



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: July 24, 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. Leahy requested moment of silence in darkened chamber for Michael Chesna (Weymouth Police Officer).

2. CITY CLERK

2.1. Minutes of Rules SC July 10th; City Council Meeting July 10th; Education Partnerships SC July 19th, for acceptance.

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

3. GENERAL PUBLIC HEARINGS

3.1. Ordinance-Amend Ch. 272 by establishing new Article X, entitled Stormwater Management.

In City Council, Given 2nd Reading, hearing held. Speaking in favor Mark Young (Lowell Water/Wastewater). No remonstrants. **Motion** to adopt C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote, 9 yeas. So voted. C. Milinazzo questioned the current status of the CSO in the City. Mr. Young outlined the current status along with associated costs. C. Kennedy commented on the CSO plan. Mr. Young outlined the plan and the costs saving element of it. C. Mercier commented on discharge of storm water. Mr. Young noted the federal consent order was still in place for the system. C. Elliott noted that there could be regulations placed on developers regarding drainage on construction projects.

3.2. Ordinance-Amend Ch. 272 Water and Sewers s. 272-73(B)(1) Compliance with Pretreatment Standards.



In City Council, Given 2nd Reading, hearing held. Speaking in favor Mark Young (Lowell Water/Wastewater). No remonstrants. **Motion** to adopt C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted.

3.3. 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 2nd Reading, hearing held. Speaking in favor James Gaffney (Veterans Commission). No remonstrants. **Motion** to adopt C. Milinazzo, seconded by C. Mercier. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott noted the need to adopt the legislation to support veterans and their spouses. C. Leahy questioned how the program operated. Manager Donoghue noted that property owners qualify. C. Leahy noted that it would be in addition to other tax benefits available for citizens. Sue Lemay (Assessor) noted the breakdown of the program and commented on one thousand dollar benefit cap. Manager Donoghue noted that they were restricted by statute. C. Mercier noted it was a tax rebate program. Ms. Lemay noted there were no age restrictions in the program. C. Milinazzo noted that there could be a qualified representative that could fulfil any obligations placed on veterans as part of the program.

4. UTILITY PUBLIC HEARING

4.1. National Grid - Req. permission to install sole owned pole on Ellsworth Street for new feeder extension for Markley Data Center.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was a representative of National Grid and contractor for the Markley Data Center. Speaking in opposition was Steven Malagodi. **Motion** to deny C. Leahy, seconded by C. Elliott. **Substitute Motion** to delay until next meeting by C. Kennedy, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 nay (C. Leahy). So voted. C. Leahy noted he would not support any petitions of National Grid. C. Milinazzo questioned the impact on Markley Data Center. Manager Donoghue noted it was important to support the data center.

4.2. National Grid - Req. permission to replace existing gas main on Nesmith Street between Andover Street and Bartlett Street.

In City Council, Matter withdrawn before hearing opened per request of the petitioner.

4.3. National Grid/Verizon NE - Req. permission to relocate Pole #2 on Maple Street towards Gorham Street.



In City Council, Given 2nd Reading. Hearing held. Speaking in favor was a representative of National Grid and contractor for the Markley Data Center. No Remonstrants. **Motion** to delay until next meeting by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 7 yeas, 2 nays (C. Elliott, C. Leahy). So voted.

4.4. TC Systems Inc. (AT&T) - Req. permission to install underground cable conduit on Aiken Street at the intersection of Fr. Morissette Blvd.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Chris Murray (TC Systems). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Conway. So voted.

4.5. TC Systems Inc. (AT&T) - Req. permission to install underground cable conduit on University Avenue between Riverside Street and VFW Highway.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Chris Murray (TC Systems). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Milinazzo, seconded by C. Leahy. So voted. C. Elliott questioned if location was recently paved. C. Kennedy questioned status of construction plan of utility companies being provided to the City. Manager Donoghue noted the request was made and still in process of preparing report. C. Elliott requested status of location when petition comes back before the Council.

Motion by C. Cirillo, seconded by C. Leahy to take Item #5.2 out of order. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Acceptance of Grosvenor Street – C. Mercier noted that process should move forward to accept the street.

B) Do Not Enter Sign - Maryl Dr – C. Cirillo commented on need for commercial restriction on street and that it should be part of 60 day trial. C. Kennedy noted that the street should not be one way and if it is it should be in the opposite direction as proposed. Natasha Vance (Transportation Engineer) noted the changes were per request of residents. C. Leahy noted that the area should be left alone and that residents who actually live on the street do not want changes. A resident on Maryl



Drive noted that she has never had any issues with traffic for the past thirty years she has lived on the street. C. Mercier noted that it is only a trial that does not have to be permanent.

C) Trees along rte 495 – None.

