



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: August 27, 2019

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 8 present, 1 absent (C. Cirillo).

M. Samaras presiding.

C. Mercier requested moment of silence in darkened chamber for Arthur William Ramalho, Sr. C. Elliott commented on the life of Mr. Ramalho. Clerk Michael Q. Geary, with the assent of City Council, requested moment of silence in darkened chamber for the Honorable James M. Geary, Jr.

M. Samaras commented on recent incident and the off duty police officers' response to the incident and indicated that the officers will be recognized for their heroic conduct.

2. MAYOR'S BUSINESS

2.1. VOTE-APPOINT CITY AUDITOR AND ESTABLISH SALARY.

In City Council, Read twice, full reading waived with no objections. **Motion** to appoint auditor by C. Elliott, seconded by C. Nuon. Appointment of Mr. Charles Anganes as City Auditor by vote of C. Kennedy, C. Leahy, C. Mercier, C. Milinazzo, C. Nuon and M. Samaras. Cheryl Dick received two votes of C. Conway and C. Elliott. C. Cirillo was absent. So voted. M. Samaras raised the issue of salary. Mary Callery (HR) commented on latest salary of auditor. **Motion** by C. Elliott, seconded by C. Nuon to meet with Mr. Anganes to discuss compensation. Adopted per Roll Call vote 8 yes, 1 absent (C. Cirillo). So voted.

2.2. Presentation - Habitat for Humanity on reaching housing production goal.

In City Council, Barbara Gould (Habitat for Humanity) updated Council regarding housing and thanked them for assisting in achieving their goals.



Motion to suspend rules to take Item #11.6 out of order by C. Milinazzo, seconded by C. Nuon. So voted.

3. CITY CLERK

3.1. Minutes of Special City Council Meeting August 12th, Public Safety SC August 13th; City Council Meeting August 13th; Special City Council Meeting August 15th; Parks & Recreation SC August 19th, for acceptance.

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

4. GENERAL PUBLIC HEARINGS

4.1. Vote-Accept provisions of MGL c.44B ss 3-7 known as Community Preservation Act.

In City Council, Given 2nd Reading, hearing held. Speaking in favor were Ty Chum and Eric Slagle (Inspectional Services). No remonstrants. **Motion** to adopt and place on ballot as a binding referendum by C. Nuon, seconded by C. Milinazzo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. C. Mercier noted that if referendum did not pass then matter would go no further without the public support.

5. UTILITY PUBLIC HEARING

5.1. National Grid - Req. installation of approximately 1500 ft of conduit under roadway East Meadow Lane.

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

5.2. National Grid - Req. to install (1) SO Pole on Old Ferry Road.

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

5.3. National Grid and Verizon NE - To install 1 new pole (P3.50) on Nesmith St. and relocating (14) poles along Nesmith St., Andover St., E. Merrimack St. and Rogers St. for road widening.



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

Motion by C. Milinazzo, seconded by C. Nuon to take Items #7.1.1 and #11.3 out of order. So voted.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

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

A) Motion Response - Census Workshop – C. Nuon commented on the workshop. Manager Donoghue noted the workshop coming up would be in the Town Meeting style. Christine McCall (DPD) noted the events and the feedback of the community. Manager Donoghue noted the importance of the census so there is a need for outreach.

B) Motion Response - Film Festival – Manager Donoghue provided update regarding festival and the interest involved. C. Kennedy requested matter be further discussed at next meeting. Manager noted that item would be placed on agenda again.

C) Motion Response - Fire-Damaged Properties at Arthur and Shaw Streets – None.

D) Motion Response - Large Properties Coming off the Tax Rolls – Manager Donoghue report of the Law Department. C. Mercier noted the properties in different neighborhoods; including Flavor Street. Manager Donoghue noted Flavor Street has many issues currently being addressed.

E) Motion Response - Voter Rights Case Update - Fees and Potential Modification to Consent Decree – Manager Donoghue commented on the report of the Law Department regarding fees paid by the City. Solicitor O'Connor noted that the other side of the litigation commented that it would be about \$80,000.00 to produce invoice for the City and that they would not prepare it and that the fees were in excess of 2.5 million dollars. C. Conway noted that it should be common occurrence to produce time sheets for those who are paying the bill and further noted that it is taxpayer money. Solicitor O'Connor noted that it was not uncommon in settlement situations to not produce time sheets. C. Conway commented on issues of paying bills with no invoice and entering into an agreement with no idea of the funding required to adhere to the agreement.



F) Motion Response - 74 White St Bollards – C. Mercier commented on the efforts to resolve issues. Natasha Vance (Transportation Engineer) outlined the report commenting on the use of guardrails.

