



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: September 25, 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 his brother-in-law James P. Cassidy, Jr. C. Leahy requested moment of silence in darkened chamber for Virginia Viau.

Motion by C. Kennedy, seconded by C. Elliott to take Items #5.1; #5.2; and #5.3 out of order. So voted.

2. CITY CLERK

2.1. Minutes of Public Safety SC September 11th; City Council Meeting September 11th; Neighborhoods SC September 17th, for acceptance.

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

3. GENERAL PUBLIC HEARINGS

3.1. Ordinance-Amend Ch. 266 Vehicles and Traffic.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to adopt by C. Milinazzo, seconded by C. Mercier. Adopted by Roll Call vote, 8 yeas, 1 absent (C. Conway). So voted.

4. UTILITY PUBLIC HEARING

4.1. Siena Engineering Group, Inc. on behalf TC Systems, Inc. (AT&T) request installation of telecommunications conduit in vicinity of 100 Chelmsford Street.



In City Council, Given 2nd Reading. Hearing held. Speaking in favor was an engineer representing the petitioner. No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Kennedy, seconded by C. Cirillo. 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. Conway. So voted.

A) Status of Marijuana Licenses – Manager Donoghue outlined issuances of licenses noting that there was a working group that reviewed each application. C. Elliott noted that there was a request to formulate a subcommittee to oversee this issue and that the Mayor should make those appointments. C. Elliott noted it was important to keep the Council informed of all licenses that are issued as well as any cultivation centers that would be in the City. Manager Donoghue noted statute preference for medical facilities and that no other applications have been vetted locally or by the State as law requires. C. Elliott requested any copies of Host Agreements that have been executed.

B) Branch Street – C. Nuon noted the detail of the report and commented that some less expensive work could be done in the area such as painting and signage. C. Elliott noted the need for additional trash barrels in the area. C. Milinazzo noted that CDBG grant money may be available for further investment in the area. Natasha Vance (Transportation Engineer) commented on the costs associated with any potential work. C. Elliott noted the neighborhood was pleased with the progress in the area. C. Leahy questioned the use of raised crosswalks. Ms. Vance commented on that infrastructure.

C) Increase in Charter School Cap – Manager Donoghue noted the report. C. Kennedy noted he had spoken with the Superintendent of Schools and was provided information.

D) Voting Process and Functions of Municipal Government – Manager Donoghue commented on the report. C. Kennedy noted the idea was to have the high school develop a course of study regarding form of City government as well as register to vote drive. M. Samaras noted the importance to provide students that knowledge. Supt. Durkin (LPS) commented on the current programs at the high school and was receptive to furthering those programs. C. Kennedy noted the education of the students could be shared with their family members at home as well. **Motion** by C. Kennedy, seconded by C. Conway to refer to Mayor’s Office to develop educational program as outlined above. So voted.



E) Reliability of Electrical Infrastructure – C. Leahy noted problem in the Luce Street neighborhood regarding return of power after outages. Manager Donoghue requested specific area where the issue is arising. C. Leahy commented on the area and that National Grid should review and resolve the issue.

F) 15 minute parking space at 178 University Ave REVISED – C. Elliott noted the issue had been addressed.

G) Pawtucket Street – None.

5.2. Informational Reports

H) New Building Commissioner – Manager Donoghue introduced new building commissioner, David Fuller, who present and addressed the body.

I) Lawrence Street Bridge Project – Christine Clancy (City Engineer) provided updates regarding the project noting the schedule changes due to unforeseen piping issues as well as Merrimack Valley explosion of last week. C. Leahy questioned if there was a design flaw. Ms. Clancy noted changes were underground. C. Elliott noted it appears to be a design flaw and City should not be held responsible. Ms. Clancy noted the condition present on the site. C. Elliott commented that there may be legal recourse and that should be investigated. Manager Donoghue commented that they will review any rights the City may have and noted that National Grid will be making further changes due to the events of last week in the Lawrence area. C. Kennedy noted that the bridge will be reverting back to two way and then when construction resumes to one way. C. Kennedy noted that there should be a review of possible contract rights. C. Milinazzo questioned use of bridge by pedestrians and further commented that contract language should afford City protection. Ms. Clancy noted one side of bridge will allow pedestrian traffic.

5.3. Petition Responses

J) South Street – C. Mercier noted the neighborhood concern and that it was being addressed in proposed ordinance up for consideration this evening. C. Mercier questioned hours of enforcement in the area. Ms. Vance noted hours would be posted and are specified in the ordinance.

