, in, along, across and upon on, upon, HYDRO’S PROPERTY of approximately 18,271 square feet as depicted on the plan and description attached hereto and made a part hereof and referred to as Exhibit “B” and “C”. Said Easement Agreement shall be in the form or substantially the form attached hereto and referred to as Exhibit “A”.

EASEMENT AGREEMENT

This Easement Agreement is made on the date set forth at the end hereof by and between: THE CITY OF LOWELL (“CITY”), a municipal corporation with principal offices at 375 Merrimack Street, City Hall, Lowell, Middlesex County, Massachusetts 01852; and CENTENNIAL ISLAND HYDROELECTRIC CO. (“HYDRO”), a Massachusetts Limited Partnership with address at 30R Hampshire Street, Methuen, Massachusetts 01844. Together the CITY and HYDRO shall be referred to as the “PARTIES.”

WHEREAS, HYDRO is the current owner of a hydroelectric plant with an address at 670 Lawrence Street, Lowell, Massachusetts; (the “PROPERTY”); and

WHEREAS, the CITY intends the construction of the Lowell Concord River Greenway and desires to have a temporary construction easement and a permanent easement over, under, in, along, across and upon HYDRO’s PROPERTY as shown on a plan attached hereto as Attachment “A” and a legal description of said permanent easement attached hereto as Attachment “B as prepared by Surveying and Mapping Consultants, Inc..”

NOW THEREFORE, the PARTIES, for and in consideration of One Dollar (\$1.00) and the mutual promises, agreements and covenants herein contained, hereby agree as follows:

1. HYDRO hereby grants, transfers and delivers to the CITY a permanent easement of approximately 18,271 square feet, as depicted on the plan and legal description annexed hereto, to be used for a public walkway (“WALKWAY”) as part of the Concord River Greenway project. The said easement shall be for the use and benefit of the CITY and its residents, agents, employees, guests, invitees, the general public and other parties to whom the CITY may give rights to use this permanent easement.

“A”

2. The CITY hereby accepts the permanent easement referenced in section 1 above and more fully shown and described in Attachments "A" and "B" hereto, subject to the conditions and obligations set forth below.

3. HYDRO, for itself, its partners, its owners, its successors and assigns, hereby covenants and grants to the CITY a temporary construction easement over, under, in, along, across and upon the PROPERTY as described on the attached design plan and description. The temporary construction easement encompasses approximately 10,347 square feet and shall automatically terminate upon the final completion and approval by the CITY of the construction improvements. The CITY hereby agrees to construct and complete the said WALKWAY and to maintain same at no cost to HYDRO.

4. The CITY further hereby agrees to repair any and all damage, if any, caused to the PROPERTY resulting from the construction and/or maintenance of said WALKWAY and to indemnify and hold harmless HYDRO up to any limit imposed by law from any claim, damage, liability, or related expense including reasonable attorney's fees arising out of or caused by any act or omission by the CITY and its employees resulting from the construction and/or maintenance of said WALKWAY.

5. The CITY agrees to take such steps as are reasonably necessary to assure that the public use of the easement granted hereby shall not interfere with HYDRO's use of its PRPOERTY for its day to day operations.

6. The PARTIES agree that the construction work is to commence on or about August 1, 2020 since the months of August and September are typically the period of time during which HYDRO's ability to operate its facilities and generate power does not exist, and the CITY contemplates that the construction work impacting HYDRO's PROPERTY should be

completed in six to eight weeks from commencement. Consequently, the PARTIES anticipate that HYDRO's business operations will not be impacted during the construction period. However, in the event of a delay in the commencement or completion of construction by the CITY or its contractor(s) such that the construction will be ongoing during HYDRO's ability to operate and generate power, the PARTIES agree that HYDRO will be entitled to compensation at the rate of \$100/hour for the period of time that HYDRO had the ability to operate but was unable to do so because of the construction work. In the event HYDRO does not cease operations from August 1, 2020 forward because it has the ability to operate and generate power yet the CITY seeks to commence construction that will impede HYDRO's ability to operate, HYDRO will be entitled to compensation at the rate of \$100/hour for the period of time in which the construction work impedes HYDRO's ability to operate and generate power.

7. The provisions of this Easement Agreement shall inure to the benefit of and be binding upon the PARTIES hereto and their respective successors, assigns, grantees and transferees, and upon all other persons or entities claiming by, through or under the CITY or HYDRO respectively.

8. This agreement shall be effective as of the date set forth below.

9. Each individual signing on behalf of a party to this agreement states that he or she is the duly authorized representative of the signing party and that his or her signature on this agreement has been duly authorized by, and creates the binding and enforceable obligation of, the party on whose behalf the individual is signing.

10. That this Easement Agreement shall be duly recorded at the expense of the CITY at the Middlesex (North District) Registry of Deeds.

Executed as a sealed instrument this _____ day of _____, 2020.

CITY OF LOWELL

CENTENNIAL ISLAND
HYDROELECTRIC CO.

Eileen M. Donoghue
City Manager

By: Kevin P. Olson
Managing Partner

APPROVED AS TO FORM:

Gary D. Gordon
Assistant City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2020, before me the undersigned Notary Public, personally appeared Eileen M. Donoghue, City Manager, proved to me through satisfactory evidence of identification, which was Notary's personal knowledge of the individual, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

On this _____ day of _____, 2020, before me the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which was Notary's _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

Permanent Easement #5

A certain easement on land situated in Lowell shown as Permanent Easement #5 on a plan entitled "Easement plan of land, Concord River Greenway, Lowell, MA", dated June 29, 2018, prepared by Surveying and Mapping Consultants Inc., said easement being more particularly bounded and described as follows:

Beginning at a point, that is the southeasterly corner of said easement, thence

S55°46'00"W a distance of 30.01 feet to a point, thence

N35°22'36"W a distance of 12.37 feet to a point, thence continuing

N35°22'36"W a distance of 3.59 feet to a point, thence

N34°56'14"W a distance of 162.36 feet to a point, thence

N34°46'45"W a distance of 52.56 feet to a point, thence

S69°33'34"W a distance of 27.57 feet to a point, thence

N41°41'45"W a distance of 15.78 feet to a point, thence

N42°27'41"E a distance of 23.01 feet to a point, thence

N37°31'32"W a distance of 83.21 feet to a point, thence

By a curve to the right, having a radius of 130.00 feet and an arc length of 58.95 feet to a point, thence

By a curve to the left, having a radius of 50.00 feet and an arc length of 32.17 feet to a point, thence

By a curve to the left, having a radius of 670.00 feet and an arc length of 153.79 feet to a point, thence

N12°41'34"E a distance of 19.40 feet to a point, thence

N88°10'41"E a distance of 33.09 feet to a point, thence

S38°17'24"E a distance of 33.37 feet to a point, thence

S53°43'38"E a distance of 95.97 feet to a point, thence

S36°26'09"E a distance of 43.05 feet to a point, thence

S36°07'53"E a distance of 152.92 feet to a point, thence

S34°46'45"E a distance of 71.37 feet to a point, thence

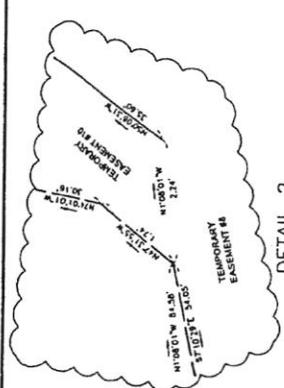
S34°56'14"E a distance of 162.19 feet to a point, thence

S35°22'36"E a distance of 16.45 feet to the point of beginning.

Containing an area of 18,271 square feet, more or less.

RESERVED FOR REGISTRY USE

CENTENIAL LANE (PRIVATE)



DETAIL 2 N.T.S.