D) Pickle Ball Courts – C. Leahy commented on the location of the courts. Manager Donoghue noted that matter will be sent to Board of Parks for approval. C. Conway noted the location of the courts. M. Samaras questioned if school grounds were reviewed for possible location of the courts.

E) Hovey Park Improvements – C. Cirillo noted time line of improvement to the equipment.

F) Water Detection in Municipal Buildings – None.

G) Pollard Library Roof Repairs – C. Leahy commented on the repair work to be done. Jim Troup (DPW) provided update regarding repairs. C. Mercier noted that repair to men's bathroom should be included.

H) Pedestrian Safety City Hall- C. Leahy requested update regarding plan. Ms. Vance provided design plan for area.

I) Signs at Police Garage on Middlesex Street – C. Elliott noted that signs would remain and be used as information forums for recycling in the City. **Motion** by C. Elliott, seconded by C. Noun to have City Manager begin process to prepare recycling information signs at the police garage on Middlesex Street. So voted.

J) Jackson Street Trash Barrels – None.

K) No Parking Richardson St – None.

L) LTC broadcasting in the MRR – C. Kennedy noted that the Mayor's Reception Room is used frequently for meetings and that there should be ability to televise them. Registered speaker, Wendy Blum (LTC), addressed the body. C. Mercier questioned if it could be done live. C. Leahy commented that resources should be put towards the Lowell High School television studio. Manager Donoghue commented on possible funding of the project. C. Leahy questioned the use of Comcast money. Conor Baldwin (CFO) noted the funds had been budgeted. C. Leahy questioned payment of additional staff. **Motion** by C. Kennedy, seconded by C. Cirillo to have City Manager work with LTC to install television equipment in the Mayor's Reception Room. So voted.

M) Letters of Support for CARE Act – None.



N) Community Outreach Procedures – None.

O) Sampas Pavillion – None.

P) Traffic Patterns – C. Nuon commented on Westford Street traffic. Ms. Vance commented on recent studies done in the area.

Q) Citizen Police Academy – C. Nuon noted that it was an active organization.

R) Traffic Mitigation Plan – C. Conway noted the need to clear some confusion over the plan.

5.2. Informational Reports

S) Collins Center Study - Organizational Study on Facilities Management – Monica Lamboy of the Collins Center provided report entitled “City of Lowell - Organizational Study of City and School Facilities Maintenance Services” to the Council. The presentation covered information about the Collins Center; process used for the study; background information; and findings/recommendations. C. Conway questioned total costs of all the recommendations. C. Kennedy noted the report indicated there is a long way to go on this endeavor but that it should and needs to be done. **Motion** to forward to Municipal Facilities SC together with appropriate School Committee SC for discussion and implementation of recommendations by C. Kennedy, seconded by C. Milinazzo. So voted. C. Mercier noted costs described in the report and commented on safety precautions present in the report as well. C. Nuon noted costs but proactive approach will be cost saving in the long term. C. Milinazzo recognized effort of the City staff to formulate this type of report and noted that a discussion regarding preventative and deferred maintenance should be part of the discussion in the subcommittee. C. Leahy noted it was a thorough report and that action must begin now. C. Mercier commented on financial assistance of the MSBA. Manager Donoghue noted that applications seeking that assistance will be submitted to the agency. C. Kennedy noted that MSBA money should be aggressively pursued.

C. Milinazzo requested Item #9.2 be taken out of order with no objections. So voted.

5.3. Communication-Accept Resignation of Salmira Mitchell Pollard Memorial Library Board of Trustee.

In City Council, **Motion** “To accept and place on file” by C. Milinazzo, seconded by C. Kennedy. So voted.

5.4. Communication-Accept Resignation of John MacDonald from Veterans Commission.



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

5.5. Communication-Appoint Adam Mitchell to Veterans Commission.

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

5.6. Communication-Appoint Marlin D. May and Soumita Acharya to Sustainability Council.

In City Council, read, **Motion** to adopt by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. Mr. May and Ms. Acharya were present and thanked the Council.

5.7. Communication-Appoint Timna Nwokeji to Lowell Cultural Council.

In City Council, **Motion** “To accept and place on file” by C. Nuon, seconded by C. Mercier. So voted. Ms. Nwokeji was present and thanked the Council.

5.8. Communication-Reappoint Maxine Farkas-Lowell Cultural Council.

In City Council, **Motion** “To accept and place on file” by C. Milinazzo, seconded by C. Mercier. So voted. Ms. Farkas was present and thanked the Council.

M. Samaras requested that Item #10.3 be taken out of order with no objections. So voted.

5.9. Communication - City Manager request Out of State Travel (2) HHS; (1) DPW; (1) LPD.

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

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept Gift (250.00) from Laborers' Int'l Union of North America Local 429 in support of Lowell Police Dept. Community Programs.

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.



