



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: June 26, 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. Leahy requested moment of silence in darkened chamber for Gerald “Gerry” Barnes.

2. CITY CLERK

2.1. Minutes of City Council Meeting June 12th; Ad-Hoc Elections Law SC June 13th, for acceptance.

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

C. Leahy requested to take items #11.3; 11.10; and 11.12 out of order. No objections. So voted.

3. GENERAL PUBLIC HEARINGS

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

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Atty. James McGoldbrick (for petitioner); Amir (resident); and Tirso Chavez (petitioner). Speaking in opposition was Eric Slagle (Inspectional Services). **Motion** to Deny by C. Milinazzo, seconded by C. Kennedy. **Denied** per Roll Call vote, 9 yeas. So voted. C. Kennedy questioned the number of occupants in the home as well as the number of units. C. Conway questioned why it had stopped operating as a boarding home. C. Mercier noted that it did not fit into neighborhood scheme. C. Kennedy noted that there were no boarding homes in that area of the City. C. Milinazzo noted that there was a Planning Board public meeting in which the board provided a negative recommendation. Mr.



Slagle noted the negative recommendation of the Planning Board (Item #5.3). C. Mercier commented on the Planning Board action.

3.2. Ordinance-Amend zoning 232, 234 Mt Vernon St and 268 Mt Vernon, 294 School St and 5 Farnham St.

In City Council, Given 2nd Reading, hearing held. Speaking in favor were Atty. George Theodorou (for petitioner) and Mr. Slagle. No remonstrants. **Motion** to adopt C. Kennedy, seconded by C. Mercier. Adopted per Roll Call vote, 9 yeas. So voted. Mr. Slagle noted the negative recommendation of the Planning Board (Item #5.4).

3.3. Ordinance-Create New Chapter 199, Entitled Marijuana Licensing.

In City Council, Given 2nd Reading, hearing held. Speaking in favor were Mr. Slagle and Chuck Saba. No remonstrants. **Motion** to adopt C. Milinazzo, seconded by C. Kennedy. Adopted per Roll Call vote, 9 yeas. So voted. C. Mercier noted the work done on the ordinance stating her only concern is the criminal element that may be involved with recreational marijuana. C. Elliott commented on the number of facilities to be allowed and further commented on Patriot Care application. Mr. Slagle noted that Patriot Care would house a medical and recreational facility. C. Noun noted that one company should not have a monopoly in the City. C. Elliott questioned the application process. Manager Donoghue outlined the application process. C. Kennedy commented on the local control element of the ordinance. Mr. Slagle noted the need to have a Host Agreement with any entity in the City. C. Milinazzo lauded the efforts on the part of the City as it leads the Commonwealth in this new area of business.

3.4. Speedway, LLC. request license for additional storage of flammables 28,000 gals. gas UST; 12,000 Diesel II UST at 566 Pawtucket Street.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Deven Ward (for petitioner). No remonstrants. **Motion** to adopt C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote, 9 yeas. So voted. C. Mercier noted the approval of the Lowell Fire Department.

4. UTILITY PUBLIC HEARING

4.1. 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 2nd Reading. Hearing held. Hearing closed. Speaking in favor was Susan Griffin (National Grid). Speaking in opposition were Sean McFardin; Kate Irwin; Marian Lunberg; and Marisa Shea. **Motion** to delay action during lock-out of



National Grid employees by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted. C. Cirillo offered amendment to delay all of National Grid petitions which failed due to lack of a second. C. Milinazzo agreed with the delay for the gas petitions only. C. Mercier noted others should not be denied their service. C. Kennedy noted that National Grid had five public hearings scheduled for the night. C. Elliott noted delay for gas petitions only.

4.2. 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 2nd Reading. Hearing held. Hearing closed. Speaking in favor was Susan Griffin (National Grid). **Motion** to delay action during lock-out of National Grid employees by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted.

4.3. National Grid request permission to install (1) new pole to service new home at 16 Clarendon Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was David Aprew (National Grid). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Cirillo. So voted.

4.4. National Grid request permission to install handhold to service 16 Clarendon Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was David Aprew (National Grid). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Milinazzo. So voted.