- NOTES**
1. COORDINATES, IN U.S. SURVEY FEET, ARE IN THE NAD 83 DATUM. THE ELEVATIONS ARE IN THE MEAN SEA LEVEL DATUM OF 1985 (MAD 85/FORM). BASED ON THE KPMH GPS VERTICAL CONTROL POINTS (MAD 85/FORM) AND THE KPMH GPS VERTICAL CONTROL POINTS (MAD 85/FORM).
 2. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1985 (MAD 85/FORM) FROM A DIFFERENTIAL LEVEL BENCH MARK (BM) FROM A NEARBY ADJACENT PROPERTY.
 3. SUBSURFACE UTILITY LINES AND FEATURES, AS SHOWN HEREON, WERE COMPILED FROM FIELD EXPOSURE AND/OR AVAILABLE RECORDS. THE LOCATION OF ANY UNDETECTED UTILITY LINES OR FEATURES, ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD.
 4. THE ASSUMED NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF THE USE OF THE INFORMATION SHOWN HEREON. BEFORE CONSTRUCTION, ALL UTILITIES, PUBLIC AND PRIVATE, MUST BE LOCATED AND MARKED IN ACCORDANCE WITH THE APPROPRIATE REGULATIONS AND CODES. THE APPROPRIATE REGULATIONS AND CODES MUST BE CONSULTED.
 5. INFORMATION REGARDING SUBSURFACE TELECOMMUNICATIONS LINES IS NOT SHOWN HEREON. THE LOCATION OF ANY UNDETECTED TELECOMMUNICATIONS LINES, ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD.

LAND COURT PLAN REFERENCES

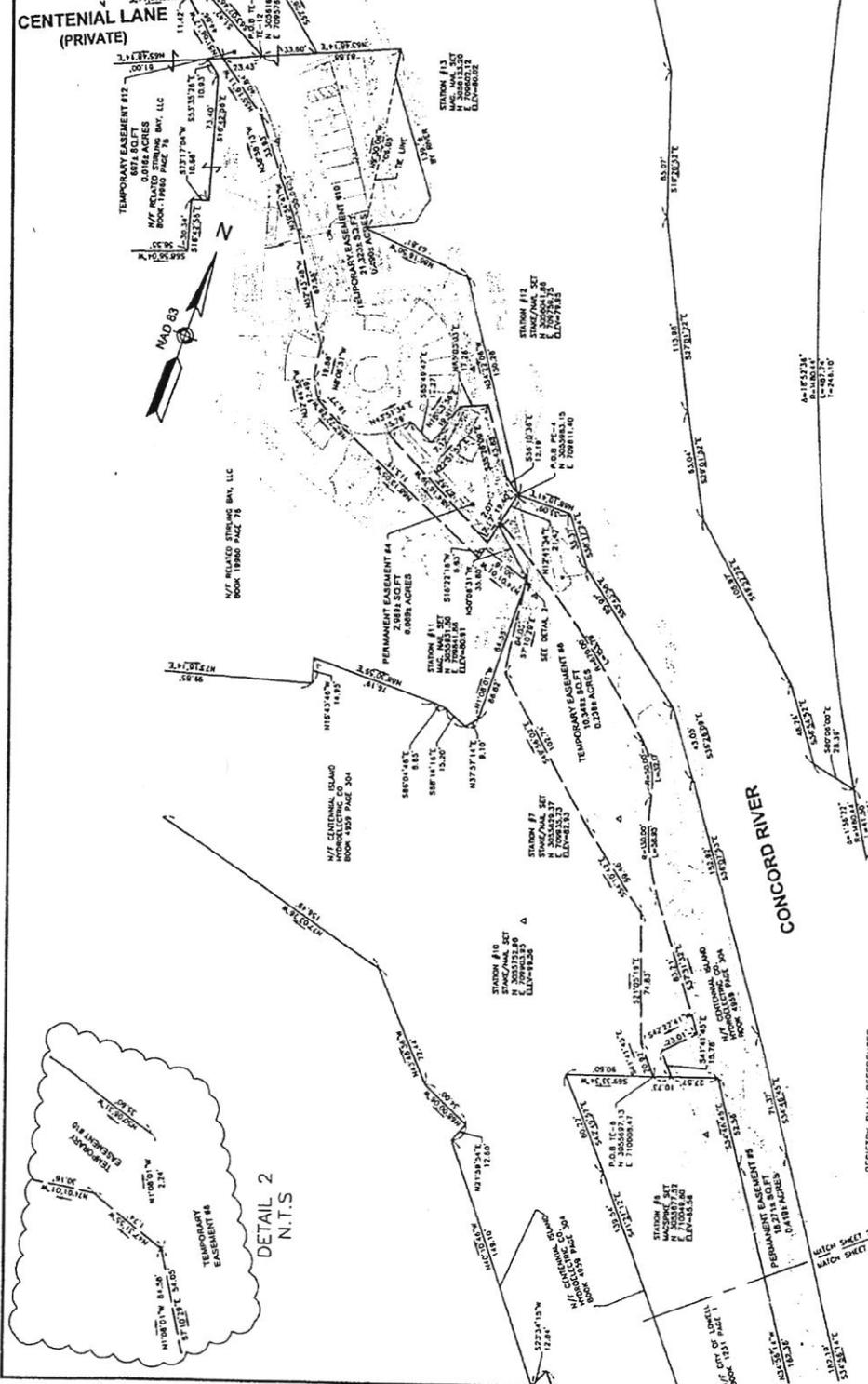
1. L.C. PLAN BOOK 10 PAGE 191, "PLAN OF LAND IN LOWELL", DATED OCT. 1, 1810
2. L.C. PLAN BOOK 108 PAGE 334, "PLAN OF LAND IN LOWELL", DATED APR. 30, 1874
3. L.C. PLAN BOOK 13 PAGE 148, "PLAN OF LAND IN LOWELL", DATED OCT. 1, 1890
4. L.C. PLAN BOOK 8 PAGE 85, "PLAN OF LAND IN LOWELL", DATED NOV. 15, 1918
5. L.C. PLAN BOOK 3 PAGE 348, "PLAN OF LAND IN LOWELL", DATED OCT. 1, 1910
6. L.C. PLAN BOOK 177 PAGE 350, "SUBDIVISION PLAN OF LAND IN LOWELL", DATED JAN. 30, 1938
7. L.C. PLAN BOOK 3 PAGE 233, "PLAN OF LAND IN LOWELL", DATED OCT. 1, 1810
8. L.C. PLAN BOOK 82 PAGE 283, "SUBDIVISION PLAN OF LAND IN LOWELL", DATED JUNE 6, 1881

188 WINDY ROAD
SUITE 108
LOWELL, MASSACHUSETTS 01854
TEL: 978-451-7774
FAX: 978-451-7779

SIMC

**EASEMENT PLAN OF LAND
CONCORD RIVER GREENWAY
LOWELL, MA**

PREPARED FOR: CITY OF LOWELL
DATE: JUNE 29, 2018
SCALE: 1"=30'
SIC Dwg. NO.215100 EasementPlan.dwg
SHEET 2 OF 3



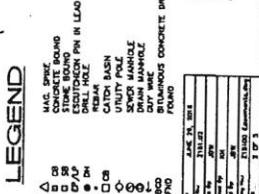
THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS OF MASSACHUSETTS.

THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING THE LAND INTO LOTS AND THE LINES OF THE EASEMENTS AND RIGHTS SHOWN ON THIS PLAN. THE LINES OF THE EASEMENTS AND RIGHTS SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A BASIS FOR DETERMINING THE OWNERSHIP OR FOR THE PARTS ARE SHOWN.

