



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 22, 2018

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 9 present.

M. Samaras presiding.

C. Conway requested moment of silence in darkened chamber for Bruce Lussier.

2. MAYOR'S BUSINESS

2.1. Recognition - Lowell as a Housing Choice Community.

In City Council, Diane Tradd (DPD) introduced Phil Ferriera (DPD) who outlined the award. M. Samaras presented a citation from Governor Baker to the City of Lowell.

M. Samaras noted upcoming rail link community meeting to provide information regarding a rail development.

3. CITY CLERK

3.1. Minutes of Finance SC Joint with School Committee Finance SC May 14th; Environmental & Flood Issues SC May 15th; City Council Meeting May 15th, for acceptance.

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

4. UTILITY PUBLIC HEARING

4.1. National Grid - Req. permission to install 1,720 feet of new gas main from 1852 Middlesex Street to Chelmsford town line.



In City Council, Hearing opened. M. Samaras noted request for continuance by the Petitioner. **Motion** by C. Milinazzo, seconded by C. Kennedy to continue hearing to June 26, 2018 at 7 PM. So voted.

4.2. National Grid - Req. permission to relay existing 2,100 feet of gas main on Chelmsford Street between Howard and Liberty Street.

In City Council, Hearing opened. M. Samaras noted request for continuance by the Petitioner. **Motion** by C. Elliott, seconded by C. Conway to continue hearing to June 26, 2018 at 7 PM. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Plain-Tanner St. Corridor Redevelopment Plans – C. Mercier noted her concern for land taking for the development. Ms. Tradd commented on meeting with various land owners. C. Mercier questioned VFW deed transfer. Manager Donoghue noted it was still work in progress. C. Elliott questioned what next steps in the project are. Joe Giniewicz (DPD) outlined the two phase construction project. C. Leahy questioned meeting with VFW. Mr. Giniewicz noted there was an agreement in principle and that matter was before the Land Court. C. Kennedy questioned time line for completion. Mr. Giniewicz noted it was an eight to twelve month period and that the second phase was harder to estimate. C. Milinazzo noted proposed design as well as the land takings. C. Kennedy commented on prior plans. Mr. Giniewicz noted that there was Planning Board approval on the development.

B) Sidewalk Seating/ADA Compliance – Manager Donoghue noted there were continuous inspections done on the establishments. C. Leahy commented on guidelines and warnings issued to violators. Eric Slagle (Inspectional Services) noted there was strict enforcement that is tracked by his department. C. Leahy commented on fencing. Mr. Slagle noted practice is not to allow permanent fixtures on sidewalks. C. Leahy noted need to address violations.

C) DPW Inventory Management – C. Leahy noted reason for motion was that window repair in building was taking too much time to remedy. Manager Donoghue outlined current practice which is best cost preventative measure.

D) List of Non-operational Items and Items in Disrepair Update – C. Cirillo noted the need for concise list. Jim Donison (DPW) outlined the report and the procedure per



request of C. Cirillo. C. Leahy questioned cost of current study being done to repair buildings. Manager Donoghue noted that they were awaiting information from School Administration to complete study.

E) Periodic Maintenance at Schools – C. Milinazzo noted that tree limbs were still present at Sullivan School and need to be removed so that grass may be cut.

F) Update on Construction at VFW Highway and Aiken St. Bridge – C. Conway noted report recognizing the complications with the three entities involved. C. Conway questioned liability of the parties. Manager Donoghue noted the complexities and time frame for possible completion.

G) Neighborhood Schools – C. Mercier commented on return to prior system of neighborhood schools. Manager Donoghue noted a request was sent to School Administration and they await response before they move forward. C. Leahy noted the need for recommendation and information and that the Mayor could facilitate those requests. C. Elliott noted prior attempt to revise system and questions procedure needed to either amend or dissolve the Consent Decree. Solicitor O'Connor noted the need for School Administration input to begin process. C. Nuon commented on bussing in terms of the Consent Decree. C. Conway noted this issue has been in discussion for some time.

H) Article 97 – C. Milinazzo noted concern of timing to rescind matter and questioned ability of City to control the land. Solicitor O'Connor commented on air rights over the canal at Lowell High School and it coming before Council. Manager Donoghue noted Article 97 was dependent on a high school being built on the premises and if there was no high school the matter would expire automatically. Manager Donoghue commented on getting relief and the process by means of a Home Rule Petition at next legislative session. C. Kennedy commented on relief. Manager Donoghue commented on current restrictions and replacement fields.

