

**IN CITY COUNCIL  
EXECUTIVE SESSION  
MAYOR'S RECEPTION ROOM  
TUESDAY MAY 21, 2024  
TIME 8:30 PM**

Roll Call 11 present.

M. Rourke presiding.

Others Present: City Manager Golden, Jr., Austin Ball (Asst. CFO), City Solicitor Corey Williams, Asst. City Solicitor Tim French, Melissa Desroches (Manager's Office), Shawn Machado (Asst. City Mgr.), Conor Baldwin (CFO), Camilo Espitia (DPD) and Yovani Baez-Rose (DPD),

The purpose of the Executive Session was stated by M. Rourke in the open session followed by a Roll Call. The public was informed the body would not return to the open session and would adjourn in Executive Session upon completion.

**EXECUTIVE SESSION**

Ms. Baez-Rose provided history of the Hamilton Canal District noting prior developers, including Trinity, Winn and the current developer Lupoli. Ms. Baez-Rose outlined what City has done to attract developers to the project and commented on current LDA with Lupoli Companies outlining different parcels and phases involved with the agreement. Ms. Baez-Rose noted that Lupoli Companies have presented request for changes to the agreement due to market conditions they are facing, which include removing tower element of the site, extended deadlines, combining parcels, covered parking and code changes. Ms. Baez-Rose indicated if you change the code, you must change the LDA. C. Mercier noted the vast changes to the site and was not pleased with the developers as she feels they were not being trustworthy. C. Mercier noted that the developer did not request any changes to developments in other communities and was trying to take advantage of the City. Ms. Baez-Rose indicated the vast amount of money the City has invested in infrastructure and commented on the proposed changes which called for shorter but wider development. Mr. Espitia commented on the changes to parking along with other elements of the changes. Manager Golden, Jr. outlined the parameters of the current negotiations with Lupoli. C. Scott recognized a trust issue with Lupoli and that new contract would change the LDA. C. Mercier questioned scenario if the City retained ownership of the parcels. C. Gitschier noted company was in violation of LDA and that they should be put on notice immediately of the fact. Ms. Baez-Rose noted that there has been

no notice of default sent to Lupoli at this point in time. City Solicitor William commented on possible default and what a notice of that would trigger in terms of contract language indicating that such notice could delay project for several years. City Solicitor Williams noted that if the City were to redeem the property that it would come with any mortgages the developers has placed on them since transfer. C. Descoteaux commented on third party review of the current situation with development. Manager Golden, Jr. commented on the study regarding the financials of the development and indicated that report would support the developers concerns. C. Robinson was not pleased with the current situation and indicated that the City should separate from the developer if won't adhere to current contract. Mr. Espitia commented on the tower proposal set out at the beginning of the project and the reasoning behind it. Manager Golden, Jr. noted that Lupoli needs this development to financially support the newly constructed parking garage and further commented on potential link with LINC Project from UMass-Lowell. C. Nuon commented on the violation of the LDA that needs to be resolved. C. Leahy noted that the project is over 40 years and that something needs to be done. C. Yem recognized the increase costs and the challenges of the development, but solution is not litigation but could be resolved with changes to the LDA. C. Chau recognized trust issues with partner, but the solution is changing the LDA with input from Council to get a better deal for the City. C. Jenness voiced his concerns indicating that this is no where close to the original proposal which indicated a mixed-use friendly neighborhood. C. Jenness indicated he would be fine with changes, but the mixed-use livable street scape must be included. C. Descoteaux noted the importance of bringing LINC into the development and that credence should be given to the third-party report by the City moving forward. Atty. Williams indicated that if it is the will of the body to change the LDA then notice of default is not the best way to approach that and if not interested in changes, then notice of default should be issued.

**Motion** by C. Gitschier, seconded by C. Robinson to request City Manager send Notice of Default to Lupoli Companies (Developer) regarding violation of the LDA within the Hamilton Canal District. Defeated per Roll Call vote 4 yeas, 7 nays (C. Chau, C. Descoteaux, C. Jenness, C. Leahy, C. Mercier, M. Rourke, C. Yem). So voted. M. Rourke indicated that there should be no tax break to developer if changes are made. Ms. Baez-Rose noted that there must be some changes to code to move with project and that there is prior indication that the City would do that. Atty. William noted possible reliance argument regarding that prospect. Ms. Baez-Rose noted that in the world of planning changes are constantly made to adapt to outside influences. C. Jenness noted that Lupoli Companies signed a contract and that there should be some accountability with that. **Motion** by C. Jenness, seconded by C. Descoteaux to have City Manager negotiate with Lupoli Companies regarding changes to the LDA to resolve outstanding issue in the best interest of the City. Adopted per Roll Call vote 9 yeas, 2 nays (C. Gitschier, C.

Robinson). So voted. C. Mercier noted negotiations need to be specific to City needs. M. Rourke noted the need for tax breaks to be discussed.

**Motion** to Adjourn by C. Mercier, seconded by C. Nuon. So voted

Adjourned at 9:40 PM.

Michael Q. Geary  
City Clerk