G) Motion Response - Andover St. – C. Conway commented on the short and long term resolutions. Ms. Vance noted the short term solutions which included lining, crosswalks and adjusting lane widths. Christine Clancy (City Engineer) commented on sidewalk improvements, traffic calming measures and the use of flex posts. C. Mercier questioned the amount of speed limit signs on the street. Ms. Vance commented on speed limit issue on that street. **Motion** by C. Elliott, seconded by C. Conway to refer to Transportation SC for further discussion. So voted.

6.2. Informational Reports

H) Informational - Citywide Construction Projects Update – Manager Donoghue noted this was a quarterly update and that all information can be found on the City website. Ms. Vance made note of the site.

6.3. Communication - City Manager request Out of State Travel (2) LPD; (1) DPD.

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

7. VOTES FROM THE CITY MANAGER

7.1. Presentation on Potential Election System Options.

In City Council, **Motion** “To accept and place on file” by C. Milinazzo, seconded by C. Kennedy. So voted. Manager Donoghue introduced the presentation entitled “Election Changes in Lowell – Presentation by City of Lowell Law Dept.”. Solicitor O’Connor outlined the presentation and introduced Asst. City Solicitor Rachel Brown to provide more detail. Atty. Brown outlined the four election options available for choosing: 1. District Based; 2 Hybrid (8-1, 8-3 and 7-2 districts); 3 At-Large Ranked Choice Voting; and Three District Representation with Ranked Choice Voting. Atty. Brown outlined commonly noted features for each choice. C. Kennedy requested historical information regarding the litigation as well defining a minority/majority district. Solicitor O’Connor provided that information and outlined the Consent Decree along with settlement negotiations. Solicitor O’Connor commented on ranked choice voting system currently used in Cambridge and that new voting machines would need to be purchased using that system. The following registered speakers addressed the Council: Hope Anderson; Joseph Boyle; Judith Durant; David Richmond; Peter Martin; and Ty Chum.



7.1.1. VOTE-DETERMINE TWO ELECTORAL SYSTEMS FOR NONBINDING REFERENDUM QUESTIONS.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt the following two voting systems: 1. Hybrid (8-3 District) and 2. Ranked Choice Voting and place them on non-binding referendum ballot, by C. Milinazzo, seconded by C. Mercier. Adopted per Roll Call selection 8 yeas, 1 absent (C. Cirillo). So voted. Solicitor O'Connor outlined voting procedure. C. Elliott questioned options and if two hybrids could be chosen. Solicitor O'Connor outlined process of selection and what decree allows. C. Mercier noted that voting was being done with no knowledge of what costs would be or guidelines for districts; including residency in the district. Solicitor O'Connor indicated that plaintiffs in lawsuit would favor residency in the district. C. Milinazzo recognized efforts of subcommittees; council; administration and the law department. M. Samaras noted vote is just narrowing down to two alternatives. C. Conway noted choices to be made and that they would be on ballot. Solicitor O'Connor noted that the Council had final selection regarding voting systems. C. Nuon recognized the process.

Motion by C. Kennedy, seconded by C. Conway to bundle and adopt Items #7.2 to #7.5, inclusive. So voted.

7.2. VOTE-ACCEPT BY DONATION EASEMENTS IN FURTHERANCE OF LORD OVERPASS.

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 8 yeas, 1 absent (C. Cirillo). So voted.

7.3. VOTE-AUTH CM EX TEMPORARY ACCESS AGREEMENT WITH TAVARES LLC NORTH-179 BRIDGE ST.

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 8 yeas, 1 absent (C. Cirillo). So voted.

7.4. VOTE-AUTH CM EXECUTE MOU LOCAL 1705-AFSCME COUNCIL 93 AFL-CIO 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 8 yeas, 1 absent (C. Cirillo). So voted.



7.5. VOTE-AUTH MGR EX LICENSE AGREEMENT LOYAL LOUNGE-177 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 8 yeas, 1 absent (C. Cirillo). So voted.

8. ORDERS FROM THE CITY MANAGER

8.1. ORDER-60 DAY TRIAL (VARIOUS).

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 8 yeas, 1 absent (C. Cirillo). So voted. C. Mercier noted that Victor Street was part of the order.

8.2. ORDER-VACATE, DISCONTINUE AND ABANDON PORTION OF EATON ST.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on September 10, 2019 at 7 PM by C. Kennedy, seconded by C. Conway. So voted.

8.3. ORDER-VACATE, DISCONTINUE AND ABANDON PORTION OF MONTREAL ST.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on September 10, 2019 at 7 PM by C. Kennedy, seconded by C. Nuon. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Parks & Recreation SC August 19, 2019.

In City Council, C. Mercier provided report outlining the attendance and discussion regarding funding of end of season city wide baseball tournament. C. Mercier noted subcommittee motion was adopted requesting funding of up to three thousand dollars but she amended without objection to change that figure to three thousand five hundred dollars. Manager Donoghue noted she would gather additional information to assist with funding. **Motion** to adopt motion and accept the report as report of progress by C. Elliott, seconded by C. Nuon. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted.