5.2. Informational Reports

I) Distinguished Veteran of the Year – Manager Donoghue introduces Eric LaMarche and the award. Mr. LaMarche addressed the body.

J) FY19 LPSD Funding Update – Manager Donoghue commented on the update noting the increase amount to assist with balancing the School Administration budget. Manager Donoghue noted use of Capital Fund and that the City is well beyond the obligation concerning Net School Spending. Conor Baldwin (CFO) commented on spending formula and how costs are covered. C. Elliott noted the effort on the part of



the City to cover the School Administration short fall and the exceeding of Net School Spending.

K) Proposed Rule Change re Free Speech Zone – Manager Donoghue noted motions on agenda concerning this item. C. Kennedy requested motions Item #10.2 and #10.4 be taken out of order with no objections. So voted. C. Cirillo commented on her actions during the subcommittee disturbance and that she favored changes being proposed. C. Noun noted all citizens should be provided a voice and that the actions at the subcommittee were disgraceful. C. Milinazzo noted issue with a designated free speech zone. C. Milinazzo noted the need for respect and decorum in the Council Chamber. C. Conway commented on the disruption in the Chamber noting it was an insult to democracy. C. Leahy noted the need to review rules from having this happen again. C. Kennedy noted the need to request and comment on any changes. Manager Donoghue noted her concern with the actions that took place and the subcommittee meeting. C. Kennedy commented on role of subcommittee in the legislative process. **Motion** by C. Elliott, seconded by C. Mercier to refer to Rules SC. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned responsibilities of the Chair. C. Elliott noted need to set ground rules. M. Samaras noted Chair is responsible and police presence is important. C. Kennedy requested Roll Call.

L) HCID Garage Presentation – Manager Donoghue introduced item by way of recognizing Walker Consultants. Joe Giniewicz (DPD) commented on timing of project along with budget. Chris Gradziel and Debra Bank provided presentation entitled “Hamilton Canal Innovation District Garage” noting project schedule; form and function design; urban context considerations; design opportunities and decisions; and budget. C. Kennedy questioned garage capacity, form base code, commercial space and distance from Judicial Center. C. Mercier requested information regarding location on garage and the proposed land swap with National Parks as well as a possible second garage. Ms. Tradd commented on land swap. C. Leahy commented on events around garage and green roof on the garage. C. Kennedy commented on privacy and plantings for the project.

5.3. Communication - City Manager request Out of State Travel (1) DPW.

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

6. ORDERS FROM THE CITY MANAGER

6.1. Order-Dedicate intersection of Winthrop Avenue and Wilder Street Dr. L. Rodger Currie Memorial in Honor of Dr. L. Rodger Currie.



In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier requested to be notified of date of dedication.

7. ORDINANCES FROM THE CITY MANAGER

7.1. Ordinance-Create New Chapter 199, Entitled Marijuana Licensing.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on June 26, 2018 at 7PM” by C. Conway, seconded by C. Kennedy. So Voted.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. Zoning SC May 22, 2018.

In City Council, C. Milinazzo provided the report outlining the attendance, including various neighborhood groups and the discussion regarding proactive approach to zoning indicating continued meetings. C. Milinazzo noted motion made and accepted by the subcommittee as follows: “**Motion** by C. Kennedy, seconded by C. Noun to request City Manager have Law Dept., Inspectional Services and DPD develop an ordinance that will prevent Boarding Houses (Stealth Dorms) and In-Law apartments from being allowed in single family zoning districts as well as addressing any parking issues around these developments.” Adopted per Roll Call vote, 3 yeas. So voted. C. Elliott noted the logging of complaints by Inspectional Services and requested report of same. **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Cirillo. So voted.

9. PETITIONS

9.1. Speedway, LLC. request license for additional storage of flammables 28,000 gals. gas UST; 12,000 Diesel II UST at 566 Pawtucket Street.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on June 26, 2018 at 7PM” by C. Kennedy, seconded by C. Milinazzo. So Voted.

