



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: January 15, 2019

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. Milinazzo requested moment of silence in darkened chamber for his mother-in-law Ann Marie Byrne. C. Mercier requested moment of silence in darkened chamber for Suellen A. O'Neill. C. Leahy requested moment of silence in darkened chamber for Richard Viau.

2. MAYOR'S BUSINESS

2.1. Presentation - Solarize Lowell.

In City Council, registered speaker Jay Mason provided a presentation from the Lowell Sustainability Council regarding Solarize Lowell Program. Registered speaker, Mikaela Hundros-McCarthy, commented on the program and noted she was the director of the program. M. Samaras questioned tax incentives of the program. C. Leahy noted the existing website for the program. C. Milinazzo questioned if there were a commercial element to the program. C. Mercier questioned installation areas and procedures. C. Elliott noted there were time constraints in which to become a part of the program.

M. Samaras requested update regarding Greenhalge School. Manager Donoghue commented on status and condition of the school. Building Inspector Fuller and Shawn Machado (Building Agent) reported on the condition of the school and the amount of clean-up involved. C. Elliott noted the temperature and questioned if there are warning mechanisms in place in case of these emergencies. Manager Donoghue noted that system checks heat and not water and is called Solaris Alarm System. C. Conway commented on the building issues and questioned status of preventative maintenance programs. Manager Donoghue noted that there are developing plans for preventative maintenance on every municipal building in the City. M. Samaras questioned if mold



would become an issue at the Greenhalge. Mr. Machado noted it appears not to be a concern with this flooding.

3. CITY CLERK

3.1. Minutes of Transportation SC January 7th; City Council Special Meeting January 8th; City Council Meeting January 8th, for acceptance.

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

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses.

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

A) Motion Response - Response to Violence in the City – C. Conway noted issues and action taken by the City to ensure safety including additional personnel and cameras. Supt, Richardson (LPD) commented by the partnerships formed with various entities in the City. C. Nuon commented on gang unit response and using different approaches towards resolutions and noted that it should be more of a conversation with the Public Safety SC. C. Leahy commented on the relationship with UTEC. C. Mercier commented on the use of cameras and increased members of the gang unit as well as re-establishing the Police Athletic League. C. Mercier questioned if there were trained drug officer on the force. C. Milinazzo commented on partnerships to assist the gang unit. Supt. Richardson noted relationships with other law enforcement agencies. C. Elliott noted the gang make-up has changed throughout the years focusing more on drug dealing. Manager Donoghue noted the success of community policing in the City.

B) Motion Response - Boylston St. Bicycle Safety – Natasha Vance (Transportation Engineer) commented on the report regarding increased safety for pedestrians and bicyclers. C. Cirillo commented on various resources that are available to assist with safety. C. Leahy commented on restructuring that area as well as the time frame in which it would be done.

4.2. Informational Reports

C) Informational Report - MSBA Accelerated Repair Program Application Update – Manager Donoghue noted that there were nine votes scheduled for meeting in accordance with Massachusetts School Building Authority (MSBA) policy for repair reimbursement. Manager Donoghue noted that the Council must vote on matter as well as the School Committee. Conor Baldwin (CFO) noted that the program would run



concurrent with the Capital Plan. C. Mercier noted that it was an aggressive request of the MSBA and it was the proper time to do it and that the votes should be bundled. C. Elliott supported the measure and that old systems would be replaced in the buildings. C. Leahy noted the contractor should guarantee all of the work done.

4.3. Communication-Reappoint Richard Lockhart to Historic Board (Planning Board Rep).

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

4.4. Communication - City Manager request Out of State Travel (4) LPD.

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

In City Council, **Motion** to bundle items #5.1 to #5.9, inclusive and to waive full reading and to adopt all by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote-Auth Superintendent File Statement of Interest to MSBA-Abraham Lincoln Elementary School.

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.

5.2. Vote-Auth Superintendent File Statement of Interest to MSBA-Dr. Gertrude M. Bailey Elementary School.

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.

