



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** May 1, 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 John Levicki.

### 2. CITY CLERK

**2.1. Minutes of Finance SC April 24th; City Council Meeting April 24th, for acceptance.**

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

### 3. COMMUNICATIONS FROM CITY MANAGER

#### 3.1. Communication from City Manager - Motion Responses

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

**A) Motion Response - EV Charging Stations** – C. Cirillo noted the report. Nick Navin (Parking Director) spoke to the report noting charging ports costs were covered by grants. C. Cirillo noted that Tesla would provide free stations for the City. C. Leahy questioned if best use for the garages. C. Mercier noted that there should be a cost to use these stations as well. C. Conway questioned the costs to run these stations each year. Mr. Navin noted the cost estimates. C. Conway noted that the usage should be audited. Mr. Navin commented on the use of the stations. C. Kennedy noted that more stations made available would increase use.

**B) Motion Response - Bike Sharing** – C. Kennedy commented on the report noting



that any plans to implement programs should be accelerated. C. Cirillo noted the need to move quicker on the program. Manager Donoghue noted that they would move quicker with the partners they have in the program. C. Kennedy noted the benefit of having pilot program.

**C) Motion Response - Emergency Management Plans – Motion** by C. Nuon, seconded by C. Milinazzo to refer report to Public Safety SC for further discussion. So voted. C. Leahy noted the plan and the people involved with same. Fire Chief Winward (LFD) noted that training on emergency plans has begun.

**D) Motion Response - Condition of Fire Stations 2018 – C. Nuon** noted the detailed report commenting on the needed repairs. Fire Chief Winward commented on plans to facilitate the repairs. **Motion** by C. Leahy, seconded by C. Nuon to refer report to Municipal Facilities SC. So voted. C. Elliott commented on the use of capital money for repairs. Conor Baldwin (CFO) noted FY19 Capital Budget money for repairs. C. Elliott questioned use of in-house labor for repairs. Mr. Baldwin noted they were used if the scope of the work was not extensive.

**E) Motion Response - Civic Engagement – C. Nuon** commented on the report. Eda Matchak (Elections) commented on Flagship Partnerships and outlined process for hiring poll workers. C. Elliott noted the importance of outreach from the Elections Department.

**F) Motion Response - Arts Funding – C. Cirillo** commented regarding investments by the City in the Arts. Mr. Baldwin noted the support of events through the operating budget.

### **3.2. Communication from the City Manager School Building Committee Recommendation Vote Relative To The Preferred Option For The Lowell High School Project.**

In City Council, **Motion** “To accept and place on file” by C. Kennedy, seconded by C. Cirillo. So voted. C. Kennedy requested that Item #4.1 be taken up at this time. No objections. So voted. Manager Donoghue provided a report regarding the meeting outlining the attendance and the presentation made. Robert Bell (Perkins/Eastman) presented the three options along with costs regarding proposed location of the new high school. Joe Drown (Perkins/Eastman) noted the costs for each option. Manager Donoghue stated that the School Building Committee recommended Option 3A to the body. C. Elliott noted his support of Option 3A. Registered speaker, Mike Dillon, Jr. addressed the body. C. Mercier noted her choice had been passed over and that she continued to not support the eminent domain taking on Arcand Drive. **Motion** by C.



Mercier, seconded by C. Elliott to “lock in” costs has established and presented by consultants for the selected option. Defeated per Roll Call vote, 2 yeas, 7 nays (C. Cirillo, C. Conway, C. Kennedy, C. Leahy, C. Milinazzo, C. Nuon, M. Samaras). So voted. C. Cirillo commented on the phasing of construction. C. Kennedy noted motion was premature as to costs. C. Leahy noted that costs have been projected into the future. C. Milinazzo noted it was too early to lock into costs. C. Nuon noted final number would come with final design. Manager Donoghue noted estimates done were projections into the schematic design phase of the project. C. Conway noted it was too early and that the number could be decreased by the end of all design. C. Kennedy requested roll call on the matter. C. Mercier questioned time frame for eminent domain taking. Manager Donoghue outlined the process noting the need to appraise site and produce relocation costs for the site and noting the process would be complete before funding phase of the project. C. Elliott commented on fluctuating number involved from the beginning of the process and the oversight of costs is important for this project. Manager Donoghue commented on the MSBA formula and the restraints that it presents with financial limits that are used. C. Milinazzo requested that reviews should be made regarding when and what adjustments to the cap have been made by the MSBA. **Motion** to proceed to vote on preferred location of the high school C. Kennedy, seconded by C. Nuon. So voted. On first ballot roll call 8 in favor of Option 3A; 1 in favor of Option 2A (C. Mercier). Option 3A declared preferred option. So voted.