5.4. Communication-Accept resignation of Kerry A. Hall-Board of Health.

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



5.5. Communication - City Manager request Out of State Travel (1) DPD; (1) Developmental Services; (1) Law.

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

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Authorize City Manager Ex. Permanent Easement between City and MassElectric-off YMCA Drive-Bus Parking Easement Area.

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

6.2. Vote-Chapter 70 Supplemental Appropriation of 1,149,211 to Lowell School Department.

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.

6.3. Vote-Transfer 136,400 in Police Department to cover costs for Training for this fiscal year.

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 transfer. Conor Baldwin (CFO) noted annual transfer and it does not involve any tax dollars.

6.4. Vote-Transfer 60,000 for Maintenance, Repair and Overtime to Cemetery Dept.

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 explanation regarding overtime element of the transfer. Mr. Baldwin noted it was an annual transfer to set aside sales of lots to maintain the cemeteries. Jim Donison (DPW) commented on use of money.

7. ORDERS FROM THE CITY MANAGER

7.1. Loan Order-2,600,000 to pay costs to acquire by purchase, eminent domain or otherwise 75 Arcand Dr. to serve as site of new High School.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on October 9, 2018 at 7 PM by C. Kennedy, seconded by C. Cirillo. C. Kennedy requested roll call.



Adopted per Roll Call vote 8 yeas, 1 present (C. Mercier). So voted. C. Mercier questioned amount of fees to relocation consultant. Elliott Velaso (Asst. City Solicitor) noted he would provide amount and that service is ongoing. Manager Donoghue noted that they will provide breakdown of the costs for appraisals and relocation. Manager noted that an appraisal has been done on property and that is the amount cited on the Loan Order and that any relocation plan must meet with State approval and that process is ongoing. C. Mercier noted that appraisal amount has been made public but not the relocation costs and that a taking will cause delays which will increase costs of the project. C. Milinazzo noted that the taking will not cause any delays as title will transfer regardless if parties agree on the amount. C. Elliott questioned the amount of appraisals done on the property. Manager Donoghue noted law requires only one but they can do additional ones if needed and noted that all costs are not reimbursable. C. Leahy noted that values between appraisal and city assessment were different. Manager Donoghue noted and explained those differences.

8. RESOLUTIONS

8.1. Resolution-Support of National Suicide Prevention Awareness in the month of September.

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

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Neighborhoods SC September 17, 2018.

In City Council, C. Cirillo provided the report noting attendance and discussion regarding safety precautions in the neighborhoods; Lowell High School incident; community policing; and gas leaks. C. Leahy requested review of ordinances regarding parking of commercial vehicles on City streets as well as school zone speeding. C. Elliott noted a number of out of control parties in the City. Manager Donoghue replied that she would have a discussion with Superintendent of Police. **Motion** to accept the report as a report of progress by C. Leahy, seconded by C. Elliott. So voted.

9.2. Arts and Culture SC September 25, 2018.

In City Council, C. Cirillo provided the report noting attendance and discussion regarding management at the Lowell Memorial Auditorium; updating of the facility; and bookings. C. Kennedy noted proposed law which would allow new casino money to benefit these local venues and commented on the ability of the new management team. C. Mercier noted her praise for new management team and their plan to involve



community with their operations. **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Kennedy. So voted.

9.3. Finance SC (Joint with School Committee Finance SC) September 25, 2018.

In City Council, C. Elliott provided the report noting attendance and discussion regarding school department budget FY19; cost controls by the City; request for update regarding debt service; and a report issued by school administration noting budget shortcomings. C. Leahy requested status of LHS TV station funding from the Mayor. M. Samaras noted he would provide a report. C. Leahy noted that money comes from Comcast and should be earmarked. C. Elliott noted meeting had been recessed and will be discussed further. **Motion** to accept the report as a report of progress by C. Conway, seconded by C. Nuon. So voted.

9.4. Wire Insp. - National Grid/Verizon NE - Req. permission to install new pole located at 23 Holden Street.

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

10. PETITIONS

10.1. Misc. - Jasmin Ramos-Madonia request installation of overhanging sign at 16 Jackson Street.

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

10.2. Misc. - Kimline Soth request installation of street lights on Harding Street.

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

10.3. National Grid - Request installation of electric conduit on Andrews Street for service to Markley Data Center.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on October 9, 2018 at 7 PM by C. Kennedy, seconded by C. Nuon. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Mercier - Req. City Mgr. establish a process to enable individuals the ability to donate a bench to the City in honor of friends or loved ones.



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Mercier noted the need to have a process in place.

