



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** August 28, 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. Mercier requested moment of silence in darkened chamber for Jimmy "JC" Cemelli; Sharon Close; and Paul A. Jussaume, Sr. C. Milinazzo requested moment of silence in darkened chamber for Atty. George B. Leahey.

### 2. CITY CLERK

#### 2.1. Minutes of City Council Meeting August 14th, for acceptance.

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

**Motion** by C. Nuon, seconded by C. Cirillo to suspend rules and take Item #6.2 out of order. So voted.

### 3. UNFINISHED BUSINESS

#### 3.1. C. Nuon - Req. City Mgr. schedule a public meeting with new police superintendent as soon as possible after the hiring.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted need to have the new superintendent meet with neighborhood groups. Manager Donoghue noted meeting has been scheduled.

#### 3.2. C. Milinazzo - Req. City Mgr. meet with the Director of the Middlesex Shelter and neighborhood representatives to discuss illegal activities taking place outside and adjacent to the shelter.



In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Milinazzo noted illegal activity one morning and stated that businesses and school in area are concerned. C. Nuon requested that these groups meet with Manager as well so their concerns can be heard. M. Samaras commented on the business concern. C. Mercier noted drug use in increasing and requested information on needle collection program. Manager Donoghue noted future report regarding collection of needles in the City. C. Elliott questioned the training of City employees to collect needles to assist with Trinity Ambulance effort in this area. Eric Slagle (Inspectional Serv.) commented on pick-up procedures. Manager Donoghue noted that there would need to be a new job description or new position added to move forward with training.

**3.3. C. Milinazzo - Req. City Mgr. provide updated report regarding trash violations and fines collected to date.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Milinazzo noted the number of calls received and the need to increase enforcement. C. Leahy noted the need to follow through with procedures outlined in the ordinance. C. Cirillo noted it was becoming more of an issue in the City. C. Kennedy questioned contract negotiations for trash removal and the use of smaller barrels in order to get a senior discount. Manager Donoghue commented on current contract which expires at the end of the year. C. Leahy noted need to review ordinance regarding payment of barrels. C. Mercier noted some residents use larger barrels as a deterrent to crime.

**3.4. C. Cirillo - Req. City Mgr. have proper department install signage of updated parking rates replacing the old signage in the parking garages.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the rates have been properly posted.

**3.5. C. Cirillo - Req. Environment & Flood Issues SC have the Lowell Sustainability Council present the Solarize Lowell Program.**

In City Council, seconded by C. Conway, referred to Environment & Flood Issues SC. So voted. C. Cirillo noted the request of the Sustainability Council to promote the program.

**3.6. C. Cirillo - Req. City Mgr. have proper department repair the perimeter fence at Eagle Park.**

In City Council, seconded by C. Conway, referred to City Manager. So voted. Registered speaker, Jacky Caplice, addressed the body. C. Cirillo commented on the



structure. C. Mercier noted structure may be on private property but should see if City could be of some assistance. C. Kennedy noted that if City committed to assisting then they should follow through.

#### **4. GENERAL PUBLIC HEARINGS**

##### **4.1. Ordinance - Amend and Add New Article on Pilot Bicycle Share Service.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Eda Matchak (Elections). No Remonstrants. **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted by Roll Call vote, 9 yeas. So voted.

#### **5. UTILITY PUBLIC HEARING**

##### **5.1. Verizon NE- Request permission to install underground conduit and hand-hole for access on Pawtucket Street over the Northern Canal Bridge.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Mr. Ryan (Verizon). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Conway. So voted.

##### **5.2. Verizon NE- Request permission to install 184 feet of underground conduit at 165 Thorndike Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Mr. Ryan (Verizon). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Elliott. So voted.

M. Samaras returned back to complete Item #6.2.

#### **6. COMMUNICATIONS FROM CITY MANAGER**

##### **6.1. Motion Responses.**

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

**A) Parking Rate Signage** – Matter was discussed under Item #3.4.

**B) Davidson Street Garage** – C. Nuon noted the need for increased parking spaces and that they should overcome any challenges to get added spaces.

**C) Mental Health Resources** – C. Leahy noted the need for Health Department to be involved in identifying resources. Manager Donoghue commented on the report noting



the lists of operating facilities in the area. C. Mercier noted any resources regarding addiction treatment should be made available to the public and that transportation needs of these clients must be addressed.

**D) Butler School Building** – C. Leahy commented on recent sale of the property and questioned if there could be an eminent domain taking. Mr. Slagle commented regarding premises and possible building plans.

