



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: July 10, 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.

M. Samaras introduced new intern in his office; Shayun Yen.

2. CITY CLERK

2.1. Minutes of City Council Meeting June 26th, for acceptance.

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

C. Mercier requested Item #4.5 be taken out of order with no objections. So voted.

3. COMMUNICATIONS FROM CITY MANAGER

3.1. Motion Responses.

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

C. Leahy requested status of Lowell High School television station in light of possible departure of the Superintendent.

A) Motion Response - Beautifying the City – C. Leahy noted the need for a concrete plan and time line for removal of litter and garbage.

B) Motion Response - Flowering City – Yovani Baez-Rose (DPD) noted it was a private endeavor noting many agenda items were completed. C. Cirillo commented on the accomplishments.



C) Motion Response - Electric Vehicles – Katherine Moses (DPD) outlined the report regarding electrifying the municipal fleet. C. Leahy noted it would not be suitable for larger vehicles and requested costs associated with transferring fleet. C. Milinazzo noted that Parking Department would be best suited for trial runs.

D) Motion Response - 311 System – Manager Donoghue commented on report regarding system. Conor Baldwin (CFO) commented on costs and noted the systems used by other communities. C. Nuon noted that system is effective to reach all citizens and that costs should be broken down. C. Elliott noted the need for a cost assessment. Manager Donoghue noted costs could be included in budget projections.

E) Motion Response - Dominos Paving Grant – C. Mercier noted the campaign to involve the community in choosing grant winners.

F) Motion Response - Downed Wires Ordinance – C. Leahy questioned the legality regarding legislation concerning wires. Christine O'Connor (City Solicitor) noted that State law would preempt many ordinances and any fines. C. Leahy noted it was a public safety issue. Manager Donoghue noted Home Rule Petitions have not been effective with this issue but may be other means to address it. C. Nuon commented on the safety issue. C. Elliott noted that a Home Rule Petition should be filed to be part of the record. **Motion** by C. Elliott, seconded by C. Leahy to pursue Home Rule Petition regarding down wires. So voted. C. Kennedy noted that lists get diminished but never completed and that focusing on shorter lists may be more effective. C. Conway noted hanging wires are a recent problem that needs to be addressed. C. Leahy noted the safety and nuisance issue with the wires. C. Milinazzo noted that Representative Golden would be responsive to the issue.

G) Motion Response - Maryl Dr – Manager Donoghue noted that the 60 day trial would be removed from agenda so that further issues may be addressed regarding commercial vehicles. C. Kennedy commented on the street layout. C. Leahy noted that school busses are using the street and that if the School Department had a Transportation Engineer that would not be happening.

H) Motion Response - Plug in America – C. Elliott commented on the event and assistance with the costs. C. Elliott requested suspension of rules to allow speaker with no objections. So voted. Jeff Koetsch addressed the body regarding the event.

I) Motion Response - Municipal Vulnerability Preparedness – C. Elliott noted program would benefit the City. Manager Donoghue noted needed intent to pursue the grant and no vote would be needed.



3.2. Communication-Appoint Martin Hogan to Lowell Commission on Disability.

In City Council, Matter withdrawn. So voted.

3.3. Communication-Appoint David J. Cunningham to Water Board.

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

3.4. Communication-Appoint Sreyfov Vary Colwell to Sustainability Council.

In City Council, read, **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted. Ms. Colwell was present and thanked Council.

3.5. Communication-Appoint Tooch Van to Hunger Homeless Commission.

In City Council, **Motion** "To accept and place on file" by C. Kennedy, seconded by C. Cirillo. So voted. Mr. Van was present and thanked the Council.

3.6. Communication-Reappointment of Louisa Varnum and Katelyn Bierdon to Conservation Commission.

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

3.7. Communication - City Manager request Out of State Travel (1) DPD; (1) HHS.

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

4. VOTES FROM THE CITY MANAGER

4.1. Vote-Accept MGL Ch. 59 s.5N a Program for reduced Property Tax for Veterans or a spouse in Exchange for Volunteer Svcs.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Kennedy, seconded by C. Conway. So voted.

4.2. Vote-Authorize City Manager execute Access License Agreement -175 Willard and 271 Humphrey Sts-Grand Manor Assn. Inc.



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

4.3. Vote-Authorize City Manager Execute Lease with Daly Group LLC 60 Carlisle St Chelmsford MA-3 yrs.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned the costs of having programs outside of the City. Manager Donoghue noted that prior lease had expired and that costs would be less as the children would have to travel less of a distance. C. Milinazzo noted that it was included in School Department budget. C. Elliott noted that the City Council has the authority to enter into the contract. C. Kennedy noted the savings were not substantial. C. Leahy questioned terms of the lease.

4.4. Vote-Authorize City Manager Execute Permanent and Temporary Easements from Trustees of Keith Academy Condominium Trust.

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

4.5. Vote-Authorize City Manager Execute Sponsorship Agreement for the Manning Field Complex-99 years.

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

C. Leahy requested Item #8.5 be taken out of order with no objections. So voted.

4.6. Vote-Authorize CM Ex. Sidewalk Seating License Agreement-LD Holdings LLC dba Bar 74-76 Merrimack St.

In City Council, Read twice, full reading waived with no objections. **Substitute Motion** to deny by C. Milinazzo, seconded by C. Leahy. Denied per Roll Call vote 9 yeas. So voted. Eric Slagle (Insp. Services) commented on the request and noted other departments were no in favor of the request. Acting Superintendent Webb (LPD) noted his objection to request due to numerous infractions by the establishment. C. Conway noted that with these infractions the establishment should be closed. Atty. Jacobs representing the establishment was allowed to address the body though not registered to speak. C. Milinazzo noted prior speaker was out of order. C. Kennedy noted that



this matter was not a public hearing. M. Samaras noted the parameters for the speaker. C. Nuon noted the number of complaints against the establishment. C. Elliott noted the role of the License Board.