- REGISTRY PLAN REFERENCES**
1. PLAN BOOK 143 PAGE 77, "PLAN OF LAND IN LOWELL, MASS. FOR FLANNERY HOMES", DATED APR. 23, 1844
 2. PLAN BOOK 133 PAGE 123, "PLAN OF LAND IN LOWELL, MASS. FOR MAZUR", DATED MAY 1, 1860
 3. PLAN BOOK 217 PAGE 40, "COMPLETED PLAN OF LAND", DATED JAN. 1, 1880
 4. PLAN BOOK 43 PAGE 11, "PLAN OF LAND IN LOWELL, BELONGING TO P-HANNOUW", DATED FEB. 3, 2001
 5. PLAN BOOK 205 PAGE 121, "CONCORD RIVER GREENWAY", DATED FEB. 3, 2001
 6. PLAN BOOK 137 PAGE 84, "CONCORD RIVER GREENWAY", DATED NOV. 23, 1881

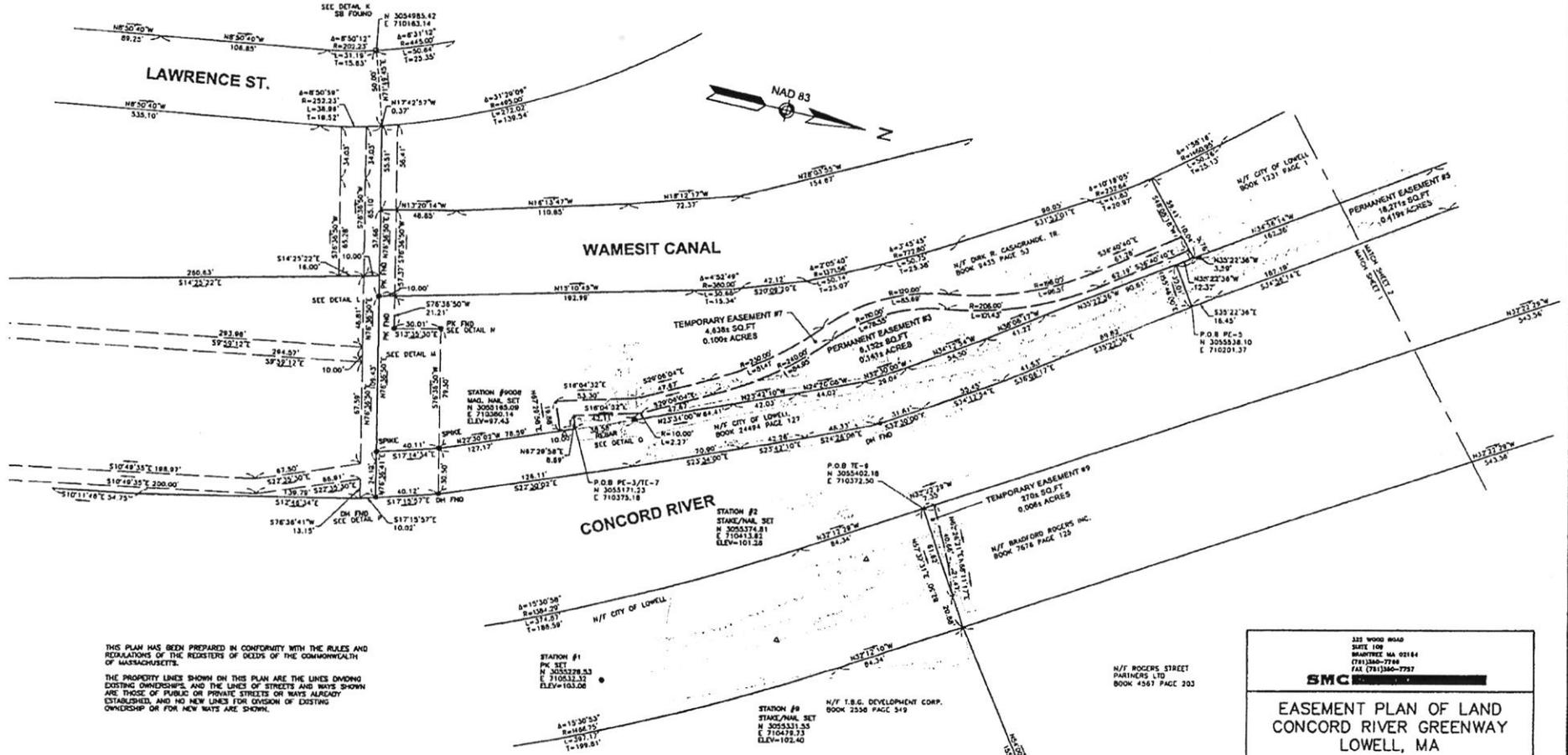
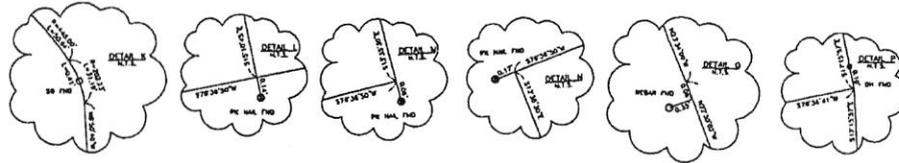
- LEGEND**
- MAC DWG: CONCORD
 - DATE: 06/29/18
 - SCALE: 1"=30'
 - PROJECT: CONCORD RIVER GREENWAY
 - CLIENT: CITY OF LOWELL
 - DESIGNER: SIMC
 - CHECKER: SIMC
 - APPROVER: SIMC
 - DATE: 06/29/18
 - SCALE: 1"=30'
 - PROJECT: CONCORD RIVER GREENWAY
 - CLIENT: CITY OF LOWELL
 - DESIGNER: SIMC
 - CHECKER: SIMC
 - APPROVER: SIMC
 - DATE: 06/29/18
 - SCALE: 1"=30'

- LEGEND**
1. PLAN BOOK 143 PAGE 77, "PLAN OF LAND IN LOWELL, MASS. FOR FLANNERY HOMES", DATED APR. 23, 1844
 2. PLAN BOOK 133 PAGE 123, "PLAN OF LAND IN LOWELL, MASS. FOR MAZUR", DATED MAY 1, 1860
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 4. PLAN BOOK 43 PAGE 11, "PLAN OF LAND IN LOWELL, BELONGING TO P-HANNOUW", DATED FEB. 3, 2001
 5. PLAN BOOK 205 PAGE 121, "CONCORD RIVER GREENWAY", DATED FEB. 3, 2001
 6. PLAN BOOK 137 PAGE 84, "CONCORD RIVER GREENWAY", DATED NOV. 23, 1881



113"

RESERVED FOR REGISTRY USE

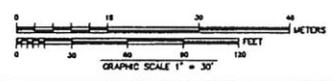


THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

Date	JUNE 26, 2016
Drawn by	JRW
Checked by	JRW
Reviewed by	JRW
Scale	1" = 30'

KEVIN HANLEY, PLS.
MASSACHUSETTS REG. No. 31313



N/F ROGERS STREET
PARTNERS LTD
BOOK 4567 PAGE 203

333 WOOD ROAD
STATE 100
BOSTON, MA 02184
(781)360-7768
FAX (781)360-7787

SMC

**EASEMENT PLAN OF LAND
CONCORD RIVER GREENWAY
LOWELL, MA**

PREPARED FOR: CITY OF LOWELL
SCALE: 1"=30' DATE: JUNE 26, 2016

SMC DMC, INC. 021510100 Easements.dwg SHEET 1 OF 5

118.11

Eileen M. Donoghue
City Manager

Kara Keefe Mullin
Assistant City Manager

January 28, 2020

Mayor John J. Leahy
and
Members of the City Council

SUBJECT: Temporary and Permanent Easements Related to the Concord River Greenway

Dear Mayor Leahy and Members of the City Council:

Attached please find for your consideration:

1. EASEMENT from Centennial Island Hydroelectric Company to the City of Lowell; and
2. EASEMENT from Related Stirling Bay, LLC to the City of Lowell

These temporary and permanent easements are intended to facilitate the development of the new phase of the Concord River Greenway (CRG). This project is anticipated to begin construction summer 2020 and include an extension of the CRG; including a new bridge across the Concord River to connect existing portions of the CRG.