9.2. Transportation SC August 26, 2019.

In City Council, C. Elliott requested report be submitted at next Council meeting due to lateness of hour and amount of discussion needed. No objections.



9.3. Environment & Flood Issues SC August 27, 2019.

In City Council, M. Samaras noted the subcommittee was cancelled.

9.4. Wire Insp. - Siena Engineering (TC Systems/AT&T) - Request installation of underground telecommunications conduit on Andover Street from Dancause Road to Tewksbury line.

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

10. PETITIONS

10.1. Claim - (1) Property Damage.

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

10.2. Misc. - Paco Rodriguez (Salem Street Variety) request installation of a 15 minute parking only sign in front of 97 Salem Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Kennedy, seconded by C. Nuon. So voted.

10.3. Misc. - Michael Wetherbee on behalf of Diane Jacquez request installation of handicap parking sign at 49-51 Pleasant Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Kennedy, seconded by C. Conway. So voted.

10.4. Misc. - Thomas Megdanis (Jordan Street Residents) request "residential only" parking for Jordan Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Kennedy, seconded by C. Nuon. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Conway - Req. City Mgr. provide a report regarding the re-painting of cross walk lines that are in close proximity to our schools.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Conway noted the district wide effort for painting crosswalks.



11.2. C. Cirillo - Req. City Mgr. have proper department provide City Council with a report as to how we are protecting the City's government computer system from becoming infected with aggressive ransomware which encrypts hard drive data to prevent access.

In City Council, C. Kennedy requested matter be taken up at next Council meeting. No objections.

11.3. C. Mercier - Req. Vote of City Council to support a Resolution to NOT make Massachusetts a Sanctuary State for fear of losing federal funds.

In City Council, seconded by C. Conway, **DENIED** per Roll Call vote 3 yeas, 5 nays (C. Kennedy, C. Leahy, C. Milinazzo, C. Nuon, M. Samaras), 1 absent (C. Cirillo). So voted. The following registered speakers addressed the Council: Lisa Arnold (read statement of C. Cirillo indicating opposition to motion); Juan Castaneda; Marissa Dupont (read letter of ACLU indicating opposition to motion); Judith Durant; Joseph Boyle; Stephen Malagodi; Jonathan Grossman; Ann Furtado; David Richmond; Dee Halzack; Paul Gaudet; Jack Breen; and Hope Anderson. C. Mercier commented on the motion indicating the Lowell must have a choice. C. Mercier outlined procedures of the City which are fair to all people and noted the federal policy regarding illegal aliens. C. Kennedy commented on bill before Senate indicating that it is a mirror of a court decision and that it has wide-spread support and that he is one of the sponsors. C. Milinazzo noted support of the Senate bill. C. Nuon noted speakers and commented on diverse nature of City as well as efforts of community policing. C. Leahy noted his vote to oppose the motion was based upon speeches made this evening. C. Elliott noted prior vote on Trust Ordinance and he would remain consistent with that vote and that policies in the City are fair and that he opposes the harboring of criminals. C. Leahy noted the public should focus on issues involved and leave emotion to the side. C. Kennedy commented on the Trust Ordinance. M. Samaras noted Senate bill was not for a Sanctuary State and that all crimes will still be punished. C. Mercier commented on being consistent with votes.

11.4. C. Nuon - Req. City Mgr. work with Board of Parks to create standard policies by which permits are granted and fees assessed for various festivals and activities in the City and consider giving multiple-year permits to organizations that sponsor annual events.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon noted how festivals assist economically and that the Board of Parks should have more of a presence in the governing structure of the City.



11.5. C. Nuon - Req. City Mgr. have proper department talk to City of Newton about their recent launch of On-Demand-Subsidized Ride Service for seniors and consider a similar service for Lowell.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon commented that inquiry to Newton would be helpful in learning about service.

11.6. C. Nuon/M. Samaras - Req. City Mgr. have the Signature Bridge named after our former Congresswoman Niki Tsongas.

In City Council, no second needed, referred to City Manager. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. Registered speakers, Rep. Lori Trahan and Fred Faust, addressed the Council. C. Nuon recognized the speakers and noted the accomplishments of Congresswoman Tsongas. M. Samaras commented on the accomplishments of Congresswoman Tsongas.

11.7. M. Samaras - Req. City Mgr. have DPD and Inspectional Services develop a policy and/or ordinance to encourage temporary pop-up shops as an option to fill underutilized or vacant storefronts.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Samaras noted motion was straight forward.

11.8. M. Samaras - Req. City Mgr. have proper department review security procedures for Lowell City Hall.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Samaras noted need to ensure safety in the buildings. C. Kennedy requested library and JFK building be included with no objections. C. Mercier commented on LHS incident and M. Samaras noted the would be a forth coming report.

12. ANNOUNCEMENTS

None.



13. ADJOURNMENT

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

Meeting adjourned at 10:00 PM.

Michael Q. Geary, City Clerk