



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: August 14, 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. Conway requested moment of silence in darkened chamber for Christos Demetriou.

C. Mercier requested moment of silence in darkened chamber for James “Jimbo” Lorrey, brother of former City Councilor Marty Lorrey and Ramon Rivera.

2. CITY CLERK

2.1. Minutes of Environment & Flood Issues SC July 24th; City Council Meeting July 24th; Ad-Hoc Election Laws SC July 25th and August 1st, for acceptance.

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

C. Milinazzo requested that Item #9.10 be taken out of order with no objection. So voted.

Motion by M. Samaras, seconded by C. Conway for suspension of the rules to discuss water festival. So voted. Representative of the Cambodian Water Festival outlined the upcoming event. C. Nuon recognized the committee for their effort with the festival. C. Mercier questioned when speaking portion of the event will be. C. Elliott noted it was one of the larger festivals in the country.

3. UNFINISHED BUSINESS

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

In City Council, Hearing held July 24, 2018 and action delayed. **Motion** to refer to Wire Inspector for report and recommendation by C. Milinazzo, seconded by C. Mercier. So



voted. C. Kennedy commented on recent discussion regarding National Grid petition for permits. **Motion** by C. Kennedy, seconded by C. Cirillo to allow absolute discretion for use by City Manager regarding issuing of permits exempting them from current moratorium against National Grid. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott and C. Mercier noted switch to an affirmative vote after discussion. Manager Donoghue noted memo made available to Council regarding pertinent projects within the City which would require National Grid involvement. C. Mercier commented on projects noting if the City Manager is given too much discretion then the whole purpose of moratorium would be defeated. C. Kennedy noted that the memo was not prioritizing the projects and the motion allows the Manager to use discretion if it affects the City or it is in the best interest of the City. Manager Donoghue noted that third party vendors usually pull the permits for the projects. C. Mercier noted better understanding of the scope of discretion and changed her vote to affirmative. James Donilson (DPW) commented on the projects and permits there were pulled prior to votes and discussion as well as potential gas leaks in the City. C. Elliott noted his change of vote to the affirmative after further discussion. C. Nuon noted clarity in the discussion.

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

In City Council, Hearing held July 24, 2018 and action delayed. **Motion** to refer to Wire Inspector for report and recommendation by C. Milinazzo, seconded by C. Mercier. So voted. C. Leahy noted the continuing issue with double poles on Gorham Street.

4. UTILITY PUBLIC HEARING

4.1. National Grid - Req. permission to relocate utilities for bridge replacement on Pawtucket Street over the Pawtucket Canal.

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

4.2. National Grid - Req. permission to relocate utilities for bridge replacement on Pawtucket Street over the Northern Canal.

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



4.3. New Cingular Wireless PCS, LLC (AT&T) - Req. permission to install small cell site for mobile device data delivery located at 1007 Gorham Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Atty. Kenneth Pare (Atty. for Petitioner). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Nuon, seconded by C. Conway. So voted.

C. Nuon requested that Item #10.10 be taken out of order with no objection. So voted.

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. Mercier. So voted.

A) 1st Street Security Cameras – C. Mercier noted placement of the cameras will be helpful. C. Leahy requested that area be cleaned of large debris.

B) Narcotics Cameras – Manager Donoghue introduced new Superintendent of Police, Raymond "Kelly" Richardson. Supt. Richardson addressed body and thanked them for support and commented on the use and procedures with the cameras noting there were mobile. C. Conway questioned the number of cameras in use and that they would cover a wider spectrum of crimes. C. Conway noted there should be budget awareness with the cameras and the public should be informed of their use by the City. Manager Donoghue noted it was useful technology. C. Milinazzo commented that the City should look to its partners as well to assist with broader use of the cameras. C. Mercier commented on the covered areas and that people should know that they are watching out for illegal activity. C. Elliott commented on the use of technology to combat drug dealing.

C) Precinct Staffing – C. Nuon commented on staffing in certain areas. M. Samaras commented on precincts being open during off hours. Supt. Richardson noted they were looking at different options to assist in keeping them open. C. Milinazzo noted the effort of Acting Supt. Webb and thanked him for his service. Manager Donoghue recognized his efforts and noted he had retired.

D) Mental Health Care Center – C. Elliott noted the need for additional beds.

E) LHS Project Working Group – C. Kennedy recognized the group and noted they would be beneficial to the project.



F) Downtown Upper Floor Vacancies – C. Cirillo commented on the revitalization of downtown. Andrew Shapiro (DPD) commented on the report. C. Kennedy questioned the vacancy rate and requested updated data concerning the rate.

G) Smart Water Meters – C. Cirillo noted the residents' concerns for the meters. Mark Young (Water Dept.) commented on the report noting there were no health risks.