5.3. Vote-Auth Superintendent File Statement of Interest to MSBA-Fredrick T. Greenhalge Elementary School.

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.

5.4. Vote-Auth Superintendent File Statement of Interest to MSBA-James F. Sullivan Middle School.



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.

5.5. Vote-Auth Superintendent File Statement of Interest to MSBA-James S. Daley Middle School.

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.

5.6. Vote-Auth Superintendent File Statement of Interest to MSBA-Lowell High School Freshman Academy.

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.

5.7. Vote-Auth Superintendent File Statement of Interest-Pawtucketville Memorial Elementary School.

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.

5.8. Vote-Auth Superintendent File Statement of Interest-S. Christa McAuliffe Elementary School.

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.

5.9. Vote-Auth Superintendent File Statement of Interest-STEM Academy at Rogers School.

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.

5.10. Vote-Authorize Mgr Accept Gift of 5,000 from Friends of Lowell Council on Aging of 5,000 for use towards purchasing new bus for Senior Center.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Milinazzo. Adopted per Roll Call vote 9 yeas. So voted. Registered speaker, Lenny Gendron, addressed the Council. C. Mercier commented on



the effort of all involved and the gift as well. Manager Donoghue noted the contribution of the Council of Aging as well as by Conor Baldwin (CFO).

5.11. Vote-Authorize Mgr Ex. License Agreement Lowell Telecommunications Corp.-246 Market St. overhanging sign.

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

5.12. Vote-Authorize Mgr Ex. License Agreement Purple Carrot Bread Co LLC-107 Merrimack St. overhanging sign.

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.

6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Zoning SC January 15, 2019.

In City Council, C. Milinazzo provided the report commenting on attendance and discussion regarding proposed housing ordinance. C. Milinazzo recognized the efforts of the administration and the full Council regarding the proposal regarding enforcement of the ordinance. C. Milinazzo noted that a joint Neighborhoods and Zoning SC will be meeting to obtain further input from the community. C. Elliott noted the tremendous time and effort put into this issue but recognized it was time to move forward so that community would not be divided. C. Elliott requested inspection data. **Motion** to accept the report as a report of progress by C. Kennedy, seconded by C. Conway. So voted.

7. PETITIONS

7.1. Misc. - Minas Lunch Corporation (Nilo Cunha) request installation of (3) 15 Minute Parking signs 191 Appleton Street.

In Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Kennedy, seconded by C. Mercier. So voted. C. Leahy noted request was for several signs and should be reviewed.

7.2. National Grid/Verizon NE - Request installation of new utility pole and underground conduit at 97 Tanner Street.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on January 29, 2019 at 7 PM by C. Kennedy, seconded by C. Conway. So voted.



8. CITY COUNCIL - MOTIONS

8.1. C. Kennedy/C. Cirillo - Req. City Mgr. have the proper department provide the City Council with a list of all City owned and State owned pedestrian crossing signs.

In City Council, no second needed, referred to City Manager. So voted. C. Cirillo note it was a safety concern as many signs are not present and lights not working. C. Kennedy noted his concern was with the functioning of the lights. C. Leahy requested clarity on the motion and if it would only apply to lights.

8.2. C. Cirillo - Req. City Mgr. have proper department inspect all City owned pedestrian crossing signs to see if they are functioning correctly and produce a timeline as to repairing the signs that are not.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the need as a safety measure.

8.3. C. Cirillo - Req. City Mgr. contact the State to inspect all State owned pedestrian crossing signs to see if they are functioning correctly and produce a timeline as to repairing the signs that are not.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the need as a safety measure.

8.4. C. Cirillo - Req. City Mgr. direct the proper department to replant, in the Spring, the cherry blossom trees outside of the Leo Roy Garage.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Cirillo requested it be included in Spring schedule.

8.5. C. Elliott - Req. City Council vote to place a moratorium on any additional Host Community Agreements on any marijuana cultivation or medical distribution facilities in the City of Lowell.