6.2. Vote-Accept gift of all funds raised from crowdfunding challenge program by MassDevelopment to enhance Kerouac Park.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Elliott, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott questioned amount of money being raised. Manager Donoghue noted that the fundraising has been successful.

6.3. Vote-Authorize City Council ratify Small Cell Agreement between City and New Cingular Wireless PCS, LLC-AT&T.

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

6.4. Vote-Authorize City Manager Execute License Agreement VYO-Boston, Inc. (740 Aiken St) Church Parking.

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

6.5. Vote-Authorize City Manager Execute Sidewalk Seating License Lao de Cafe dba Lao de Cafe-108 Merrimack Street.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Milinazzo noted that this establishment had no violations of any City regulations or ordinances.

6.6. Vote-Transfer 24,300 to fund Contract for Appraisal Services.

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.

6.7. Vote-Transfer 29,600 to secure funds for right of way acquisitions-Rt 38 widening.

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



7. ORDERS FROM THE CITY MANAGER

7.1. Order-60 day Trial (various).

In City Council, Read twice, full reading waived with no objections, **Motion** divide question separating Maryl Drive from original Order by C. Elliott, seconded by C. Kennedy. So voted. **Motion** to adopt sections indicating Lawrence Street and University Avenue by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. **Motion** to adopt section indicating Maryl Drive regarding restrictions on commercial vehicles and to remain a two way street by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 nay (C. Cirillo). So voted.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. (1) Education Partnerships SC July 19, 2018 (Project Learn) and (2) Environment & Flood Issues SC July 24, 2018.

In City Council, C. Kennedy provided the report of the Education Partnerships SC noting the attendance and the presentation regarding Project Learn. The following members of Project Learn, Atty. Michael Gallagher; LZ Nun; and Brian Martin; made the same presentation before the full Council as was made before the subcommittee. **Motion** by C. Kennedy, seconded by C. Cirillo to have City Manager consider ways and means to provide appropriate level of financial support for Project Learn. So voted. C. Conway recognized Project Learn and its beginnings. C. Kennedy noted the program benefits all types of students in the high school. M. Samaras recognized the accomplishments of Project Learn. **Motion** to accept the report as a report of progress by C. Kennedy, seconded by C. Nuon. So voted.

In City Council, C. Cirillo provided the report of the Environment & Flood Issues SC noting the attendance and the discussion of the West Sixth Street pump house station and the remapping of Flood Planes by FEMA. **Motion** to accept the report as a report of progress and to adopt motion of subcommittee to have City Manager request the congressional delegation inform FEMA of urgency regarding reclassification of flood zones for citizens of Lowell by C. Kennedy, seconded by C. Nuon. So voted.

C. Leahy requested that Item #10.6 be taken out of order with no objections. So voted.

9. PETITIONS

9.1. Claims - (2) Property Damage.

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



9.2. Misc. - Phoenix Avenue, LLC (Atty. James Bowers) request permission to amend zoning ordinance by extending RR (regional retail) zoning district to include 55 Phoenix Avenue currently zoned LI (light industrial).

In Council, **Motion** to refer to Law Department for report and recommendation by C. Mercier, seconded by C. Milinazzo. So voted. Atty. James Bowers spoke on behalf of the petitioner.

9.3. National Grid/Verizon NE - Req. permission to install new pole located at 23 Holden Street.

In City Council, Given 1st Reading, **Motion** to Table by C. Leahy, seconded by C. Mercier. So voted.

9.4. National Grid - Req. permission to relocate utilities for bridge replacement on Pawtucket Street over the Pawtucket Canal.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on August 14, 2018 at 7 PM by C. Mercier, seconded by C. Kennedy. So voted. Claire Ricker (DPD) commented on the petition regarding the importance and timeliness of the work needed for the Tiger Grant projects.

9.5. National Grid - Req. permission to relocate utilities for bridge replacement on Pawtucket Street over the Northern Canal.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on August 14, 2018 at 7 PM by C. Kennedy, seconded by C. Mercier. So voted. Claire Ricker (DPD) commented on the petition regarding the importance and timeliness of the work needed for the Tiger Grant projects.

9.6. New Cingular Wireless PCS, LLC (AT&T) - Req. permission to install small cell site for mobile device data delivery located at 1007 Gorham Street.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on August 14, 2018 at 7 PM by C. Kennedy, seconded by C. Elliott. So voted.

Motion by C. Kennedy, seconded by C. Elliott to bundle, second and approve all remaining motions. So voted.



10. CITY COUNCIL - MOTIONS

10.1. C. Kennedy - Req. City Mgr. have Law Dept. draw up a resolution calling for a height capacity reduction of Pawtucketville Dam from 50 feet to 48 feet.

In City Council, seconded by C. Elliott, referred to City Manager. So voted.

10.2. C. Kennedy - Req. City Mgr. assemble a three man subcommittee consisting of construction professionals who currently sit on the Lowell High School Building Committee for the purpose of acting as a liaison between Lowell High School Building Committee and the Lowell High School Building Consultants.