5. ORDERS FROM THE CITY MANAGER

5.1. Order-60 day trial (various).

In City Council, matter withdrawn per request of Manager Donoghue.

6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Rules SC July 28, 2018.

In City Council, C. Elliott provided the report outlining the attendance and the discussion regarding proposed rule changes to Rule 26 of the Council Rules regarding decorum in the Chamber and for further review of Free Speech Zone. C. Elliott laid out process for changing rules. **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Conway. So voted.

6.2. Wire Insp. - National Grid request permission to install (1) new pole to service new home at 16 Clarendon Street.

In City Council, Motion to adopt and accept the accompanying order by C. Milinazzo, seconded by C. Cirillo. Adopted per Roll Call vote 7 yeas, 2 nays (C. Elliott, C. Leahy). So voted. C. Leahy noted his dissatisfaction with operations of National Grid. C. Milinazzo noted impact on customer.

6.3. Wire Insp. - National Grid request permission to install handhold to service 16 Clarendon Street.

In City Council, Motion to adopt and accept the accompanying order by C. Milinazzo, seconded by C. Nuon. Adopted per Roll Call vote 7 yeas, 2 nays (C. Elliott, C. Leahy). So voted.

6.4. Wire Insp. - National Grid request permission to install underground electric conduit along Quebec Street from Blossom Street to Maple Street.

In City Council, Motion to adopt and accept the accompanying order by C. Milinazzo, seconded by C. Nuon. Adopted per Roll Call vote 7 yeas, 2 nays (C. Elliott, C. Leahy). So voted.



7. PETITIONS

7.1. Misc. - Chastity Baldwin request installation of (1) handicap parking sign at 93 Lincoln Street.

In Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Kennedy, seconded by C. Nuon. So voted.

7.2. Misc. - Simon Kaniu request reimbursement of towing charges.

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

7.3. Misc. - University of Massachusetts Lowell request City Council convey an easement over a small portion of the Howe Bridge right-of-way.

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

8. CITY COUNCIL - MOTIONS

8.1. C. Leahy - Req. City Mgr. update the City Council on Community Outreach procedures.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy noted the need to provide information to the community.

8.2. C. Leahy - Req. City Mgr. update the City Council on Mental Health Resources throughout the City.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy commented on the need to have adequate services available.

8.3. C. Leahy/C. Elliott - Req. City Mgr. update the City Council on 29 Frothingham Street.

In City Council, no second needed, referred to City Manager. So voted. C. Leahy noted the property was a continued nuisance in the neighborhood. Manager Donoghue noted they would provide further information. C. Elliott requested suspension of rules to allow speaker with no objections. So voted. Robert Mason addressed the body. C. Elliott noted the need to enforce occupancy requirements in certain properties. C. Kennedy noted prior discussion of the property and that the issue should be properly identified and addressed. C. Conway questioned next steps to be done. Manager



Donoghue noted they would provide report. C. Elliott noted need to develop a resolution. C. Leahy noted presence of public safety issue. C. Mercier noted the patience of the neighborhood.

8.4. C. Elliott - Req. City Mgr. provide a report regarding pipeline excavation on recently paved streets.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Elliott noted the need for better replacement of roadways.

8.5. C. Elliott/C. Milinazzo - Req. City Council discuss establishing a Human Rights Commission similar to numerous other cities in the Commonwealth.

In City Council, no second needed, referred to City Manager. So voted. C. Elliott requested matter be referred to City Manager noting such commissions were common throughout the Commonwealth. C. Milinazzo noted importance of promoting a human rights policy for fair treatment of all. C. Nuon noted it promoted open government.

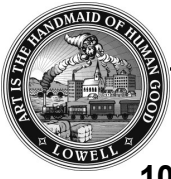
8.6. C. Conway - Req. City Mgr. work with LPD on the installation of surveillance cameras in high narcotics trafficking/usage areas throughout the City.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Conway noted it was an effective detriment for measured costs. C. Cirillo question if policy would be effective. C. Nuon noted it would be preventative in hot spots in the City. C. Kennedy requested report on costs. C. Mercier noted use in high crime areas. C. Conway requested information on costs. C. Leahy noted the possible use of trust money.

9. CITY COUNCIL - EXECUTIVE SESSION

9.1. Executive Session - Regarding matters of litigation, namely Huot et al. v. City of Lowell and other pending cases; as well as discussions regarding upcoming negotiations on waste and recycling contracts, public discussion of any of these matters would have detrimental effect on the City's position.

In City Council, M. Samaras stated reason for Executive Session, **Motion** by C. Milinazzo, seconded by C. Mercier to enter Executive Session for stated purpose and adjourn from Executive Session (8:50 PM). Adopted per Roll Call vote, 9 yeas. So voted. M. Samaras stated that body would adjourn from the Executive Session.



10. ANNOUNCEMENTS

In City Council, C. Leahy requested Mayor provide information regarding Superintendent of Schools status.

11. ADJOURNMENT

In Executive Session, **Motion** to Adjourn by C. Kennedy, seconded by C. Milinazzo. So voted.

Meeting adjourned at 9:34 PM in Executive Session.

Michael Q. Geary, City Clerk