### **3.3. Communication-Accept Resignation of Geoffrey McDonough-Conservation Commission.**

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

### **3.4. Communication-Appoint Aurora Erickson to Historic Board as Historical Society Representative.**

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

### **3.5. Communication-Appoint Troy Depeiza to Historic Board as Architect Rep.**

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



### **3.6. Communication - City Manager request Out of State Travel (1) LPD.**

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

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

### **4.1. Vote-Approve a preferred site for Lowell High School.**

In City Council, **Motion** to proceed to vote on preferred location of the high school C. Kennedy, seconded by C. Nuon. So voted. On first ballot roll call 8 in favor of Option 3A; 1 in favor of Option 2A (C. Mercier). Option 3A declared preferred option. So voted. See prior discussion under Item #3.2.

### **4.2. Vote-Transfer 45,000 to fund school priority projects.**

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. C. Mercier questioned which projects money would be used on. Jim Donison (DPW) noted the identified projects mostly centered on the high school. C. Milinazzo commented on the funding source. Mr. Baldwin noted funding was from a salary account that had available funds due to current vacancies. C. Mercier noted the need for Manager to meet with department heads after each Council meeting.

### **4.3. Vote-Transfer 50,000 to provide design engineering services.**

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 7 yeas, 1 nay (C. Leahy), 1 absent (C. Elliott). So voted. C. Leahy requested information from the Manager. Manager Murphy noted funding needed to conclude schematic design portion of the high school project. Mr. Baldwin noted amendments needed to contract to conclude scope of work. Michael McGovern (Asst. City Manager) commented on additional work needed by the consultants. C. Leahy noted he would not support the transfer. C. Mercier questioned if funds were coming from Manager's Contingency Fund. Mr. Baldwin noted that it was from that fund and that would exhaust fund for budget year.

### **4.4. Vote-Transfer 53,525 provide new police vehicle.**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Leahy, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Leahy requested information regarding transfer. Deputy Supt. Richardson (LPD)



commented on the funds noting the cost savings for such a transfer. C. Leahy noted the need to use vehicles once they are no longer in service.

## **5. ORDINANCES FROM THE CITY MANAGER**

### **5.1. Ordinance-Amend Ch. 290 Entitled Zoning by extending existing INST zoning district to include all of 39 Plymouth Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Planning Board for report and recommendation on May 21, 2018 and to Public Hearing before City Council on May 29, 2018 at 7 PM by C. Kennedy, seconded by C. Nuon. So voted.

## **6. CONSTABLE BONDS**

### **6.1. Communication - City Mgr. request approval of Constable Bond for Jason Burke.**

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

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

### **7.1. Technology & Utilities SC May 1, 2018.**

In City Council, M. Samaras noted meeting had been cancelled. C. Elliott reported out on Animal Advisory Committee noting the attendance and the establishment of a task force to assist with the regulation of animals in the City.

## **8. PETITIONS**

### **8.1. Claim - (1) Property Damage.**

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

### **8.2. Comcast Cable request to amend license for additional storage of flammables 7,380 gals. Diesel (3,690 gals. Class II, AST; 3,690 gals. Class II, AST) at 12 Washer Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on May 15, 2018 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted. C. Leahy questioned petition.



**8.3. National Grid - Req. permission to install 1,720 feet of new gas main from 1852 Middlesex Street to Chelmsford town line.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on May 22, 2018 at 7 PM by C. Kennedy, seconded by C. Milinazzo. So voted. C. Cirillo questioned the location.