In City Council, seconded by C. Mercier, defeated per Roll Call vote 3 yeas, 6 nays (C. Cirillo, C. Kennedy, C. Leahy, C. Milinazzo, C. Nuon, M. Samaras). So voted. Registered speaker, Judith Durant, addressed the Council. C. Elliott noted the number of Host Community Agreements and was concerned that matter is moving too quickly though the system and is very confusing. C. Leahy noted the difficulty with the different facilities. Manager Donoghue commented on retail, medical and cultivation and the number of Host Community Agreements. Eric Slagle (Inspectional Services) outlined



the City approach in dealing with new ordinance. Manager Donoghue noted community meetings taking place with no approval from State or City which is confusing. C. Conway requested information regarding the number of jobs this industry is producing. Manager Donoghue noted that application was streamlined to include traffic mitigation plan as well. C. Nuon commented on zoning changes made to accommodate the industry. C. Elliott noted the need for public process and supplying information. M. Samaras relinquished the Chair to Vice Chair Nuon at 840 PM. M. Samaras noted he was not in favor of ordinance but the voters approved same and the process should move along and that Manager has control of the application process. C. Elliott noted City Council has ability to vote on issues regarding limits. C. Kennedy noted moratoriums are usually only done when there is zoning changes to be made and that they are not permanent.

8.6. C. Conway - Req. City Mgr. have proper department prepare a traffic safety study regarding the intersection of Foster and Westford Streets.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Conway noted motion was responsive to the many calls regarding the area.

8.7. M. Samaras - Req. City Auditor provide a written explanation and report for noncompliance issues found during the recent school department audit as pertaining to the City's rules, regulations and ordinances.

In City Council, seconded by C. Cirillo, referred to City Auditor. Adopted per Roll Call vote 8 yeas, 1 nay (C. Leahy). So voted. M. Samaras noted the need to review the procedure and ensure that responsibilities are being met. M. Samaras noted the responsibility of oversight by the Auditor and commented on the job description. C. Kennedy noted the report sanctioned by the School Committee was subpar and not impressive by any measure. C. Milinazzo noted the School Committee report was horrible and it was a school side issue. C. Conway questioned how the firm furnishing the independent audit report was selected and why. Manager Donoghue noted that the selection was done on the school side without any input from the City. M. Samaras commented on selection process. C. Leahy noted need for solutions and that the problem is no longer a part of the administration. C. Elliott noted the need to review the hiring process of the audit and commented that issues were flagged during the independent audit review of the City.

8.8. M. Samaras - Req. City Council draft a resolution in support of Massachusetts Senate Docket 101, an act providing rightful opportunities and meaningful investment for successful and equitable education, also known as the Education Promise Act.



In City Council, seconded by C. Cirillo, referred to Law Department. So voted. Registered speaker, Ty Chum, addressed the Council. M. Samaras commented on the format of school funding and the need for changes. C. Kennedy noted he co-sponsored bill in Senate and that the more communities involved the better the result may be.

8.9. M. Samaras/C. Nuon - Req. City Mgr. explore the possibility of assisting areas within Lowell National Historic Park with upkeep such as cleaning and plowing during the government shutdown.

In City Council, no second needed, referred to City Manager. So voted. M. Samaras commented on the need to assist if possible. Manager Donoghue outlined possible issues with such assistance.

9. CITY COUNCIL - EXECUTIVE SESSION

9.1. Executive Session - Regarding matter of litigation, namely Huot et al v. City of Lowell, public discussion of which could have a detrimental effect on the City's position.

In City Council, Vice Chair Nuon stated reason for Executive Session, **Motion** by M. Samaras, seconded by C. Milinazzo to enter Executive Session for stated purpose and adjourn from Executive Session (9:20 PM). Adopted per Roll Call vote 9 yeas. So voted. Vice Chair Nuon stated that body would adjourn from the Executive Session.

10. ANNOUNCEMENTS

In City Council, C. Kennedy announced he became a grandfather for the third time.

11. ADJOURNMENT

In City Council, **Motion** to Adjourn in Executive Session by C. Mercier, seconded by C. Elliott. So voted.

Meeting adjourned at 10:00 PM from Executive Session.

Michael Geary, City Clerk