H) School Department Assistance – C. Leahy noted the efforts of the City Manager and questioned Mayor regarding status of certain programs in the schools.

I) State Foundation Budget – Manager Donoghue commented on lawsuit challenging the funding formula of the State noting that there has been nothing filed. C. Kennedy questioned status of suit. Christine O'Connor (City Solicitor) noted that there has been no filing to date as they are still trying to engage more cities or towns in the effort. C. Elliott questioned in the Massachusetts Municipal Association could be of some assistance.

J) HCID – C. Leahy noted that it was a good status report. C. Nuon questioned developers for a hotel and the land swap with the National Parks. Dianne Tradd (DPD) noted progress on land swap and informed body that there are talks going on with developers but no contract to date. C. Milinazzo noted that perhaps Rep. Tsongas could apply added pressure for land swap before her retirement. Manager Donoghue noted that Rep. Tsongas has this on her radar before her departure.

K) Crime Stoppers – Manager Donoghue commented on history and current status of the program and noted that it would have to be re-activated. C. Conway noted the program could still be of some assistance and that City should reach out to its partners in revitalizing the program.

5.2. Informational

L) AFG Grant Awarded to Lowell Fire Department – Chief Winward (LFD) commented on the grant and how it would be used to promote the safety of the fire fighters.

M) LHS School Building Committee Appointments – Manager Donoghue commented on the changes made and the current makeup of the committee.

N) Green Communities Grant Award – Katherine Moses (DPD) commented on the monetary award.



5.3. Communication - City Manager request Out of State Travel (1) DPD; (1) LRWU.

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

C. Mercier requested Item #9.2 be taken out of order with no objection. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept gift (\$200.00) from the Committee to Elect Dave Nangle for the Literacy Program at Pollard Memorial Library.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 8 yeas, 1 absent (C. Elliott). So voted. C. Nuon requested letter of thanks be sent to Rep. Nangle.

6.2. Vote-Accept gift from Whitman and Bingham Assoc. LLC (survey).

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

6.3. Vote-Auth Mgr Execute MOU Lowell Police Superior Officers Assn 7.1.18-6.30.21.

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. Manager Donoghue outlined the agreement regarding salaries and contractual language.

7. ORDINANCES FROM THE CITY MANAGER

7.1. Ordinance - Amend and Add New Article on Pilot Bicycle Share Service.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 28, 2018 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. (1) Ad-Hoc Election Laws SC July 25, 2018 and (2) Ad-Hoc Election Laws SC August 1, 2018.

In City Council, C. Nuon provided the report of the Ad-Hoc Election Laws SC for July 25th and August 1st in Back Central and Centralville neighborhoods noting the



attendance and the discussions regarding neighborhood representation. **Motion** to accept the reports as reports of progress by C. Kennedy, seconded by C. Cirillo. So voted.

8.2. Wire Insp. - 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, **Motion** to accept and adopt the accompanying order by C. Conway, seconded by C. Mercier. So voted.

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

In City Council, **Motion** to accept and adopt the accompanying order by C. Conway, seconded by C. Nuon. So voted.

9. PETITIONS

9.1. Claims - (4) Property Damage.

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

9.2. Misc. - Anastasia Sakellaris request permission to address Council regarding air conditioning issues at Pollard Memorial Library.

In Council, **Motion** to refer to City Manager for report and recommendation by C. Mercier, seconded by C. Leahy. So voted. Ms. Sakellaris addressed the Council. C. Leahy noted it was a lingering problem and if it cannot be handled in-house it should be sent to an outside vendor. Manager Donoghue commented on the efforts of the DPW. Victoria Woodley (Library Dir.) noted there was a going to be a review of the system to identify issues. C. Kennedy noted assessment was needed and that water detection system should be included to prevent flooding issues during winter. Manager Donoghue noted that water detection systems throughout all municipal buildings are being studied. C. Leahy commented on the need for a pro-active approach.

C. Mercier requested Item #9.6 be taken out of order with no objections. So voted.

9.3. Misc. - Carolyn Jaracz (Atty. Brian Akashian) request City abandon a portion of a paper street known as LaQuin Avenue.



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

9.4. Misc. - Donald Doubleday, Jr. request City repair the island at end of cul-de-sac on Cheryl Lee Lane.

In Council, **Motion** to refer to City Manager for report and recommendation by C. Conway, seconded by C. Leahy. So voted.

9.5. Misc. - Kathleen Velten Hemenway requests City purchase property located at 8 Newbury Street and establish a park at that location.