The attached instruments would allow the City of Lowell or its contractors to enter upon Related Stirling Bay and Centennial Island Hydroelectric property, stage and store construction materials in certain areas of its property, and construct permanent elements of the CRG.

The permanent easements would maintain public access over Related Stirling and Centennial Island Hydro property within the easement area along the Concord River. It would also allow the City to enter onto this easement area for CRG maintenance projects with advance notice.

Centennial Island Hydroelectric is donating these easements to the City, and will only be compensated if the CRG construction project shuts down operations. Related Stirling is also donating their easements, with the City agreeing to pay for costs associated with the survey of property and legal review of the attached easement.

The City Council voted in favor of previous easements in support of prior phases of this project, and we hope you will continue to support this important project. Once voted upon we will execute and record these easements. Please contact Diane Tradd at 978-674-1401 if you have any questions.

Sincerely,



Eileen M. Donoghue
City Manager

EMD/ns
Attachment

cc: Diane Tradd, Assistant City Manager/DPD Director
Christine P. O'Connor, City Solicitor
Brian Samson, Related Stirling
Kevin Olson, Centennial Hydroelectric Company

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to accept a Temporary Construction Easement and a Permanent Public Access Easement from Related Stirling Bay, LLC (“STIRLING”) to the City of Lowell pertaining to the City’s project, known as Concord River Greenway Project.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Manager be and hereby is authorized on behalf of the City of Lowell, to accept a Temporary Construction Easement and a Permanent Public Access Easement from Related Stirling Bay, LLC (“STIRLING”) to the City of Lowell which involves property known as 576 Lawrence Street, which involves among other things, a temporary construction easement in the approximate area of 25,091 square feet over, under, in, along, across and upon STIRLING’s PROPERTY to enable construction of the Concord River Greenway, in accordance with the Easement plan attached hereto. Said Amended Easement Agreement shall be in the form or substantially the form attached hereto and referred to as Exhibit “A”; and

The City Manager be and hereby is authorized on behalf of the City of Lowell, to accept a permanent public access easement for the permanent use by the CITY and its residents, guests, agents, employees, invitees and the general public a public walkway (the “WALKWAY”) as part of the Concord River Greenway project on, upon, across, along and over STIRLING’s PROPERTY in the approximate area of 2,980 square feet as depicted on the attached Easement plan and description attached hereto and made a part hereof and referred to as Exhibit “B” and “C”. Said Amended Easement Agreement shall be in the form or substantially the form attached hereto and referred to as Exhibit “A”.

AMENDED EASEMENT AGREEMENT

This Temporary Construction and Permanent Easement Agreement is made on the date set forth at the end hereof by and between: THE CITY OF LOWELL ("CITY"), a municipal corporation with principal offices at 375 Merrimack Street, City Hall, Lowell, Middlesex County, Massachusetts 01852; and RELATED STIRLING BAY, LLC ("STIRLING"), a Delaware Limited Liability Corporation at 60 Columbus Circle, New York, NY 10023. Together the CITY and STIRLING shall be referred to as the "PARTIES."

WHEREAS, STIRLING is the current owner of the 118 unit housing development located at 576 Lawrence Street, Lowell, Massachusetts; (the "PROPERTY"); and

WHEREAS, the CITY intends the construction of the Lowell Concord River Greenway and desires to have a temporary construction easement and a permanent public access easement along the Concord River boundary of the PROPERTY as shown on an initial "Easement Plan at 576 Lawrence Street, Lowell, Massachusetts" prepared by Owen Haskell, Inc. and as modified in the plan attached hereto as Attachment "A" and a legal description of said permanent easement attached hereto as Attachment "B as prepared by Surveying and Mapping Consultants, Inc.; and

WHEREAS, the PARTIES had entered into a prior Easement Agreement recorded in the Middlesex North Registry of Deeds on November 18, 2014 at Book 28629 Page 252 (the "Prior Easement Agreement"); and

WHEREAS, the location of the easement has been modified from the original plan and description as set forth in the Prior Easement Agreement and the PARTIES seek to have said Prior Easement Agreement amended herein to reference and include the new location of the easement in addition to the area referenced in the Prior Easement Agreement;

"A"

NOW THEREFORE, the PARTIES, for and in consideration of One Dollar (\$1.00) and the mutual promises, agreements and covenants herein contained, hereby agree as follows:

1. STIRLING hereby grants, transfers and delivers to the CITY a temporary construction easement in the approximate area of 25,091 square feet over, under, in, along, across and upon STIRLING's PROPERTY to enable construction of the Concord River Greenway, as depicted on the attached description and plan. The temporary construction easement shall commence on the effective date of this Agreement and shall terminate on the completion of the construction improvements. Upon the expiration of the temporary construction easement, all of the rights and benefits of the CITY in, to or under the temporary construction easement only shall terminate and be of no further force and effect.

2. In addition, STIRLING hereby covenants, grants, transfers and delivers to the CITY, its successors and assigns a permanent public access easement for the permanent use by the CITY and its residents, guests, agents, employees, invitees and the general public a public walkway (the "WALKWAY") as part of the Concord River Greenway project on, upon, across, along and over STIRLING's PROPERTY in the approximate area of 2,980 square feet as depicted on the attached plan and description. The CITY hereby accepts the permanent public access easement referenced herein subject to the conditions and obligations set forth below.

3. The CITY hereby agrees to construct and complete the said public access WALKWAY and to maintain same at no cost to STIRLING. In so agreeing, the CITY acknowledges the Notice of Activity and Use Limitation (M.G.L.c.21E, § 6 and 310 CMR 40.0000) recorded at the Northern Middlesex County Registry of Deeds on June 19, 2014 at Book 28252, Page 1.

4. The CITY further hereby agrees to repair any and all damage, if any, caused to the PROPERTY resulting from the construction and/or maintenance of said WALKWAY and to indemnify and hold harmless STIRLING up to any limit imposed by law from any claim, damage, liability, or related expense including reasonable attorney's fees arising out of or caused by any act or omission by the CITY and its employees arising or resulting from the construction and/or maintenance of said WALKWAY.

5. The CITY shall maintain the WALKWAY in good repair and at the sole cost and expense of the City and hereby indemnifies and holds harmless STIRLING up to any limit imposed by law from and against any loss, costs, expenses, including reasonable attorney's fees, damage, injury, claims or liability arising from or related to the use thereof as a public walkway.

6. The CITY agrees to take such steps as are reasonably necessary to assure that the public use of the easement granted hereby shall not interfere with (i) STIRLING's use of its PROPERTY for its day to day operations, and/or (ii) the use and enjoyment of the residents at the PROPERTY.

7. The provisions of this Easement Agreement shall inure to the benefit of and be binding upon the PARTIES hereto and their respective successors, assigns, mortgagees, and transferees, and upon all other persons or entities claiming by, through or under the CITY or STIRLING respectively.

8. The CITY agrees to reimburse to reimburse STIRLING for actual, reasonable costs incurred by STIRLING (upon submission by STIRLING to the CITY of the invoices), in an amount not to exceed \$ 6,365, for STIRLING's legal, survey, lender and title review fees with respect to this Agreement.

