



Eileen Donoghue
City Manager

Kara Keefe Mullin
Assistant City Manager

MEMORANDUM

To: Mayor William Samaras and Members of the City Council

From: Eileen M. Donoghue, City Manager *EMD*

CC: R. Eric Slagle, Director of Development Services

Date: November 8, 2018

Subject: C. Cirillo - Req. City Mgr. Contact The MBTA Regarding A Timeline Of When They Will be Clearing The Debris That Was Left By The Homeless Camp Located Near The Railroad Tracks, Behind 50 Waugh St.

C. Leahy - Req. City Mgr. Investigate the Reasons for idling trains in the Lawrence St. area.

This memo addresses the request from Councilor Cirillo regarding the cleanup of the railroad property behind 50 Waugh St. as well as Councilor Leahy's motion regarding idling trains in the Lawrence street area.

The Administration has been in contact with both the MBTA and PAN AM regarding this issue. The MBTA has indicated that while they have the right to operate the tracks, the property in question would fall under the purview of PAN AM.

We have reached out to Cynthia Scarano, Executive VP of Pan AM multiple times to address the issue of homeless camps as well as the idling trains near Lawrence St. She has failed to respond to our repeated requests for a meeting. As such, we have mailed out the enclosed enforcement letters to Pan-Am Railways. We will be following up with additional enforcement actions as appropriate.



Eileen Donoghue
City Manager

Kara Keefe Mullin
Assistant City Manager

November 8, 2018

Cynthia Scarano, Executive Vice President
Pan AM Railways
1700 Iron Horse Park
North Billerica, MA 01862

Re: Homeless Camps and Idling Trains

Dear Ms. Scarano:

As you are aware, the City of Lowell is highly concerned about two matters that we believe are under the jurisdiction of Pan AM Railways: (1) homeless persons' camps alongside or near rail tracks, and (2) idling trains in residential neighborhoods. This office has made multiple attempts to contact you regarding these issues. While you previously indicated that you were willing to set up a meeting to discuss these matters, we were subsequently unable to reach you in order to schedule that meeting. Through this we formally request for a meeting as soon as possible in order to discuss these matters and work toward a resolution. Please contact this office as soon as possible in order to set up the meeting.

Homeless Camps: Rail Right-of-Way South of Waugh St. and East of Wilder St. Overpass, Lowell MA

Separate notice has been sent to you from the Development Services Office regarding this matter. Through that notification, you are informed that your property is in violation of several City Ordinances and/or the state sanitary code. In addition to working with Development Services on this matter, we wish to discuss the issue further with you in order to ensure compliance in the future.

Idling Trains

The City has received several complaints regarding trains idling in residential neighborhoods. Residents, and the City, are concerned about hazardous air emissions and noise pollution. While we understand that it may be impractical to eliminate idling trains entirely, we wish to discuss possible



City of Lowell – Office of the City Manager
375 Merrimack Street, Room 43 – Lowell, MA 01852
P: 978.674.4400 – F: 978.970.4044
www.LowellMA.gov

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resolutions to this matter that would not adversely affect railroad activity, such as management of the duration and location of the idling.

Please respond to this office and inform us of your availability for a meeting on these matters.

Sincerely,

Eileen Donoghue
City Manager



Diane N. Tradd
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner/CBO

November 8, 2018

David Fink, President
Cynthia Scarano, Executive Vice President
Pan AM Railways
1700 Iron Horse Park
North Billerica, MA 01862

Re: Rail Right-of-Way South of Waugh St., and East of Wilder St. Overpass, Lowell MA

Dear Property Owner:

An inspection was made on the above referenced property by Shawn Machado, Senior Health Inspector, from the City of Lowell Division of Development Services on September 28, 2018 which resulted in the discovery of violations of the state sanitary code and local ordinances. Specifically, there is a significant accumulation of junk, trash and debris that violates commercial minimum maintenance standards. Please see attached photos.

The violation(s) or the cumulative effect of more than one of the violations, noted above may endanger or materially impair the health or safety, and well-being of the residents of the City.

You are hereby ordered to remedy the violation(s) described above within **Seven (7) Days From Receipt of this Notice**. Failure to comply with this order may result in fines of up to \$300 per day, and/or criminal charges being filed, with associated penalties and fees.

Please contact the Development Services Office at your earliest convenience to schedule a re-inspection so we may confirm you have complied with this order and remedied the violation(s) in a satisfactory manner.

You have the right to contest this order through a hearing and/or exercise other statutory remedies afforded you by law. The request for a hearing must be made in writing, within seven days of receipt of this letter, and sent to:

Division of Development Services
Department of Planning & Development
Attn: Appeal Request
375 Merrimack Street
Lowell, MA 01852

Your request for a hearing will be forwarded to the proper entity for scheduling. If you request a hearing, all affected parties will be informed of the hearing date, time, and place, the right to inspect all public records concerning the matter, and the right to appear and be represented at the hearing.

If you have any questions regarding this order or the process for requesting a hearing, please contact me at 978-674-4144.

This report is signed and certified under the pains and penalties of perjury.

Shawn Machado, Senior Health Inspector

Please let me know if you have any questions.

Sincerely,



R. Eric Slagle, Director, Development Services

Important! Please have this notice translated immediately.

¡Importante! Por favor haga traducir este aviso inmediatamente.

[Spanish]

Importante! Fate tradurre questo avviso immediatamente.

[Italian]

Prè inpòtan! Fè tradui nòt sa a tousuit.

[Hatian Creole]

Important! Faites traduire cet avis immédiatement.

[French]

Importante! Mande traduzir este aviso imediatamente.

[Portugese]

QUAN TRỌNG ! CẦN DỊCH CÁO THỊ NÀY LIỀN

[Vietnamese]

重要！請立刻將本通知翻譯成中文。

[Chinese]

ສິ່ງສຳຄັນ ! ຈົ່ງຮີບແປ ການປະກາດນີ້ ໂດຍດ່ວນ

[Laotian]

Կարեւոր. այս յայտարարումը թիւնը անմիջապէս թարգմանել տուէք:

[Armenian]

Προσοχή! Δώστε να σας μεταφράσουν αμέσως αυτή την ανακοίνωση.

[Greek]

សំរេចសំរេច! សូមបកប្រែនៅការប្រកាសនេះជាបន្ទាន់

[Cambodian]