9.2. Misc. - National Grid request permission to install (1) new pole to service new home at 16 Clarendon Street.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on June 26, 2018 at 7PM” by C. Kennedy, seconded by C. Nuon. So Voted.



9.3. Misc. - National Grid request permission to install handhold to service 16 Clarendon Street.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on June 26, 2018 at 7PM” by C. Kennedy, seconded by C. Nuon. So Voted.

10. CITY COUNCIL - MOTIONS

10.1. C. Conway - Req. City Mgr. explore the feasibility of re-locating our police station to the site of the District Court located on Hurd Street when vacated by State.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Conway noted the building will be vacated shortly and should start review to see if it would fit scheme. Manager Donoghue noted DCAM process for vacant buildings.

10.2. C. Elliott - Req. City Mgr. develop a policy and/or designated area to allow citizens to exercise their 1st Amendment rights.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott commented on disturbance at recent subcommittee meeting and the need to maintain order during the meetings and decorum in the Chamber. Registered speaker, Stephen Malagodi, addressed the Council.

10.3. C. Elliott - Req. City Mgr. report on City adopting MGL property exemption for veteran volunteer program.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott commented on law and the reason City should adopt same.

10.4. C. Mercier - Req. City Mgr. have Law Department provide an outline of where people are allowed to demonstrate or protest if not in Council Chamber during a public meeting and posts signs indicating such.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier noted there are rules that state you cannot be disruptive during the meetings and should be enforced strictly. C. Mercier commented on prior subcommittee meeting stating that others prevented information to the public and that was disrespectful. C. Mercier favored policy to ensure decorum. Registered speaker, Stephen Malagodi, addressed the Council.



10.5. C. Mercier - Req. City Mgr. have proper department install security cameras on 1st Street as well as address issues of lighting, excess trash, beer bottles and drug paraphernalia.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted recent Sherriff Department clean-up throughout the City as they made suggestion regarding the use of cameras. C. Leahy commented on possibility of State erecting a fence in that area.

10.6. C. Leahy - Req. City Mgr. have Law Department draft ordinance that would fine utility companies \$100 per line after they were notified that such lines were illegally hanging from their pole.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted the lack of effort on the companies to remove the wires and their needs to be a push to clear them out.

10.7. C. Nuon - Req. City Mgr. provide a report on challenges and successes in relationship between Lowell Career Center and clients of local non-profit who aid in addiction recovery.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted he would wait for report.

10.8. C. Nuon - Req. City of Lowell continue its support of non-profits that provide services to our residents in need and request City Mgr. provide periodic reports on progress and advice on how to strengthen results.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted these would be reports of progress.

10.9. C. Nuon - Req. City of Lowell join with non-profits to send a letter to the US Senate and House of Representatives in support of Comprehensive Addiction Resources Emergency Act (CARE) proposed by Sen. Elizabeth Warren and Rep. Elijah Cummings to begin treating the opioid crisis like the critical public health emergency it is.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on commitment and the need to bolster the legislation. C. Kennedy noted important to show action in this area. C. Elliott commented on need to support legislation.



10.10. C. Nuon/M. Samaras - Req. City Mgr. have DPW work with representatives from Roberto Clemente Baseball Field to install lighting with a scoreboard on the field and to concession stand in the near future.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted neighborhood meeting and upcoming opening day. C. Nuon noted presence of existing pole and construction of score board and concession stand. C. Leahy noted these projects are usually done in partnerships with the various leagues.

10.11. C. Nuon/M. Samaras - Req. City re-establish the Youth Council and/or Commission.

In City Council, no second needed, referred to Youth Services SC. So voted. C. Nuon noted the need for young people to have a voice. M. Samaras relinquished Chair to Vice-Chair Noun at 9:30 PM. C. Conway requested matter be referred to Youth Services SC. M. Samaras commented on importance of organizations using UTEC as an example.

10.12. M. Samaras - Req. City Mgr. instruct the Law Department to draft a home rule petition to allow the City to appoint retired Lowell police officers to work paid detail assignments.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. M. Samaras noted the need to supply details as a lot of construction work being done. M. Samaras noted police union support and that there can be restrictions placed upon same.

11. ANNOUNCEMENTS

None.

12. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Kennedy, seconded by C. Cirillo. So voted.

Meeting adjourned at 9:36 PM.

Michael Geary, City Clerk