4.5. National Grid request permission to install underground electric conduit along Quebec Street from Blossom Street to Maple Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Mr. Park (National Grid). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Leahy. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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



A) Motion Response - Continuing Support of Non Profits – Manager Donoghue noted Action Plan accepted by the Council. C. Nuon questioned nonpublic service element. Chris Samaras (DPD) commented on the different programs and the selection process.

B) Motion Response - Career Center and Non Profits Addiction Recovery Efforts – Manager Donoghue commented on the report. C. Nuon noted findings in the report. Shannon Norton (Career Center) outlined the various programs at the center. C. Mercier noted the many roadblocks in life due to addiction. Ms. Norton commented on assistance programs.

C) Motion Response - Temporary Closures and Repairs of Canal Bridges – C. Mercier requested her motion (Item #11.13) be brought forward and discussed. No objections. So voted. Note discussion under Item #11.13.

D) Motion Response - Multi-Family Inspections – C. Kennedy commented on ordinance and procedure. Mr. Slagle noted that not every unit had been inspected within the time guidelines of the ordinance. C. Kennedy questioned use of staff in the department. Mr. Slagle outlined the inspections done and those that need to be done. C. Kennedy noted that there may need to be changes in the ordinance to ensure all units are inspected and enforcement is elevated. Manager Donoghue noted the ordinance could be reviewed in terms of those suggestions. C. Elliott noted the need to oversee housing stock in the City and ensure compliance to all rules and regulations.

E) Motion Response - Turnout Gear – C. Leahy commented on the report. Chief Winward (LFD) provided status of purchase of gear. C. Leahy questioned grant applications being used to purchase gear. C. Elliott noted it was a federal grant and inquiry should be made to representatives at that level for assistance. C. Leahy noted the importance of the gear.

5.2. Informational Reports

F) Informational - Transfers over 20K FY18 – Conor Baldwin (CFO) commented on the transfers with upcoming votes and that information was being provided to the Council.

C. Elliott requested Item #11.8 be taken out of order. No objections. So voted.

5.3. Communication - Planning Board recommendation regarding proposed zoning code amendment to re-zone the parcel at 29 Plymouth Street from TMF to INST district.



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

5.4. Communication - Planning Board recommendation regarding proposed zoning code amendment to re-zone parcels located at 232-234 Mt. Vernon St.; 268 Mt. Vernon St.; 294 School St.; and 5 Farnham St.

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

5.5. Communication-Appoint Vanna Howard to Lowell Housing Authority.

In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott requested letter of appreciation be sent to prior member.

5.6. Communication - City Manager request Out of State Travel (1) DPD.

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

Motion to bundle Items # 6.1 to #6.11 by C. Elliott, seconded by C. Conway. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Authorize City Manager Execute Limited Access Agreement-Tanner Street.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned purpose of the wells. Manager Donoghue noted the need for test monitoring.

6.2. Vote-Continuation of Revolving Funds FY2019.

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

6.3. Vote-Transfer 1,308,270.03 to cover the cost of snow and ice removal for FY18.



In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott questioned line item. Mr. Baldwin noted the health account fluctuated and commented on line item. C. Elliott noted that was proper financial management. C. Mercier questioned status of deficit. Mr. Baldwin noted that this will close out deficit.

6.4. Vote-Transfer 156,435 PEG funding.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott questioned source of the funding. Mr. Baldwin noted that transfer was needed to ensure project would be completed.

6.5. Vote-Transfer 172,072.14 to cover sick leave buyback.

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

6.6. Vote-Transfer 21,000 to cover cost of NMCOG expenses.

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

6.7. Vote-Transfer 234,171.71 to cover the cost of heating and electricity for Wastewater.

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

6.8. Vote-Transfer 27,219.05 to cover projected expenses for School Dept. energy bills.

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

6.9. Vote-Transfer 82,368.31 to cover the cost of unforeseen payroll expenses.

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

6.10. Vote-Transfer 87,860. FY17 School Choice.



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

6.11. Vote-Transfer illustrates the Supplemental Appropriation of 350,000 to assist funding for electricity and heat FY18.

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

7. ORDERS FROM THE CITY MANAGER

7.1. Order-60 day trial - 733 Central St.

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

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance-Amend Ch. 272 Water and Sewers s. 272-73(B)(1) Compliance with Pretreatment Standards.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Kennedy, seconded by C. Conway. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, C. Elliott noted Rules SC to meet on July 10th. C. Milinazzo questioned when information would be available for next Zoning SC. Mr. Slagle noted status of gathering information and involving UMASS-Lowell. C. Kennedy requested time line for the meeting.