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

9.6. Misc. - Wilmar Ventura request permission to speak before the Council regarding 29 Frothingham Street.

In Council, **Motion** to refer to Law Department for report and recommendation by C. Mercier, seconded by C. Kennedy. So voted. The petitioner was not present. Registered speaker, Robert Mason, addressed the body. Eric Slagle (Inspectional Services) provided information regarding violations and that the owners are being fined daily and that there needs to be a determination regarding the number of units in the building. C. Conway commented on the fines and that the owner is not following through with his obligations. Mr. Slagle noted that approaches are first to fine and then begin litigation. C. Cirillo noted that if there are no permits there are no inspections which raise safety concerns. Manager Donoghue noted that demand for compliance has begun. C. Elliott noted process was slow but at least there is movement. C. Kennedy noted neighbors' frustration and that a hard stance should be taken against the owners. C. Milinazzo noted frustrations and that there should be no exceptions to the owners and a permit should not be issued to them. Solicitor O'Connor noted fines would be part of tax bill if not paid. C. Mercier noted that the lack of presence of the petitioner speaks volumes. C. Leahy noted increased frustration with the property. M. Samaras noted prior problems and that they need to be addressed to show others in the City that these issues can be dealt with. Manager Donoghue noted that the process started July 12th.

9.7. Misc. - Ricky Rathombath (Lao' De Cafe) request installation of an overhanging sign 108 Merrimack Street.



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

9.8. Misc. - James Saunders (Lowell Makes) request installation of an overhanging sign 115 Merrimack Street.

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

9.9. Misc. - John McDonough request City Council make South Street (Fr. Ronan Terrace to Highland St.) two-way direction when school is not in session; change Fr. Ronan Terrace to one-way easterly and install stop sign on it.

In Council, **Motion** to refer to Law Department/Traffic Engineer for report and recommendation by C. Mercier, seconded by C. Leahy. So voted. C. Mercier commented on the requests sought by the petitioner.

9.10. Misc. - Winn Companies (Atty. Kevin Broderick) request City convey a perpetual easement to Parcels 8 & 9 in the Hamilton Canal Innovation District.

In Council, **Motion** to refer to Law Department for report and recommendation by C. Milinazzo, seconded by C. Nuon. So voted. Atty. Broderick addressed the body concerning the petition and noting proposed construction schedule. C. Elliott commented on the time line and taking necessary steps to ease the process through State level. Manager Donoghue commented on the support of the City moving through State process.

9.11. Verizon NE- Request permission to install underground conduit and hand-hole for access on Pawtucket Street over the Northern Canal Bridge.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 28, 2018 at 7 PM by C. Cirillo, seconded by C. Kennedy. So voted.

9.12. Verizon NE- Request permission to install 184 feet of underground conduit at 165 Thorndike Street.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 28, 2018 at 7 PM by C. Nuon, seconded by C. Milinazzo. So voted.



10. CITY COUNCIL - MOTIONS

10.1. C. Leahy - Req. City Mgr. investigate the reasons for idling trains in the Lawrence Street area.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy noted the neighborhood concerns. C. Nuon suggested federal delegation may assist with the problem. C. Mercier noted railroad was not a good business neighbor. Manager Donoghue commented on federal law protection of the railroads. C. Kennedy noted that the company should clean-up homeless camps on their property as well.

10.2. C. Leahy - Req. City Mgr. update Council regarding white building on Butler School grounds.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted it was an old building which needs attention.

10.3. C. Leahy - Req. City Mgr. update the Council regarding an appointment of a neighborhood service coordinator for the City.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy noted that it was a work in progress.

10.4. C. Leahy/C. Elliott - Req. City Council endorse a rally to promote unity celebration in the community on August 28th at City Hall.

In City Council, no second needed, referred to City Manager. So voted. C. Leahy commented on the need to show support of the police in the community. C. Elliott noted that it shows community support for police officers.

10.5. C. Elliott - Req. City Mgr. explore feasibility of creating a 15 minute parking space at 178 University Avenue for local business.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Elliott noted the motion is evident.

10.6. C. Mercier - Req. City Council support displaying a bust of George D. Kouloheras in the foyer of City Hall next to bust of Clement McDonough at no expense to the City .

In City Council, seconded by C. Elliott, referred to City Manager. So voted per Roll Call. C. Mercier commented on the family request. **Substitute Motion** by C. Milinazzo,



seconded by C. Cirillo to refer to Manager for report regarding establishment of policy for such request. Adopted per Roll Call vote, 9 yeas. So voted.

10.7. C. Mercier - Req. City Mgr. have DPD provide a detailed presentation, justifying how filling in the Lord Overpass will be an improvement to the traffic congestion problems in the area.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier requested more information so that it is understood more by the community as it is a complicated endeavor. Manager Donoghue noted there would be video presentation by DPD in an attempt at increased clarity.