11.2. C. Mercier - Req. City Mgr. have proper department install commemorative inscribed bench at Shedd Park in memory of Craig Maxfield.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Mercier commented about Mr. Maxfield. Doreen Jennings commented on fundraiser and on Mr. Maxfield.

11.3. C. Mercier/C. Elliott - Req. City Mgr. have Supt. of Police provide opinion and report regarding costs for scheduling two mounted police patrols in downtown when Lowell High School goes in and out of session during school year.

In City Council, no second needed, referred to City Manager. So voted. C. Mercier noted the need for safety and that the horses would provide so costs should be explored and that use of them downtown would enable more officers in the neighborhoods. C. Elliott noted the need for the information and that it is a proven method of crowd control. C. Conway commented that it may be worth the costs. M. Samaras noted the success with prior use and the animals were a calming influence.

11.4. C. Conway - Req. City Mgr. have Emergency Management Team provide an updated report regarding their practices and procedures to the City Council.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Conway noted the need to keep abreast of the plans and inform the public. C. Nuon noted discussion during recent subcommittee meeting.

11.5. C. Cirillo - Req. City Mgr. work with the LPD to implement procedures to better keep our crossing guards and children safe.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted issue arose during Neighborhoods SC meeting. C. Conway noted problem on Andover Street crossing. C. Milinazzo noted use of flags to assist crossing guards. Manager Donoghue noted increase of signage and patrols to assist.

11.6. C. Cirillo - Req. City Mgr. have proper department provide a report to the City Council as to installation of, "No Turn On Red" signs at all intersections of Boylston Street and Rogers Street.



In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted the safety issue. C. Kennedy noted it was a complex intersection subject of a current re-design.

11.7. C. Cirillo - Req. City Mgr. have proper department provide a report regarding ways of making Boylston Street more bicycle pedestrian friendly.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted matter was raised during a bike event in the City. C. Leahy noted the need to enforce no parking along that street.

11.8. C. Cirillo - Req. City Mgr. have proper department prepare a report regarding installation of 15 MPH signs near all Lowell schools.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted discussion during Neighborhoods SC meeting. C. Leahy noted lowering speed limit is not the solution but other methods such as staggering flashing lights and remarking existing signage could be helpful. C. Kennedy noted the Transportation Engineer should review the request. C. Cirillo noted safety concern.

11.9. C. Cirillo - Req. City Mgr. have proper department assess the amount of accumulated waste in the Jackson Street area since the new installation of the waste receptacles.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the possible need for another barrel. C. Milinazzo commented on City property in need of upkeep in that area.

11.10. C. Milinazzo - Req. City Mgr. prepare a report on who is responsible for the upkeep of the grounds at all of our school buildings; including staffing levels by shift.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Milinazzo noted the need to review upkeep of buildings across the City. C. Kennedy noted the need for complete review to enhance curb appeal and that entire process needs adjustments. C. Leahy noted the need to assess responsibilities and that wholesale changes are needed. Manager Donoghue noted the need to refine entire maintenance program.

11.11. C. Nuon - Req. City Mgr. review and or update any ordinances regarding parking of commercial vehicles on City streets and in neighborhoods.



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted he would await report.

C. Kennedy requested his two motions be discussed together if no objections. So voted.

11.12. C. Kennedy - Req. City Mgr. re-organize the way in which the City addresses the deferred maintenance of school buildings in order to improve productivity and efficiency.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Kennedy noted three areas in need of refinement: 1) develop maintenance plan for all school; 2) review manner of maintenance with school department; and 3) explore MSBA financial assistance. C. Cirillo noted the need to stick to any maintenance schedule. C. Kennedy noted need for follow-up of recent Collins Report. C. Milinazzo requested information on current heating repairs at the high school. Manager Donoghue commented on project.

11.13. C. Kennedy/C. Cirillo - Req. City Mgr. develop an action plan aimed at eliminating the deferred maintenance in all of the schools throughout the City and that the City Mgr. seek funding from the MSBA in order to implement the action plan.

In City Council, no second needed, referred to City Manager. So voted. See above discussion.

12. ANNOUNCEMENTS

In City Council, C. Cirillo recognized Steve Benoit of the DPW with his assistance at the "Back To School Bike Rodeo". C. Mercier noted LFD Coat Drive organized by Larry Finn. C. Elliott provided report of Animal Advisory Committee noting the grant from the MSPA as well as the Lowell Humane Society cat neutering program.

13. ADJOURNMENT

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

Meeting adjourned at 9:00 PM.

Michael Geary, City Clerk