**8.4. National Grid - Req. permission to relay existing 2,100 feet of gas main on Chelmsford Street between Howard and Liberty Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on May 22, 2018 at 7 PM by C. Elliott, seconded by C. Cirillo. So voted. C. Milinazzo disclosed relative lived on indicated street.

**8.5. Misc. - Broadway Street Holdings, Inc. (Atty. George Theodorou) request zoning amendment to extend Urban Mixed Use (UMU) district into parcels located at 232 and 234 Mt. Vernon Street; also change of zoning to Light Industrial (LI) at parcels located at 268 and 294 Mt. Vernon Street and 5 Farnham Street.**

In Council, **Motion** to refer to Law Department to draft proper ordinance by C. Conway, seconded by C. Nuon. So voted.

**9. CITY COUNCIL - MOTIONS**

**9.1. C. Elliott - Req. City Mgr. have proper department explore repair of Constance Drive and placing same on paving list.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted street needed attention.

**9.2. C. Elliott - Req. City Mgr. report on status regarding training and procedures in the Lowell Police Department.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Milinazzo requested his motion Item #9.9 be taken out of order as they are similar. No objections. So voted. C. Elliott noted serious incidents have happened and a report on training is needed. Manager Donoghue noted there would be a discussion upon the return of Supt. Taylor (LPD).

**9.3. C. Nuon - Req. City Mgr. and Human Resource Dept. work with Supt. of Schools and School H/R department to explore means to attract a diverse pool of candidates for future employment openings.**



In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Nuon noted need to be diverse and commented on efforts of school administration. C. Kennedy commented on prior efforts of the School Committee and suggested a formula of using high school for recruitment purposes. M. Samaras commented on possible initiatives. C. Leahy noted the existing programs in the City. C. Conway commented that there may need to be a more creative approach to the issue.

**9.4. C. Nuon - Req. City Mgr. have Human Resource Department develop a recruitment policy and procedure for hiring purposes.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon noted request was in line with prior motion. C. Leahy questioned development of an existing policy. C. Nuon noted need to do a better job. Manager Donoghue noted she would report on motion.

**9.5. C. Nuon - Req. City Mgr. take necessary means to repair potholes on Marlborough Street.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted the request speaks for self.

**9.6. C. Nuon - Req. City Mgr. work with various departments (i.e. Elections Dept.) to begin listening sessions through the Ad Hoc Election Laws SC regarding Voting Rights litigation.**

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted it was a delicate issue as litigation is pending but he was interested in setting up listening session throughout City.

**9.7. C. Leahy - Req. City Mgr. have proper department review the work being done regarding gas repairs throughout Belvidere.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy requested scheduling update as well as oversight of repairs being done by the entity after work completed. C. Elliott noted frustration in the community when repair is not done properly. C. Mercier questioned if performance bond could be tied with the projects. C. Conway questioned what department is charged with oversight of contractors. Manager Donoghue noted Engineer Department oversees these projects. C. Kennedy noted the need to research what the public utility future schedule entails.



Mr. McGovern commented on future work being done by the utilities. C. Leahy noted all work being done should be consistent with each contractor.

**9.8. C. Mercier - Req. City Mgr. honor the commitment by the City to replace sidewalks on Humphrey Street.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Mercier commented that work done was satisfactory but sidewalks were not completed as promised to the neighborhood. C. Kennedy noted the need for replacement or repair of the area.

**9.9. C. Milinazzo - Req. City Mgr. provide a report regarding the 2016 incident in the police detention center as well as all training received by civilian employees since 2013.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Milinazzo noted that there may be a need for an Executive Session on the matter due to circumstances present. C. Kennedy requested updated report regarding State accreditation of the Police Department. C. Nuon noted the importance of training in the department.

**10. ANNOUNCEMENTS**

In City Council, C. Mercier requested suspension of rules to discuss Manning/Ventura Park. No objection. **Motion** by C. Mercier, seconded by C. Elliott to refer discussion of above to Parks & Recreation SC for review. So voted. C. Noun noted event for Center of Hope and Healing. C. Elliott noted upcoming fundraisers for Lowell High School ROTC.

**11. ADJOURNMENT**

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

Meeting adjourned at 8:30 PM.

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Michael Geary, City Clerk