



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: June 11, 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. Mercier requested moment of silence in darkened chamber for Gary B. Balsler and Julia Theresa Nutter (Mother of School Committee member Gerry Nutter). C. Leahy requested moment of silence in darkened chamber for Joseph Geoffroy.

2. MAYOR'S BUSINESS

2.1. Discussion - Regarding filling position of City Auditor.

In City Council, **Motion** by M. Samaras, seconded by C. Milinazzo to discuss Item #9.1 along with this item. So voted. M. Samaras recognized Mary Callery (HR) and requested she outline prior approach in hiring of new Auditor. Ms. Callery outlined procedure and questioned if any changes needed to be made. **Motion** by C. Kennedy, seconded by C. Milinazzo to proceed with hiring Auditor in the same manner as done previously regarding advertising and accepting resumes; in addition add CPA to job description if not already in there. So voted. Ms. Callery commented on the type and place of advertising. C. Elliott questioned time frame for posting as well as the need to have an interim in the position during that time frame. There was a discussion on floor regarding length of advertising. **Motion** by C. Leahy, seconded by C. Mercier to place advertising for the position for three weeks. Adopted per Roll Call vote 9 yeas. So voted. Bryan Perry (City Auditor) noted is availability to assist with closing out fiscal year. C. Leahy recommended advertising on Indeed Website and noted the need to adjust salary. **Motion** by C. Leahy, seconded by C. Kennedy to advertise with a salary range of \$100,000 to \$111,000. Adopted per Roll Call vote 9 yeas. So voted. C. Cirillo noted the need to have advertising be in different languages. Manager Donoghue noted the logistics of that approach. Ms. Callery commented on the use of non-profits in the City to assist with diversity. C. Elliott noted the placement of the ad should not be held over for such an endeavor and that it is critical that any Auditor be versed in



reading, writing and speaking English. Manager Donoghue noted that any advertisement could be supplemented. **Motion** by C. Cirillo, seconded by C. Kennedy to provide different languages in posting of advertising if the need arises and that it would not delay any posting of advertising. Adopted per Roll Call vote 8 yeas, 1 nay (C. Mercier). So voted. C. Kennedy noted the need for Auditor to be versed in English. C. Nuon noted any candidate would need to be able to read posting. C. Conway questioned how translation would be achieved. City Solicitor O'Connor noted the possible assistance of the Elections Department. C. Conway noted the importance of posting quickly. C. Kennedy recognized the efforts and professionalism of the Mr. Perry, current Auditor. **Motion** by C. Milinazzo, seconded by C. Kennedy to adjust range of salary for Auditor to fit in budget description being \$113,000. Adopted per Roll Call vote 9 yeas. So voted. C. Milinazzo noted the need to appoint interim auditor as the next meeting would be after current auditor leaves the position. C. Elliott would look for recommendation as to the position. Conor Baldwin (CFO) noted the need for time to make such a recommendation. **Motion** by C. Elliott, seconded by C. Conway to allow one week for administration to formulate recommendation for interim auditor. So voted. C. Mercier commented on assistant in office. C. Leahy noted the need for employees to step up and perform job. **Motion** by C. Kennedy, seconded by C. Cirillo to have administration request services of Bob Healy. Defeated by Roll Call vote, 2 yeas, 7 nays (C. Conway, C. Elliott, C. Leahy, C. Mercier, C. Milinazzo, C. Nuon, M. Samaras). So voted.

2.2. Presentation - June Veteran of the Month.

In City Council, M. Samaras recognized Judy Pothimath as the veteran of the month and she addressed the Council

2.3. Informational - Project Citizenship Clinic.

In City Council, members of the CMMA and the clinic outlined the event and described the organization. C. Nuon commented on the clinic and its importance.

3. CITY CLERK

3.1. Minutes of Technology & Utilities SC May 28th; City Council Meeting May 28th, for acceptance.

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



4. GENERAL PUBLIC HEARINGS

4.1. Ordinance-Amend Zoning by extending LI District to include all of 264, 266 Plain St and 58 Montreal St.

In City Council, Given 2nd Reading, hearing opened. **Motion** to continue public hearing until June 25, 2019 at 7 PM by C. Leahy, seconded by C. Milinazzo. So voted.