9. This Easement Agreement shall be duly recorded at the expense of the CITY at the Middlesex (North District) Registry of Deeds.

Executed as a sealed instrument this _____ day of _____, 2020.

CITY OF LOWELL

RELATED STIRLING BAY, LLC
A Delaware limited liability
Company

Eileen M. Donoghue
City Manager

By: Matthew Finkle
Vice President, duly authorized

APPROVED AS TO FORM:

Christine P. O'Connor, Esq.
City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2020, before me the undersigned Notary Public, personally appeared Eileen M. Donoghue, City Manager, proved to me through satisfactory evidence of identification, which was Notary's personal knowledge of the individual, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

On this _____ day of _____, 2020, before me the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which was Notary's _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

Permanent Easement #4

A certain easement on land situated in Lowell shown as Permanent Easement #4 on a plan entitled "Easement plan of land, Concord River Greenway, Lowell, MA", dated June 29, 2018, prepared by Surveying and Mapping Consultants Inc., said easement being more particularly bounded and described as follows:

Beginning at a point, that is the southeasterly corner of said easement, thence

S12°41'34"W a distance of 19.40 feet to a point, thence continuing

S12°41'34"W a distance of 2.07 feet to a point, thence continuing

S12°41'34"W a distance of 12.17 feet to a point, thence

N64°16'39"W a distance of 87.67 feet to a point, thence

N43°51'34"E a distance of 15.79 feet to a point, thence

S65°49'47"E a distance of 17.27 feet to a point, thence

N22°51'57"E a distance of 7.12 feet to a point, thence

N16°33'56"E a distance of 19.97 feet to a point, thence

N65°03'03"E a distance of 17.26 feet to a point, thence

S35°26'09"E a distance of 43.88 feet to a point, thence

S56°10'36"E a distance of 12.19 feet to the point of beginning.

Containing an area of 2,989 square feet, more or less.

Eileen M. Donoghue
City Manager

Kara Keefe Mullin
Assistant City Manager

January 28, 2020

Mayor John J. Leahy
and
Members of the City Council

SUBJECT: Temporary and Permanent Easements Related to the Concord River Greenway

Dear Mayor Leahy and Members of the City Council:

Attached please find for your consideration:

1. EASEMENT from Centennial Island Hydroelectric Company to the City of Lowell; and
2. EASEMENT from Related Stirling Bay, LLC to the City of Lowell

These temporary and permanent easements are intended to facilitate the development of the new phase of the Concord River Greenway (CRG). This project is anticipated to begin construction summer 2020 and include an extension of the CRG; including a new bridge across the Concord River to connect existing portions of the CRG.

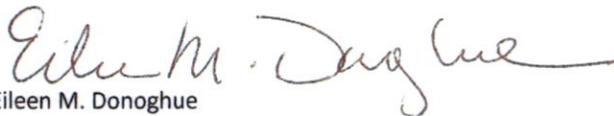
The attached instruments would allow the City of Lowell or its contractors to enter upon Related Stirling Bay and Centennial Island Hydroelectric property, stage and store construction materials in certain areas of its property, and construct permanent elements of the CRG.

The permanent easements would maintain public access over Related Stirling and Centennial Island Hydro property within the easement area along the Concord River. It would also allow the City to enter onto this easement area for CRG maintenance projects with advance notice.

Centennial Island Hydroelectric is donating these easements to the City, and will only be compensated if the CRG construction project shuts down operations. Related Stirling is also donating their easements, with the City agreeing to pay for costs associated with the survey of property and legal review of the attached easement.

The City Council voted in favor of previous easements in support of prior phases of this project, and we hope you will continue to support this important project. Once voted upon we will execute and record these easements. Please contact Diane Tradd at 978-674-1401 if you have any questions.

Sincerely,



Eileen M. Donoghue
City Manager

EMD/ns
Attachment

cc: Diane Tradd, Assistant City Manager/DPD Director
Christine P. O'Connor, City Solicitor
Brian Samson, Related Stirling
Kevin Olson, Centennial Hydroelectric Company

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

To freeze any new petitions for timed, free, on street parking spaces until the parking study is completed and the Chief Design Planner has guidelines and recommendations in order to form a policy regarding public parking in the City of Lowell.

The City of Lowell receives multiple petitions and online requests for timed, free, on-street parking spaces from businesses located within the downtown and in neighborhood business districts; and

The Department of Planning and Development applied for and received a \$225,000 grant from the FY20 Housing Choice Community Capital Grant to fund a parking study; and

This parking study will be a comprehensive long-term planning study; and

This grant will evaluate all current parking policies within the City, including downtown, the City's garages, lots, neighborhoods, residential parking areas, etc.; and

Petitions received in 2019 for timed, free, on-street parking have been investigated and if appropriate will be included on the next 60 day trial memo before the City Council; and

It is the desire to conduct this parking study and form a policy regarding public parking which includes evaluating all existing parking ordinances which may be revised after the completion of the parking study.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:

That the City of Lowell hereby approves freezing any new petitions for timed, free, on street parking spaces until the parking study is completed and the Chief Design Planner has guidelines and recommendations in order to form a policy regarding public parking in the City of Lowell.



Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: January 14, 2020

SUBJECT: 15-MINUTE PARKING SPACE POLICY

The Transportation Engineer receives multiple petitions and online requests for timed, free, on-street parking spaces from businesses located within the downtown and in neighborhood business districts. Typically, a 15-minute space (§266-51) is requested, but the City also has ordinances to support 30-minute (§266-52), 1 hour (§266-53) and 2-hour (§266-54) spaces. Given the volume of requests, the time it takes to investigate and measure for each space, the limited availability of parking in Lowell and the revenue generation that is eliminated each time a metered spot is removed and replaced with a timed, free, on-street space, it is appropriate for the City to develop a policy for 15-minute spots. Currently, businesses can request a timed, free, on-street space in front of their business via a petition at the City Clerk's office. Other communities have different models including the following:

- Free parking for the first 12 minutes in any metered spot; if a vehicle stays longer, they pay for the whole time (Concord, MA)
- All metered parking, with high demand spots only allowing 30 mins or 60 mins (Cambridge and Worcester MA)
- Higher rates for on-street parking for 15-min, 30-min and 1 hour spots as compared to rates in the garages (Boston, MA and multiple other cities)
- Designating some metered 15-min spots around the downtown area (Portland, ME)
- Designating a specific number of 15-min spots in a City block (Altoona, PA)
- Twenty-six (26) free 15-minute parking spots downtown around restaurants and retailers; created from outdated 15-minute loading zones (Harrisburg, PA)

The Department of Planning and Development applied for and received a \$225,000 grant from the FY20 Housing Choice Community Capital Grant to fund a parking study. The parking study will be a comprehensive long-term planning study. It will evaluate all current parking policies within the City, including downtown parking, the City's residential dwelling program, residential parking areas, evaluating the use of shared parking, municipally owned parking garages, overnight residential parking in City lots and the City's parking ordinances and parking requirements for development. All petitions for timed, free, on-street parking received in 2019 have been investigated and if appropriate, will be included on the next 60-day trial memo before the Council. The Parking Director and the Transportation Engineer recommend putting a freeze on any new petitions for timed, free, on-street spaces until the parking study is completed and the Chief Design Planner has guidelines and recommendations in order to form a policy regarding public parking. Note that all existing parking ordinances will be evaluated and may be revised after the completion of the parking study.