**E) 29 Frothingham Update** – C. Leahy commented on report and update regarding property and noted his frustration with the continuing situation with home. Manager Donoghue noted the report and the inspection of the property. Mr. Slagle noted it was a two-unit property with some violations. C. Leahy commented that the number of cars attached to the building indicates further violations. C. Elliott noted safety concerns regarding property and number of people residing there and that the home owner has not responded appropriately. C. Mercier commented on the notice of compliance and the fines that are due. C. Cirillo requested inspection report. Mr. Slagle noted there was a violation report. C. Kennedy questioned two-family status and that it should be made clear to this Council by the administration so they can resolve the issue and there is not enough evidence for that at this stage. Manager Donoghue outlined process that has taken place during her oversight and noted that the State Code is not stringent regarding number of occupants allowed in a structure. C. Nuon noted it has been a problem property for some time and questions should have been answered at this point. C. Conway noted the need to have building inspector at the meeting to answer questions. C. Milinazzo noted the number of vehicles on the property indicated that there may be violations regarding people using the building and that checks should be done on those vehicles.

**F) Andover St Crossing at Douglas Rd** – C. Conway noted when damage occurred and that crossing the street is difficult. Manager Donoghue noted that the only item remaining is National Grid getting electricity to the unit.

**G) Human Rights Commission** – C. Elliott noted the trend of gateway cities to have such a commission and that it should not take from other entities to perform. **Motion** by C. Elliott, seconded by C. Nuon to have Manager develop the commission. So voted. C. Milinazzo noted other cities have done this and that all commissions can work together. C. Mercier noted importance of combined efforts. C. Nuon noted the need to combine existing entities.

**H) Excavation of Recently Paved Streets** – Manager Donoghue introduced new City Engineer, Christine Clancy. C. Elliott commented on process and that body entertains many inquiries in this area. C. Kennedy noted that the City should get the utilities



construction plans so that there is some coordination between the parties. Ms. Clancy commented on plan to gather all parties in and outside of the City. C. Elliott noted repair work by the utilities needs improvement. Ms. Clancy noted the improvements in repairs if trench work can be more linear. C. Leahy requested repairs on Boylston Street. C. Kennedy requested repairs at theater in North Common.

**I) Bike Share** – C. Kennedy noted that ordinance had passed earlier recognized the committee for their efforts for a successful program. C. Cirillo noted that she was looking forward to the program. Manager Donoghue recognized staff and citizens for their time and effort and noted pilot program will begin this fall.

**J) Public Meeting with Superintendent Richardson** – C. Nuon noted matter has been addressed in Item #3.1.

**K) Update - Downtown Upper Floor Commercial Vacancy Motion** – C. Cirillo noted change in percentage with updated report. Diane Tradd (DPD) commented on change noting it was in line with State statistics.

## **6.2. Informational Reports**

**MassDOT Presentation** – Manager Donoghue introduced the presentation and following members of MassDOT District 4 team: Paul Steadman; Steve McGlaughlin; Paul Malloy; Frank Cizenski; Ellen Ramirez; and Dan Fielding. Presentation entitled “MassDOT – Lowell Project Update for City Council, MassDOT District 4, August 28, 2018” was put before the Council outlining projects under construction and projects in design phase. The projects under construction were VFW Highway over Beaver Brook; Market Street over Western Canal; five canal bridges; and intersection reconstruction on Route 113 and on VFW Highway. The projects in design were Route 3A at Lowell Connector; VFW roadway rehabilitation; Lowell Connector/Industrial Avenue rehabilitation; Pawtucket Falls Overlook; Route 38 intersection improvements; and the Rourke Bridge. C. Kennedy commented on time line for completion of Rourke Bridge as well as work being done along the Route 38 corridor. C. Kennedy commented on traffic control during construction periods. C. Elliott commented on the projects and efforts being done within the City. C. Elliott commented on the safety assurances of the Rourke Bridge during period of design and construction as well as any applicable funding for the project. Manager Donoghue noted the amount of infrastructure improvements being done in the City. M. Samaras noted that it being past 7 PM they would open and conclude public hearings on the agenda and return to this item. Upon completion of public hearings C. Mercier commented on completing the Rourke Bridge as well as noting the safety protocols on the reconstruction of the Lowell Connector. C. Conway recognized the efforts of MassDOT and the administration for the investment in the City. C. Conway noted importance of keeping public informed concerning all of



these projects. Manager Donoghue noted the plan to inform public as these projects move forward. C. Conway commented on traffic patterns during construction. Manager Donoghue commented on the effort of MassDOT and noted Mr. Hoey from Representative Nangle's office.

### **6.3. Communication-Accept resignation of James Peters from Sustainability Council.**

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

### **6.4. Communication - City Manager request Out of State Travel (1) LRWWU.**

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

## **7. VOTES FROM THE CITY MANAGER**

### **7.1. Vote-Accept gift of 7,500 from Digital Federal Credit Union-DCU for use by Fire Department.**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 absent (C. Elliott). So voted.