4.2. VOTE-AUTHORIZE FY20 BUDGET APPROPRIATIONS.

In City Council, Given 2nd Reading, hearing held. No remonstrants. **Motion** to adopt by C. Conway, seconded by C. Milinazzo. Adopted per Roll Call vote, 9 yeas. So voted. Manager Donoghue outlined the budget process. C. Elliott noted that the budget document answers many questions because of the amount of content in it. C. Elliott noted the bond rating of the City and commented on the strain that fixed costs, such as pension funding, charter school costs, and health costs, have on the budget. C. Elliott illustrated the cost savings of the City. Mr. Baldwin commented on pension funding and the schedule set up to meet this liability. C. Elliott commented on debt service, Capital Plan, revenue streams and number of positions added to budget. C. Mercier noted it was a sound budget and questioned investments made by the City. Mr. Baldwin outlined those investments. C. Mercier noted vacancies at Lowell Police. Manager Donoghue noted they were due to retirements but would be filled with new academy graduates. C. Cirillo noted effort to construct the budget. C. Conway recognized Mr. Baldwin and his team in putting forth budget noting that it answered many questions. C. Conway noted funding positions that are no longer grant funded. C. Nuon noted it was a lean and reasonable budget noting it was increased from last year. Mr. Baldwin noted increases had to do with fixed costs like pension funding and charter school funding. C. Leahy commented on DPW reorganization in the budget as well as water and wastewater division leadership. Manager Donoghue commented on the reorganization as well as water and wastewater options. C. Leahy noted number of code inspectors and the need for each department to operate efficiently. Manager Donoghue commented on the amount of investment in the current high school. C. Milinazzo noted the budget effort and that it was noteworthy that performance benchmarks are contained in it. C. Kennedy noted the size of the budget document is due to the fact that there is much information and analysis contained therein. C. Kennedy commented that the relationship between City and School maintenance must be changed and improved. Manager Donoghue commented on the physical conditions in all of the schools that will need constant attention. C. Kennedy questioned stage of the school budget. M. Samaras noted that they are awaiting final funding numbers. C. Elliott questioned payment in lieu of taxes programs. Mr. Baldwin outlined the decrease in the program. C. Elliott commented on the use of the Stabilization Fund to keep levy down. C. Leahy noted the need to increase payments in lieu of taxes. M. Samaras



commented on budget noting the need to fund purchases of safety equipment. Chief Winward (LFD) noted the purchase of turnout gear as well as washing machines for the gear. Manager Donoghue noted efforts of all in formulating the budget.

4.3. LOAN ORDER-FY2020 CAPITAL IMPROVEMENTS.

In City Council, Given 2nd Reading, hearing held. No remonstrants. **Motion** to adopt and refer to Clerk's Office for 20 days by C. Nuon, seconded by C. Cirillo. Adopted per Roll Call vote, 9 yeas. So voted.

4.4. LOAN ORDER –WASTEWATER CAPITAL IMPROVEMENTS \$67,000,000.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Lynn Daley. No remonstrants. **Motion** to adopt and refer to Clerk's Office for 20 days by C. Milinazzo, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted. C. Milinazzo introduced two letters to be part of the record from the Lowell Boys Club by Joe Hungler and Marty Tighe. C. Elliott requested information regarding the loan. Mark Young (Ex. Director) outlined the work to be done as part of a Consent Decree. C. Elliott noted it was part of a court order and it was important for the City. C. Milinazzo questioned time table for the work. Mr. Young noted where they were in the process. C. Mercier commented on the projects and the need to work in all areas of the City. C. Nuon noted the amount invested in the City. Manager Donoghue noted the investments and that the rate was not increased during this budget.

4.5. LOAN ORDER-WATER ENTERPRISE CAPITAL IMPROVEMENTS \$45,000,000.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Chief Winward. No remonstrants. **Motion** to adopt and refer to Clerk's Office for 20 days by C. Cirillo, seconded by C. Nuon. Adopted per Roll Call vote, 9 yeas. So voted.

4.6. ORDINANCE-AMEND s.28-42 LPD TRAINING ACCT REVOLVING FUND.

In City Council, Given 2nd Reading, hearing held. No remonstrants. **Motion** to adopt by C. Conway, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott noted it was an important ordinance and requested information. Manager Donoghue outlined the ordinance noting it allowed for some financial flexibility. Mr. Baldwin outlined the funding process. C. Elliott requested updated revenue and expense information.

M. Samaras requested taking Items #5.2 and #9.5 out of order with no objections.



5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Homelessness Task Force Update C. Cirillo commented on the report and the task force. Manager Donoghue noted report was an update.

5.2. Informational Reports

B) State of the City Presentation – Manager Donoghue made presentation entitled “The State of the City”. Manager Donoghue commented on economic development; finance; public safety; and education. Manager Donoghue commented on projects; infrastructure; energy; quality of life; NET spending; LHS project; financial achievements; LPD substation downtown; and partnerships in the City. C. Kennedy question interest in the Ayer Industrial Park as well as Hamilton Canal. C. Mercier noted partnerships in the City and an example of which is the First Street clean-up. C. Milinazzo lauded the presentation and that it should be available for all to review. M. Samaras commented on the presentation. C. Nuon noted it was a good presentation and that continued work with partners is important. C. Kennedy requested report be placed on website.

C) Capital Plan Presentation – C. Kennedy requested report be delayed until June 25th meeting. No objections.

5.3. Communication-Appoint Greg Studwell to the Sustainability Council.

In City Council, read, **Motion** to adopt by C. Cirillo, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. Mr. Studwell was present and addressed the Council.

5.4. Communication-Reappoint Philip L. Shea to Lowell Housing Authority.

In City Council, read, **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Conway). So voted.

5.5. Communication - City Manager request Out of State Travel (1) LPD.

In City Council, read, **Motion** to adopt by C. Cirillo, seconded by C. Nuon. M. Samaras included on added out of state travel for MIS without objections. Adopted per Roll Call vote 9 yeas. So voted.