NV/ns

cc: Natasha Vance, Transportation Engineer
Claire Ricker, Chief Design Planner
Terry Ryan, Parking Director

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

LOAN ORDER

(Accelerated Repairs to Various School Buildings)

To borrow \$13,604,154 to pay the costs of construction, repair, and/or replacement of boilers and roofs at various schools, including the payment of any architectural, engineering, or other costs related thereto in the City of Lowell.

IT IS ORDERED BY THE CITY COUNCIL OF THE CITY OF LOWELL BY A TWO-THIRDS VOTE as follows:

ORDERED: That the City appropriates the amount of Thirteen Million Six Hundred Four Thousand One Hundred Fifty-Four Dollars (\$13,604,154) for the purpose of paying costs of accelerated repair projects at the following school buildings: (i) boiler and roof replacement at the Bailey Elementary School, located at 175 Campbell Drive, (ii) boiler replacement at the Daley Middle School, located at 150 Flemming Street, (iii) boiler replacement at the Greenhalge Elementary School, located at 149 Ennell Street, (iv) boiler replacement at the McAuliffe Elementary School, located at 570 Beacon Street, (v) boiler replacement at the Rogers STEM School, located at 43 Highland Street, and (vi) boiler and roof replacement at the Sullivan Middle School, located at 150 Draper Street, including the payment of all costs incidental or related thereto, and for which City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City Manager. To meet this appropriation the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement or Agreements that may be executed between the City and the MSBA. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The Treasurer is authorized to file an application with the

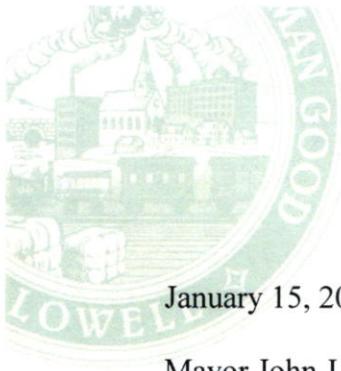
appropriate officials of The Commonwealth of Massachusetts (the “Commonwealth”) to qualify under M.G.L. c. 44A any and all bonds of the City authorized by this order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

ORDER RECOMMENDED AND INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Eileen M. Donoghue", is written over a horizontal line.

Eileen M. Donoghue, City Manager

Loanorder/acceleratedrepair/schoolbldgs2020



Eileen M. Donoghue
City Manager

January 15, 2020

Mayor John J. Leahy
And
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

I hereby submit for approval a loan order in the amount of \$13,604,154 to finance significant building improvement projects at six (6) schools in Lowell. The anticipated approval from the Massachusetts School Building Authority (“MSBA”) for the boilers is expected to be on February 13th. For the other two schools, whose projects include both boilers & roofs, the final MSBA approval is anticipated on April 15th. The funding authority, though, must be sought at this early state in order to begin work on the HVAC projects. The total project budget figures represented in the loan order will not increase from the estimates in the loan order authorization; only the MSBA reimbursement amount is subject to change.

This vote represents significant progress by the City Council in the city’s capital campaign to improve Lowell’s ageing school facilities. The process began well over a year ago with the commissioning of a comprehensive facility study. This study served as the blueprint for our strategy and—after approval of the feasibility study applications—the Administration has worked diligently with our consultants to bring the necessary documents to a level appropriate for the construction phase, in record time. The funding proposed in this loan order will focus on the preservation of existing assets by performing energy-efficient and cost-saving upgrades at the approved sites, resulting in direct operational savings for the city and the school district.

The debt service for this loan order has been calculated into the projections used in formulating the city’s comprehensive five-year capital improvement plan (“CIP”). Unlike most of the capital projected funded by the city, these repairs are eligible for reimbursement from the MSBA of up to 78.95% of the cost, a funding opportunity that the city simply cannot let pass. A great deal of thanks is owed to the State Treasurer’s Office and the MSBA, for the opportunity to participate in such a program. Without it, gateway cities like Lowell would be wholly unable to keep pace with the repair costs of aging infrastructure.

Please let me know if there are any questions.

Sincerely,

Eileen M. Donoghue
City Manager

Cc: Conor Baldwin, Chief Financial Officer

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 9, entitled "Boards, Commissions and Committees".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances City of Lowell, Massachusetts" hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 9 thereof, entitled "Boards, Commissions and Committees", by adding a new Article XIV entitled Community Preservation Committee as follows:

ARTICLE XIV.

Community Preservation Committee

§ 9-46. Definitions

As used in this ordinance, the following terms shall have the following meanings indicated:

COMMUNITY HOUSING

Also termed affordable housing, low- and moderate-income housing for individuals and families, including low- and moderate-income senior housing.

COMMUNITY PRESERVATION

The acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing; and the rehabilitation or restoration of open space and/or community housing acquired or created pursuant to M.G.L. c. 44B.

HISTORIC RESOURCES

A building, structure, vessel, real property, document or artifact that is listed on the Federal or State Register of Historic Places or Sites or has been determined by the local historic board to be significant in the history, archeology, architecture or culture of the City of Lowell.

OPEN SPACE

Shall include, but not be limited to, land to protect existing and future watershed lands, well fields, aquifers and recharge areas, agricultural lands, grasslands, fields, forest land, fresh and salt water marshes, and other wetlands; ocean, river, stream, lake, and pond frontage; beaches, dunes and other coastal lands; lands to protect scenic vistas; land for wildlife or natural preserves; and land for recreational use.

§ 9-47. Establishment. Number of members.

There is hereby established, pursuant to M.G.L. c. 44B § 1 et seq., a Community Preservation Committee, consisting of nine (9) voting members.

§ 9-48 Membership.

The Committee shall be composed of:

- (a) One member of the Lowell Conservation Commission as designated by said commission;
- (b) One member of the Lowell Historic Board, as established by Chapter 566 of the Acts of 1983, as designated by said board;
- (c) One member of the Lowell Planning Board as designated by said board;
- (d) One member of the Lowell Board of Parks as designated by said commission;
- (e) One member of the Lowell Housing Authority as designated by said authority;
- (f) Two citizens appointed by the City Manager to be approved by the Council;
- (g) The Director of the Department of Planning and Development or his/her designee; and
- (h) The Director of the Division of Development Services or his/her designee.

§ 9-49 Term of office. Officers. Voting.

- (a) When a committee is first established, the terms of the members shall be for one, two or three years as determined by the City Manager and so arranged that the terms of 1/3 of the members shall expire each year. Successors shall be appointed for three year terms. In the event a vacancy occurs as to a committee position, the respective board,

commission, City Manager, authority or director shall fill the vacancy for the remainder of the unexpired term.

- (b) The Committee shall annually elect one of its members as Chairperson and one as Vice-Chairperson to serve in the absence of the Chair.
- (c) Five (5) members shall constitute a quorum for the purposes of convening a meeting and conducting the business of the Committee. Committee actions shall be approved by a majority vote.
- (d) The Committee shall meet at least six (6) times per annum.

§ 9-50 Powers and duties.