10.8. C. Conway - Req. City Mgr. include with each motion response the work hours that it took to accomplish the task and further include an estimate of costs for each motion.

In City Council, seconded by C. Elliott, referred to City Manager. Defeated per Roll Call vote, 3 yeas, 6 nays (C. Cirillo, C. Kennedy, C. Leahy, C. Milinazzo, C. Nuon, M. Samaras) C. Conway commented on need to look at resources and streamline the motion process. C. Milinazzo noted that it may stifle discussion by members. C. Conway noted that was not intent of motion just looking for best procedure for efficiency. C. Kennedy noted that nine members have different ideas of what is important and that the motion could cause more resources being used. C. Cirillo noted that you should not micro-manage the City Manager. C. Nuon noted concern of restricting members. C. Mercier commented on the number of motions that could be addressed by email or phone and that filing of motion is usually a last resort for her. C. Elliott noted the staffing and the use of time on the reports could be diminished through email or phone calls. M. Samaras noted different means of how members operate.

Motion to waive Rule 5 to extend meeting time beyond 10 PM by C. Conway, seconded by C. Leahy. Defeated by Roll Call vote as two members voted nay (C. Kennedy, C. Mercier)

10.9. C. Nuon - Req. City Mgr. schedule a public meeting with new police superintendent as soon as possible after the hiring.

In City Council, Matter to be referred to August 28th Council meeting under Unfinished Business as Rule 5 was not waive.

10.10. C. Nuon - Req. City formally support H.R. 5754 (Cambodian Democracy Act of 2018) passed by the US House of Representatives and condemn the fraudulent



elections that took place in Cambodia on 7/29/18; further request the City send a letter of support to Sens. Warren and Markey for passage of Senate #2412 (Cambodian Accountability & Return on Investment Act—CARI) encouraging the restoration of civil and political rights of the opposition Cambodia National Rescue Party (CNRP), media and civil society organizations, restoration of elected officials to their elected offices and release of all political prisoners.

In City Council, seconded by C. Elliott, referred to Law Department to prepare resolution. Adopted per Roll Call vote, 9 yeas. So voted. The following registered speakers addressed the Council; Danny Chum, Tooch Van, Sam Meas, Champa Pang, Chhan Touch, Susie Chhoun, Joseph Boyle, Edward Uong and Rithy Uong. **Motion** to refer to Law Department to draft resolution by C. Nuon, seconded by C. Kennedy. See above action on motion. C. Nuon commented on the election and the arrest of opposition party members noting the disservice to democracy. C. Nuon commented on need for resolution in support of legislation and sending letters to delegation indicating the position of the City. C. Cirillo noted her support of Cambodian freedom. C. Conway indicated he was honored to support the cause. C. Kennedy commented on the local community and the need to support such a large part of our population. C. Kennedy suggested that the Mayor reach out to other communities with a Cambodian population to join the process. C. Elliott noted his support of all Cambodian community efforts and will continue to fight with them until there is peace. C. Elliott noted the fight for peace is an international movement. C. Milinazzo commented on the local community and how Lowell can truly make a difference in this fight. C. Mercier noted that this fight is Lowell's fight as well as many involved live in the City but Cambodia is there home. C. Leahy noted the need to unify in Lowell because it is the right thing to do. M. Samaras noted the trust in the local government by the Cambodian community.

10.11. C. Milinazzo - Req. City Mgr. meet with the Director of the Middlesex Shelter and neighborhood representatives to discuss illegal activities taking place outside and adjacent to the shelter.

In City Council, Matter to be referred to August 28th Council meeting under Unfinished Business as Rule 5 was not waived.

10.12. C. Milinazzo - Req. City Mgr. provide updated report regarding trash violations and fines collected to date.

In City Council, Matter to be referred to August 28th Council meeting under Unfinished Business as Rule 5 was not waived.



10.13. C. Cirillo - Req. City Mgr. have proper department install signage of updated parking rates replacing the old signage in the parking garages.

In City Council, Matter to be referred to August 28th Council meeting under Unfinished Business as Rule 5 was not waived.

10.14. C. Cirillo - Req. Environment & Flood Issues SC have the Lowell Sustainability Council present the Solarize Lowell Program.

In City Council, Matter to be referred to August 28th Council meeting under Unfinished Business as Rule 5 was not waived.

10.15. C. Cirillo - Req. City Mgr. have proper department repair the perimeter fence at Eagle Park.

In City Council, Matter to be referred to August 28th Council meeting under Unfinished Business as Rule 5 was not waived.

11. ANNOUNCEMENTS

None.

12. ADJOURNMENT

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

Meeting adjourned at 10:00 PM.

Michael Geary, City Clerk