In City Council, seconded by C. Elliott, referred to City Manager. So voted.

10.3. C. Cirillo - Req. Environmental & Flood Issues SC consider the feasibility of prohibiting the use/sale of plastic straws in Lowell and provide a report to full City Council in a timely manner.

In City Council, seconded by C. Kennedy, referred to Environment & Flood Issues SC per Roll Call vote 7 yeas, 2 nays (C. Elliott, C. Leahy). So voted. C. Cirillo noted the need for subcommittee review. Registered speaker, Jay Mason, addressed the Council. C. Kennedy supported study in subcommittee but noted there may be some issues. C. Nuon noted his support for subcommittee review. C. Leahy noted that time and resources are better spent elsewhere and would not support the matter. C. Cirillo noted the environment was a big issue in the City. C. Conway noted that the Disability Commission should weigh in on the discussion at the subcommittee.

C. Mercier requested Item #10.8 be taken out of order with no objections. So voted.

10.4. C. Elliott - Req. City Mgr. explore the possibility of installing solar tress in the City.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted.

10.5. C. Elliott - Req. City Mgr. work with appropriate State and Federal agencies to have an additional river gauge installed above the Pawtucket Dam, to use as a basis for a more appropriate dam height with Enel.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted.



10.6. C. Elliott/C. Mercier - Req. City Council vote to prevent further permits from being issued for gas line work in the City.

In City Council, no second needed, referred to City Manager. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier commented on the lock out of National Grid and her concern for the safety of the work being done. C. Elliott noted need to support workers and not support the actions of National Grid especially denying health benefits. C. Leahy noted the fault of a big company. C. Nuon noted the need for a contract and to keep benefits in place. C. Milinazzo commented on the poor practices of National Grid to lock out workers and to strip benefits. C. Cirillo noted that motion should include all aspects of gas work; including piping and underground structures. C. Kennedy noted safety concerns and that the company has huge profits which would be hardly affected if there were new contract terms. Manager Donoghue noted there are several major projects in the City; i.e. Lowell High, which will need the services of National Grid. Eric Slagle (Inspectional Services) commented on Lowell High project. Union representative of National Grid commented on the action and noted that City should move with their bigger projects. C. Conway commented on work being done currently at the high school. C. Kennedy noted that Manager should have absolute discretion regarding use of National Grid.

10.7. C. Mercier/C. Elliott - Req. City Mgr. find ways and means to supply benches for the children at the North Common basketball courts.

In City Council, no second needed, referred to City Manager. So voted.

10.8. C. Mercier - Req. City Mgr. provide a report regarding latest shooting in City; including the cause of the shooting, whether drug or gang related and preventive steps being done to resolve the violence.

In City Council, seconded by C. Nuon, referred to City Manager/Public Safety SC. So voted. C. Mercier commented on latest incident noting people are concerned and need information. Acting Supt. Webb (LPD) provided information making reference to current gang and drug activity in the City and their relationship to one another. C. Elliott noted that there are numerous resources being put forth in the effort. **Motion** by C. Elliott, seconded by C. Nuon to forward matter to Public Safety SC. So voted. C. Nuon questioned staffing of the Gang Unit in the LPD. C. Conway noted report was concerning and that added meetings in neighborhoods should furnish information to the citizens. C. Milinazzo questioned assistance of UTEC in resolving some issues. Supt. Webb noted that UTEC was a valuable resource. Manager Donoghue noted the efforts of the police and the work being done in solving current crimes. M. Samaras



questioned if gangs could be dealt with by putting pressure on their leadership. M. Samaras noted that crime is sometimes prone to spike.

Motion by C. Kennedy, seconded by C. Mercier to take Item #5.1(L) out of order. So voted.

10.9. C. Nuon - Req. City Mgr. investigate the feasibility of constructing a new parking garage on the Davidson Street parking lot in order to free up parking in other City facilities.

In City Council, seconded by C. Elliott, referred to City Manager. So voted.

10.10. C. Nuon - Req. City Mgr. develop a protocol for selling tax-title properties to non-profit organizations with a flexible payment schedule in order to promote their redevelopment as affordable housing.

In City Council, seconded by C. Elliott, referred to City Manager. So voted.

10.11. C. Leahy - Req. City Mgr. inquire of the school administration if they would be in need of any assistance during time of transition.

In City Council, seconded by C. Elliott, referred to City Manager. So voted.

10.12. C. Leahy - Req. City Mgr. provide update to City Council regarding the Hamilton Canal Innovative District.

In City Council, seconded by C. Elliott, referred to City Manager. So voted.

11. ANNOUNCEMENTS

In City Council, none.

12. ADJOURNMENT

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

Meeting adjourned at 9:59 PM.

Michael Geary, City Clerk