- (a) The Committee shall study the needs, possibilities and resources of the City of Lowell regarding community preservation. The Committee shall consult with municipal boards, authorities, commissions, the City Manager, the Mayor and City Council and other City agencies and personnel in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings annually on the needs, possibilities, and resources of the City regarding community preservation. Notice of such hearings shall be posted publicly and published for each of two (2) weeks preceding a hearing in a newspaper of general circulation in the City.
- (b) The Committee shall review and recommend proposals to the City Manager, to be conveyed to the Mayor and City Council, for approval and appropriations, which recommendations may be for, but not limited to:
 - (1) Acquisition, creation and preservation of open space and/or rehabilitation or restoration of open space;
 - (2) Acquisition, creation, rehabilitation, restoration and preservation of land for recreational use;
 - (3) Acquisition, preservation, rehabilitation and restoration of historic resources;
 - (4) Acquisition, creation, preservation, and support for community housing or the rehabilitation or restoration of community housing acquired or created pursuant hereto; and
 - (5) With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.
- (c) The Committee shall submit its budget to the City Manager, to be transmitted to the City Council, which may approve or veto appropriations made pursuant to M.G.L. c. 44B. After receiving recommendations from the Committee, the City Council shall approve

appropriations from the Community Preservation Fund and additional non-Community Preservation Fund appropriations as it deems necessary. The budget may include recommendations to set aside for later spending funds for specific purposes but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

- (d) Annual appropriations for administrative and operating expenses of the Committee may not exceed 5% of the years' estimated annual Community Preservation Fund resources.
- (e) By June 1 of each year, the Committee shall provide all anticipated community preservation projects and funding sources for the upcoming fiscal year.
- (f) The Committee shall keep a full and accurate account of all its actions, including its recommendations and actions taken by the City Council as to those recommendations. The Committee shall also keep records of all appropriations and expenditures made from the community Preservation Fund. Records shall also be kept by the committee of any real property interests acquired or improved pursuant to the Committee's recommendations, including the names of grantors and grantees and the consideration paid.

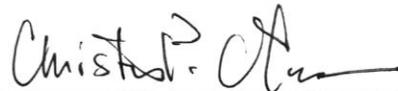
§ 9-51 Applicability.

The provisions of this ordinance shall be interpreted and applied consistently with the provisions of M.G.L. c. 44B and all provisions of any relevant general or special act.

All provisions of the Code of the City of Lowell, as amended, which are consistent with this Ordinance shall continue in effect but all provisions of said Code inconsistent herewith are repealed.

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the General Laws of the Commonwealth of Massachusetts, as amended.

APPROVED AS TO FORM:



Christine P. O'Connor
City Solicitor

Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 1

§ 1. Title

Effective: December 13, 2000

[Currentness](#)

This chapter shall be known and may be cited as the Massachusetts Community Preservation Act.

Credits

Added by [St.2000, c. 267, § 1.](#)

M.G.L.A. 44B § 1, MA ST 44B § 1

Current through Chapter 134 of the 2019 1st Annual Session

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Proposed Legislation

Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 2

§ 2. Definitions

Effective: July 1, 2012

[Currentness](#)

As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:--

“Acquire”, obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. “Acquire” shall not include a taking by eminent domain, except as provided in this chapter.

“Annual income”, a family's or person's gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Capital improvement”, reconstruction or alteration of real property that: (1) materially adds to the value of the real property or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

“Community housing”, low and moderate income housing for individuals and families, including low or moderate income senior housing.

“Community preservation”, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

“Community preservation committee”, the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in [section 5](#).

“Community Preservation Fund”, the municipal fund established under [section 7](#).

“CP”, community preservation.

“Historic resources”, a building, structure, vessel real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

“Legislative body”, the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

“Low income housing”, housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

“Maintenance”, incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keep the property in a condition of fitness, efficiency or readiness.

“Moderate income housing”, housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Open space”, shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

“Preservation”, protection of personal or real property from injury, harm or destruction.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

“Recreational use”, active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. “Recreational use” shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

“Rehabilitation”, capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided, that with respect to historic resources, “rehabilitation” shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.P.R. Part 68; and provided further, that with respect to land for recreational use, “rehabilitation” shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

“Support of community housing”, shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.

§ 2. Definitions, MA ST 44B § 2

Credits

Added by St.2000, c. 267, § 1. Amended by St.2002, c. 165, §§ 1 to 3; St.2006, c. 38, eff. June 13, 2006; St.2012, c. 139, §§ 69 to 73, eff. July 1, 2012.

M.G.L.A. 44B § 2, MA ST 44B § 2

Current through Chapter 134 of the 2019 1st Annual Session

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Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 3

§ 3. Acceptance of Secs. 3 to 7

Effective: November 7, 2016

[Currentness](#)

(a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(b ½) Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to [section 3 of chapter 40](#), parking fines and surcharges pursuant to [sections 20, 20A and 20A ½ of chapter 90](#), existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further, that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to [section 16](#).

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. The surcharge to be paid by a taxpayer receiving an exemption or abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such exemption or abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates;

(3) for \$100,000 of the value of each taxable parcel of residential real property; or

(4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

A person claiming an exemption provided under this subsection may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before the deadline for an application for exemption under [section 59 of chapter 59](#). Any person aggrieved by the decision of the assessors, or by their failure to act, upon such application, may appeal as provided in [sections 64 to 65B, inclusive, of chapter 59](#). Applications for exemption under this chapter shall be open for inspection only as provided in [section 60 of chapter 59](#).

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

“Shall this (city or town) accept sections 3 to 7, [inclusive of chapter 44B of the General Laws](#), as approved by its legislative body, a summary of which appears below”

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in [section 4 of chapter 157B](#), that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that

§ 3. Acceptance of Secs. 3 to 7, MA ST 44B § 3

member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

Credits

Added by St.2000, c. 267, § 1. Amended by St.2006, c. 393, eff. Mar. 22, 2007; St.2012, c. 139, §§ 74, 75, eff. July 1, 2012; St.2014, c. 503, § 1, eff. Jan. 1, 2015; St.2016, c. 218, § 100, eff. Nov. 7, 2016.

M.G.L.A. 44B § 3, MA ST 44B § 3

Current through Chapter 134 of the 2019 1st Annual Session

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Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 4

§ 4. Surcharge on real property; collection

Effective: December 13, 2000

[Currentness](#)

(a) Upon acceptance of [sections 3 to 7](#), inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

Credits

Added by [St.2000, c. 267, § 1](#).

M.G.L.A. 44B § 4, MA ST 44B § 4

Current through Chapter 134 of the 2019 1st Annual Session

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Proposed Legislation

Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 5

§ 5. Community preservation committee; members; recommendations

Effective: February 15, 2013

[Currentness](#)

(a) A city or town that accepts [sections 3 to 7](#), inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under [section 8C of chapter 40](#) as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under [section 81A of chapter 41](#) as designated by the board, one member of the board of park commissioners established under [section 2 of chapter 45](#) as designated by the board and one member of the housing authority established under [section 3 of chapter 121B](#) as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

(b)(1) The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited; provided, however, that any project approved by a municipality for the acquisition of artificial turf for athletic fields prior to July 1, 2012 shall be a permitted use of community preservation funding.

(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(c) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving recommendations from the community preservation committee, the legislative body shall take such action and approve such appropriations from the Community Preservation Fund as set forth in [section 7](#), and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the community preservation committee. In the case of a city, the ordinance shall provide for the mechanisms under which the legislative body may approve or veto appropriations made pursuant to this chapter, in accordance with the city charter.

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

(f) [Section 16 of chapter 30B](#) shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding [section 14 of chapter 40](#), for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

Credits

Added by St.2000, c. 267, § 1. Amended by St.2002, c. 165, § 4; St.2003, c. 46, § 38, eff. July 31, 2003; St.2004, c. 491, § 2, eff. April 7, 2005; St.2006, c. 289, eff. Dec. 5, 2006; St.2012, c. 139, §§ 76 to 78, eff. July 1, 2012; St.2013, c. 3, § 5, eff. Feb. 15, 2013.

Notes of Decisions (3)

M.G.L.A. 44B § 5, MA ST 44B § 5

Current through Chapter 134 of the 2019 1st Annual Session

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Proposed Legislation

Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 6

§ 6. Annual revenues; open space, historic resources and community housing

Effective: July 1, 2012

[Currentness](#)

In each fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee and such appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. The legislative body may also make appropriations from the Community Preservation Fund as it deems necessary for costs associated with tax billing software and outside vendors necessary to integrate such software for the first year that a city or town implements the this chapter; provided, however, that the total of any administrative and operating expenses of the community preservation committee and the first year implementation expenses shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund.

Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years; provided, however, that funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town. The community preservation funds shall not replace existing operating funds, only augment them.

Credits

Added by [St.2000, c. 267, § 1](#). Amended by [St.2012, c. 139, § 79](#), eff. July 1, 2012.

M.G.L.A. 44B § 6, MA ST 44B § 6

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M.G.L.A. 44B § 7

§ 7. Community preservation fund

Effective: July 1, 2012

Currentness

Notwithstanding the provisions of [section 53 of chapter 44](#) or any other general or special law to the contrary, a city or town that accepts [sections 3 to 7](#), inclusive, shall establish a separate account to be known as the Community Preservation Fund of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to the legislative body and the municipal treasurer shall pay such expenses in accordance with [chapter 41](#).

The following monies shall be deposited in the fund: (i) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to [sections 4 and 11](#); (ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to subsection (b ½) of [section 3](#), if applicable; (iii) all funds received from the commonwealth or any other source for such purposes; and (iv) proceeds from the disposal of real property acquired with funds from the Community Preservation Fund. The treasurer may deposit or invest the proceeds of the fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by [section 54 of chapter 44](#), and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

Credits

Added by [St.2000, c. 267, § 1](#). Amended by [St.2012, c. 139, § 80](#), eff. July 1, 2012.

M.G.L.A. 44B § 7, MA ST 44B § 7

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City of Lowell - Law Department

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Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

January 23, 2020

City Manager Eileen M. Donoghue
Mayor John J. Leahy
And
Members of the City Council

Re: Creation of Community Preservation Committee

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

As a result of the Council's approval and the passage of a ballot question in the November 2019 elections, the Massachusetts Community Preservation Act is now in effect in the City of Lowell. The applicable statutory provisions related to the formation of a Community Preservation Committee and the use of funds for community preservation activities are enclosed and marked "A".

The proposed ordinance sets out the framework for establishing the Community Preservation Committee and outlines the Committee's powers and duties.

If you have any further questions please feel free to email or call me.

Best regards,

Christine P. O'Connor
City Solicitor

Enc.

cc: Eric Slagle, Director Development Services

CITY OF LOWELL
PETITION

TO THE
CITY COUNCIL

Charles Biviera
5 Summer Ave.
Lowell MA
Peter Landsea
Parking at 5 Summer Ave
01853

In City Council

[Handwritten Signature]
January 28, 2025

Read and

Clerk

For Handy Car
Song



Andres Rivera

S Common Av.

APT-59

Lowell Mass

01854

Phone & Cell

978-905-5006

2020 JAN 23 PM 12:12

CITY OF LOWELL OFFICE

CITY OF LOWELL

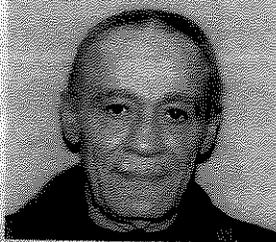
POST OFFICE

PL2120421

Expires:

01-02-25

**Disabled Persons
Parking Identification Placard**



RIVERA

ANDRES

**Commonwealth of
Massachusetts**



Important: Remove before driving vehicle

PL2120421

NON-TRANSFERABLE

01-02-25

WARNING

Wrongful use by any other person carries 60 day loss of license, placard revocation, \$500 fine for 1st offense. \$50 fine for covering placard number/date.



For use in private passenger vehicle only
Mass.gov/RMV

CITY OF LOWELL
PETITION

TO THE
CITY COUNCIL

Make Mills
30 White St. Unit 2
Lowell, MA.

Request to speak to City Council
regarding parking issues
on White & Chalmers Sts.

In City Council

January 28, 2020

Read and

Clerk

Geary, Michael

From: Keefe Mullin, Kara
Sent: Sunday, January 19, 2020 1:57 PM
To: Vance, Natasha; Geary, Michael
Subject: Fwd: Online Form Submittal: City Council Contact Form

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: <noreply@civicplus.com>
Date: January 19, 2020 at 1:18:18 PM EST
To: <jleahy@lowellma.gov>, <rmercier10347@comcast.net>, <sokhary.chau@gmail.com>, <amagee@lowellma.gov>, <kkeefemullin@lowellma.gov>, <edonoghue@lowellma.gov>, <pgeoffroy@lowellma.gov>
Subject: Online Form Submittal: City Council Contact Form

City Council Contact Form

Point of Contact

Please select the councilor(s) you want to contact: Mayor John J. Leahy, Vice Chair Rita M. Mercier, Councilor Sokhary Chau

CC the City Manager? Yes

Would you like to remain anonymous? No

Contact Information

Please complete the online form below to submit your questions / comments. If you would like to contact us by phone, you may call (XXX) XXX-XXXX.

First Name Mark

Last Name Mello

Address1 20 Waite St Unit 2

Address2	Field not completed.
City	Lowell
State	MA
Zip	01851
Phone Number	4018355398
Email Address	markmello14@yahoo.com

Questions or Comments

Category	Complaint
Subject	Parking on Waite & Chelmsford Streets.

Please leave your comments or questions below.

I know there are parking rules in the city regarding how parking signs are given out. We own a townhouse at 20 Waite Street (Unit 2) and constantly have to deal with having no parking due to visitors and tenants from other buildings on both Waite and Frye streets using our frontage to park. The way the ordinance is worded, we are allowed only one parking sign, but we are 8 separate single family homes that just so happen to be connected. One sign would not be enough for our needs. We are hoping to see if we can get an exemption from the rule due to the inundation of cars that we see in front of our house on a daily basis. We would like one parking spot for each unit, or at least a few signs to keep our spots open. The apartment house next door has 3 units and has anywhere from 7 to 9 cars daily, which end up in front of our house, leaving us nowhere to park. We would like to bring this in front of the City Council in a meeting at your earliest convenience.

Another complaint was at the bottom of Waite at Chelmsford, it should have a " NO parking from here to corner" sign so we can see when we are trying to turn out of the street.

Thank you,
Mark Mello
401-835-5398
Markmello14@yahoo.com

Disclaimer	Yes
------------	-----

Email not displaying correctly? [View it in your browser.](#)

CITY OF LOWELL
TO THE
CITY COUNCIL,
PETITION

Charles Haffner
1419 Mt. Vernon St.
Lowell, Ma.
Request to address City
Official regarding
Private Trail Parking
and other Parking issues

In City Council

[Signature]
January 28 2020

Read and

Clerk

Charles Kafasis 141 Mt Vernon St. Lowell Ma 01854
Residential Parking and Parking in Lowell, Got \$40
ticket for parking on Plymouth St,, Who change
ordinance never before like that , Fair to all, who are
resident, Homeowner, pay car excise tax, to City Of
Lowell. Who gave anybody the right, without taking
it up with ALL Home owners in Lowell that pay car
excise tax + realty tax. To increase taxes + fees is
easy but it not right or fair. Who gave Parking Dept.
the right to give stickers to anybody they want.
Snow ban parking, I clean snow from sidewalk
(ordinance) what about people who throw snow
back on it(who park around my house) but I can't do
anything about it? What best + Fair for all no matter
where you live in Lowell. Trash Cart left out 24 hour
7 days a week , over filled.

So let us talk, like people, who CARE about Lowell, ,
if you work for Lowell and don't care then they
should be fired.

Charles KAFASIS 141 Mt. Vernon St. Lowell MA
978 970 3958 01854
Charles Kafasis

2020 JAN 23 PM 12:58
CITY OF LOWELL
OFFICE OF THE CITY CLERK