10. PETITIONS

10.1. Claim - (1) Property Damage.

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

Motion to bundle Item #10.2 to #10.5 by C. Leahy, seconded by C. Milinazzo. So voted.

10.2. Misc. - Anne Richards request installation of (1) handicap parking sign at 186 Suffolk Street (Apt. 3).



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

10.3. Misc. - Clara Cruz request installation of (1) handicap parking sign at 16 Linden Street.

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

10.4. Misc. - Cedric Omorodion request installation of (1) Stop Sign at the intersection of Fisher and Dalton Streets.

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

10.5. Misc. - Leslie Estrella (Clerk - St. John's Episcopal Church) request installation of (1) "Church Parking Only" sign on Linden Street at the intersection of Hobson Street.

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

Motion to bundle Item #10.6 to Item #10.10 by C. Kennedy, seconded by C. Cirillo. So voted.

10.6. National Grid - Req. permission to install sole owned pole on Ellsworth Street for new feeder extension for Markley Data Center.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Elliott, seconded by C. Mercier. So voted.

10.7. National Grid - Req. permission to replace existing gas main on Nesmith Street between Andover Street and Bartlett Street.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Elliott, seconded by C. Mercier. So voted.

10.8. National Grid/Verizon NE - Req. permission to relocate Pole #2 on Maple Street towards Gorham Street.



In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Elliott, seconded by C. Mercier. So voted.

10.9. TC Systems Inc. (AT&T) - Req. permission to install underground cable conduit on Aiken Street at the intersection of Fr. Morissette Blvd.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Elliott, seconded by C. Mercier. So voted.

10.10. TC Systems Inc. (AT&T) - Req. permission to install underground cable conduit on University Avenue between Riverside Street and VFW Highway.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 24, 2018 at 7 PM by C. Elliott, seconded by C. Mercier. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Leahy - Req. City Mgr. have DPW repair section of the Pollard Library roof.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted the damage and questioned the repair of same. C. Mercier further requested that men's room windows be repaired as well.

11.2. C. Leahy - Req. City Mgr. have National Grid identify trouble spots concerning electricity throughout the City and their plan to remedy them.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Leahy noted the need for National Grid to provide plan.

11.3. C. Leahy - Req. City Mgr. provide an update regarding installation of "Pickle Ball" courts throughout the City.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Leahy commented on the sport and requested status on any progress made with courts.

11.4. C. Leahy - Req. Mayor provide a report to the City Council regarding the status of the TV studio at Lowell High School.

In City Council, seconded by C. Nuon, referred to Mayor. So voted. C. Leahy requested report regarding status and noted that matter was not handles appropriately.



C. Conway noted this was a long standing program. C. Mercier commented on the contributions of the Keegan family.

11.5. C. Cirillo - Req. City Mgr. instruct proper department provide a report to the Council regarding the age and condition of the playground equipment at Hovey playground on Aiken Street in Centralville.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Cirillo requested update on equipment. C. Mercier noted that the equipment is dated and should be addressed.

11.6. C. Cirillo - Req. Nonprofit Organizations SC meet with the various non-profit groups based in Lowell in order to explore initiatives designed to increase public awareness and to educate residents regarding the various programs available through non-profit organizations in Lowell.

In City Council, seconded by C. Kennedy, referred to Nonprofit Organizations SC. So voted. C. Cirillo noted the establishment of the subcommittee. C. Nuon commented on the partnerships in the City. C. Kennedy noted importance of the various organizations and should be recognized. C. Elliott commented on current alliance among some non-profits in the City.

11.7. C. Conway - Req. City Mgr. and DPD meet with MassDOT for the purpose of addressing and mitigating the traffic in the City during construction projects on the roads and bridges; plan to include time tables for completion of the multiple projects and a presentation of the plan for the public.

In City Council, seconded by C. Elliott, referred to City Manager/DPD. So voted. C. Conway noted there are many projects in the City which cause traffic frustration and that information made available to public could relieve some of that frustration. C. Cirillo noted effort on the many projects and commented on compliance with complete streets program. Claire Ricker (DPD) commented on the compliance. C. Elliott noted the presence of a website to assist the public and that a Notice to Proceed was issued to the City. C. Mercier noted there are many traffic concerns. Manager Donoghue introduced new Traffic Engineer, Natasha Vance. C. Milinazzo questioned plan for emergency vehicles. Chief Winward commented on adjustments to be made. C. Kennedy questioned the status of the Lord Overpass project and requested information on matter once design is final. Manager Donoghue noted she would bring that information forward.