### **7.2. Vote-Approval to Expand the City of Lowell's Community Choice Power Supply Program.**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 absent (C. Conway). So voted. C. Kennedy commented on the audits. Philip Ferreira (DPD) noted the need to subcontract to perform the audits and to consult regarding submittal to the State for approval. C. Kennedy noted that a business plan should be included for budget purposes. Mr. Ferreira noted that the program is designed not to run a deficit at any time.

### **7.3. Vote-Authorize City Manager Ex. License Agreement (overhanging sign) 108 Merrimack St. Lao De Cafe LLC dba Lao De Café.**

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



**Motion** by C. Nuon, seconded by C. Cirillo to suspend rules to allow individual to address Council regarding activity at the shelter. So voted. Individual did not provide name and commented on activity at shelter.

**7.4. Vote-Authorize City Manager Ex. License Agreement (overhanging sign) 115 Merrimack St. Lowell Makes, Inc.**

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.

**7.5. Vote-Accept by Donation or Settlement property interest in various parcels Rt. 38 Roadway and Intersection Project.**

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

**7.6. Vote-Authorize City Manager Execute Easement for Permanent Air Rights Parcel 8 and Parcel 9 HCID.**

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

**8. ORDERS FROM THE CITY MANAGER**

**8.1. Order-60 day trial (various).**

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.

**8.2. Order of Taking-Permanent and Temp. Easements for Rt. 38 Roadway and Intersection Improvement Project.**

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.

**9. RESOLUTIONS**

**9.1. Resolution-Support HB5754 political freedoms in Cambodia and SB2412 support Paris Peace Agreement implementation in Cambodia.**

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.





## **10. REPORTS (SUB/COMMITTEE, IF ANY)**

### **10.1. Zoning SC August 28, 2018.**

In City Council, C. Milinazzo provided the report noting the attendance and the discussion regarding proposed zoning ordinance for student housing. C. Milinazzo requested proposed ordinance be put on website to assist with the discussion at future meetings. C. Milinazzo noted that a group of owners had organized and filed a petition and that they should be involved in the process. **Motion** to accept the report as a report of progress by C. Milinazzo, seconded by C. Kennedy. So voted.

**Motion** by C. Kennedy, seconded by C. Conway to bundle items 10.2 to 10.6 inclusive and accept and adopt the accompanying orders. So voted.

### **10.2. Wire Insp. - National Grid - Req. permission to install sole owned pole on Ellsworth Street for new feeder extension for Markley Data Center.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Kennedy, seconded by C. Conway. So voted.

### **10.3. Wire Insp. - National Grid/Verizon NE - Req. permission to relocate Pole #2 on Maple Street towards Gorham Street.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Kennedy, seconded by C. Conway. So voted.

### **10.4. Wire Insp. - National Grid - Req. permission to relocate utilities for bridge replacement on Pawtucket Street over the Pawtucket Canal.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Kennedy, seconded by C. Conway. So voted.

### **10.5. Wire Insp. - National Grid - Req. permission to relocate utilities for bridge replacement on Pawtucket Street over the Northern Canal.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Kennedy, seconded by C. Conway. So voted.

### **10.6. Wire Insp. - 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, **Motion** to accept and adopt the accompanying order by C. Kennedy, seconded by C. Conway. So voted.

## **11. PETITIONS**

**11.1. Misc. - BPD Realty on behalf of Daisy Medina and son Eduardo Rosario request installation of handicap parking sign at 185 Smith Street on Liberty Street side.**

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

**Motion** to remove from table and waive 30 day rule the utility petition of National Grid/Verizon NE for Holden Street (tabled July 24, 2018) and refer matter to public hearing on September 11, 2018 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

## **12. CITY COUNCIL - MOTIONS**

**12.1. C. Elliott - Req. City Mgr. provide an update regarding status on the implementation of marijuana licenses.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Elliott noted motion was self-explanatory.

**12.2. C. Elliott - Req. City Mgr. provide an update regarding paving on Pemberton Street.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Elliott noted motion was self-explanatory.

**12.3. C. Nuon - Req. City Mgr. have proper department clean two or three catch basins on Suffolk Street closest to Market Street intersection.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Nuon noted motion was self-explanatory.

## **13. CITY COUNCIL - EXECUTIVE SESSION**

**13.1. Executive Session - Regarding matter of litigation, namely Huot et al. v. City of Lowell, public discussion of any of these matters would have a detrimental effect on the City's position.**



In City Council, M. Samaras stated reason for Executive Session, **Motion** by C. Conway, seconded by C. Leahy to enter Executive Session for stated purpose and adjourn from Executive Session (9:30 PM). Adopted per Roll Call vote, 9 yeas. So voted. M. Samaras stated that body would adjourn from the Executive Session.

#### **14. ANNOUNCEMENTS**

None.

#### **15. ADJOURNMENT**

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

Meeting adjourned at 10:15 PM in Executive Session.

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Michael Q. Geary, City Clerk