6. VOTES FROM THE CITY MANAGER

6.1. VOTE-ENDORSE THE FY20-FY24 CAPITAL PLAN. (Cont. from 5/28/19).

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

6.2. Vote-Accept gift of 1,000 from Circle Health Lowell General Hospital to the Health Department.

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

6.3. Vote-Auth. CM Ex. License Agreement Powerhouse Juice LLC-120 Merrimack St-Sidewalk Seating.

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

7. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

8. PETITIONS

8.1. Claim - (1) Property Damage.

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

Motion to bundle Items #8.2 to #8.6 by C. Nuon, seconded by C. Cirillo. So voted.

8.2. National Grid/Verizon NE - request installation of (1) JO Pole located at 12 Manchester Street.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on June 25, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

8.3. National Grid/Verizon NE - request installation of (1) JO Pole located at Manchester and Quebec Streets.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on June 25, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.



8.4. National Grid/Verizon NE - request installation of (1) JO Pole located on Court Street.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on June 25, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

8.5. National Grid/Verizon NE - request installation of (1) JO Pole on Lundberg Street.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on June 25, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

8.6. Waveguide (for Extenet Systems, Inc.) - request installation of cell antenna at Pawtucket Street Bridge over Northern Canal (TIGER Project).

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on June 25, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted. C. Milinazzo noted that Historic Board may was to weigh in on this petition. C. Elliott noted that inventory should be taken on these towers in the City.

9. CITY COUNCIL - MOTIONS

9.1. C. Conway - Req. City Council begin process to fill the position of City Auditor.

In City Council, seconded by C. Milinazzo, referred to Mayor. So voted. See discussion under Item #2.1.

9.2. C. Conway - Req. City Mgr. meet with City Solicitor to develop a process to release the minutes of "Executive Sessions" for the litigation of the lawsuit of Huot et al v. City of Lowell; in addition include any documents, communications, notes or other writings pertinent to negotiations.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Conway requested release of information in a legal and appropriate manner. C. Milinazzo noted importance of transparence as well as legal. City Solicitor noted matter was still before the Court so it is premature.

9.3. C. Kennedy - Req. City Mgr. provide City Council with a city-wide yard waste pick-up schedule for the summer months.



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Kennedy requested information be put on website. Manager Donoghue noted that was a web presence.

9.4. C. Kennedy - Req. Mayor proceed with the process of hiring a new City Auditor.

In City Council, withdrawn by C. Kennedy.

9.5. C. Mercier - Req. City Mgr. have Transportation Engineer find ways and means to promote public safety for the walking neighborhood school children on LaPlume Avenue and Barbara Street before and after AM and PM dismissal times.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speakers, Deb Belanger, Cindy Descheneau, Sylvia Quadros and Krystal Winchester addressed the Council. C. Mercier requested Transportation Engineer review possible project and address needs. C. Elliott noted it was an area of concern with increased traffic. **Motion** by C. Elliott, seconded by C. Mercier to provide Transportation SC with final report. So voted. C. Leahy noted that a representative from school bus company be available for subcommittee meeting. C. Kennedy commented on prior effort in the area and that the use of speed bumps throughout the City should be discussed. C. Cirillo noted use of software to calm traffic.

9.6. C. Mercier - Req. City Mgr. have proper department install “No Loitering; No Trespassing; Police Take Notice “signs on City owned property at 20 Favor Street.

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

9.7. C. Elliott - Req. City Mgr. evaluate weekly yard waste pick-up during July and August.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Elliott noted the issue was that there was no area in which to put clippings. Manager Donoghue noted that changing schedule may incur added costs and that it should be evaluated in terms of costs and time of pickups. C. Mercier noted the amount of calls regarding issue and that the public needs to be informed. C. Leahy noted that the schedule needs to be adjusted. C. Nuon noted the need to provide information or establish a drop area. C. Conway noted the number of calls from citizens who did not know the schedule. C. Kennedy noted the issue was with awareness and not the



number of pickups. C. Mercier noted many people have a substantial amount of yard waste.

9.8. C. Cirillo - Req. City Mgr. have proper department help the Lowell Canalwaters Cleaners find a place for compostable yard waste and also pick up the day to day debris that their volunteers pick out of the canals.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the need to provide resources to the organization.

9.9. C. Cirillo - Req. City Mgr. have the proper department work with the Lowell art community to paint the hopscotch game on the sidewalks near our parks and playgrounds.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted it would be a beneficial community project.

9.10. M. Samaras - Req. City Mgr. instruct proper department look into a traffic alert protocol to alert residents of roadwork/street closures as well as major events that may impact traffic in the City.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Samaras provided examples for the need of these alerts. C. Leahy noted the requirement to provide police details.

10. ANNOUNCEMENTS

In City Council, none.

11. ADJOURNMENT

In City Council, **Motion** to Adjourn C. Cirillo, seconded by C. Nuon. So voted.

Meeting adjourned at 10:00 PM.

Michael Q. Geary, City Clerk