11.8. C. Elliott - Req. City Council work with Plug in America to set up an event in Lowell for National Drive Electric Week.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted it would be a good event for the City. C. Cirillo commented on the electric fleet for the City. C. Kennedy noted inclusive event. Registered speakers, Scott Darlington and Jeff Koetsch, addressed the body.

11.9. C. Kennedy - Req. Education Partnerships SC host a presentation regarding Project Learn.

In City Council, seconded by C. Cirillo, referred to Education Partnerships SC. So voted. C. Kennedy offered amendment without objection to refer Peter Lally presentation to the Arts and Culture SC.

11.10. C. Mercier - Req. City Mgr. contact DPW Commissioner to investigate whether Pickle Ball can be played on the Shedd Park tennis courts.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier commented on community involvement and spoke regarding the sport. C. Mercier requested referral to Parks and Recreation SC.

11.11. C. Mercier - Req. City Mgr. contact Mass Highway Department in order to install "Welcome to Lowell" sign on Middlesex Street entering from Town of Chelmsford.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Mercier noted the need to replace sign. C. Milinazzo commented that it should be on correct side of the street. C. Mercier agreed and noted that one on Andover Street should be moved.

11.12. C. Mercier - Req. City Mgr. contact Mass State Highway department to inspect and ensure trees are safe along section of Route 495 that abut Crystal Street off of Woburn Street.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier noted neighborhood concerns.

11.13. C. Mercier - Req. City Mgr. explore possible repair improvements to the bridge roadway on Pawtucket St. near UML dorms and Fr. Morissette Blvd.



In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Mercier commented on the condition and requested time frame for repairs. Ms. Rickart outlined repairs and time frame. C. Nuon questioned the effect on bus routes. Ms. Rickart commented on any changes that would be needed and noted presence of website. C. Leahy requested time frame for work over Northern Canal.

11.14. C. Mercier - Req. City Mgr. have DPW Commissioner apply for Domino's Pizza grant of \$5,000 to aid in road repairs.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Mercier commented on the program.

11.15. C. Nuon - Req. City Mgr. have DPW install appropriate lighting at Fort Hill Park.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted request spoke for itself.

11.16. C. Nuon - Req. City Mgr. have the LPD provide an update regarding the status of Lowell Citizen's Police Academy.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted public involvement with the program.

11.17. C. Nuon - Req. City Mgr. have Traffic Engineer review traffic patterns at the intersections at Westford and Wilder Streets, as well as, at Middlesex and Wilder Streets and report on whether the installation of traffic signals are appropriate at these locations.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon noted the need for expert review. C. Elliott noted it was a busy area.

11.18. C. Nuon/M. Samaras - Req. City Mgr. instruct Superintendent of Police and all involved to identify any problematic areas in the City and plan to address the situation(s).

In City Council, no second needed, referred to City Manager. So voted. C. Nuon requested once report is completed to forward to Public Safety SC. M. Samaras noted need to involve neighborhoods.



11.19. C. Nuon/M. Samaras - Req. City Mgr. provide an update regarding staffing at the police precincts in the City, particularly during nights and weekends.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted the need to staff precincts. M. Samaras noted need for presence in the precincts.

11.20. M. Samaras - Req. City Mgr. look into the installation of Pickle Ball courts and other activities for senior citizens at Shedd Park and other public parks throughout the City.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. M. Samaras noted it was a growing senior activity. C. Milinazzo commented on the growth of the sport. Manager Donoghue noted they were reviewing locations and will bring matter before Parks and Recreation SC. C. Elliott noted support and possible conversion of some tennis courts. Jim Donison (DPW) commented on conversion of courts. C. Conway noted that all users should be involved in any conversion plans, including Lowell High School. Nancy Donahue, resident, commented about the game.

12. ANNOUNCEMENTS

In City Council, Manager Donoghue noted public meeting regarding selection of new police superintendent.

13. ADJOURNMENT

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

Meeting adjourned at 9:59 PM.

Michael Geary, City Clerk