



Lowell City Council

Regular Meeting Agenda

Michael Q. Geary
City Clerk

Date: April 28, 2020

Time: 6:30 PM

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

1. ROLL CALL

2. MAYOR'S BUSINESS

2.1. Communication - Remote Participation.

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members of the public wishing to speak regarding a specific agenda item shall register to speak in advance by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be conferenced in to the meeting. Email address is MGEARY@LOWELLMA.GOV. If no access to email you may contact City Clerk at 978-674-4161.

3. CITY CLERK

3.1. Minutes Of City Council Meeting April 14th, For Acceptance.

Documents:

[2020 APRIL 14 CC MINUTES.PDF](#)

4. UTILITY PUBLIC HEARING

4.1. New Cingular Wireless (D/B/A AT&T) - Request Permission To Install Small Cell Facility On Existing Pole Located At 319 Market Street.

Documents:

[2020 APRIL 14 ATT SMALL CELL 319 MARKET ST.PDF](#)

4.2. New Cingular Wireless (D/B/A AT&T) - Request Permission To Install Small Cell Facility On Existing Pole Located At 405 Lawrence Street.

Documents:

[2020 APRIL 14 ATT SMALL CELL 405 LAWRENCE.PDF](#)

4.3. New Cingular Wireless (D/B/A AT&T) - Request Permission To Install Small Cell Facility On Existing Pole Located At 56 Oak Street.

Documents:

[2020 APRIL 14 ATT SMALL CELL 56 OAK ST.PDF](#)

- 4.4. New Cingular Wireless (D/B/A AT&T) - Request Permission To Install Small Cell Facility On Existing Pole Located At 60 Lafayette Street.

Documents:

[2020 APRIL 14 ATT SMALL CELL 60 LAFAYETTE ST.PDF](#)

- 4.5. New Cingular Wireless (D/B/A AT&T) - Request Permission To Install Small Cell Facility On Existing Pole Located At 878 Lakeview Avenue.

Documents:

[2020 APRIL 14 ATT SMALL CELL 878 LAKEVIEW AVE.PDF](#)

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses

- A) Motion Response - Reduced ISP Fees and Charges
- B) Motion Response - Appeals Period for Fines and Tickets
- C) Motion Response - Appleton Mills Handicapped Resident Parking
- D) Motion Response - Tax Relief and Parking Relief During COVID Crisis
- E) Motion Response - Pavement Markings and Striping
- F) Motion Response - Mayoral Portrait Policy

Documents:

- [A\) MOTION RESPONSE - REDUCED ISP FEES AND CHARGES.PDF](#)
- [B\) MOTION RESPONSE - APPEALS PERIOD FOR FINES AND TICKETS.PDF](#)
- [C\) MOTION RESPONSE - APPLETON MILLS HANDICAPPED RESIDENT PARKING.PDF](#)
- [D\) MOTION RESPONSE - TAX RELIEF AND PARKING RELIEF DURING COVID CRISIS.PDF](#)
- [E\) MOTION RESPONSE - PAVEMENT MARKINGS AND STRIPING.PDF](#)
- [F\) MOTION RESPONSE - MAYORAL PORTRAIT POLICY.PDF](#)

5.2. Petition Responses

- G) Petition Response - Residential Parking Program

Documents:

[G\) PETITION RESPONSE - RESIDENTIAL PARKING PROGRAM.PDF](#)

5.3. Informational Reports

- H) Informational - Mass DOT Rourke Bridge Presentation

Documents:

[H\) INFORMATIONAL - MASS DOT ROURKE BRIDGE PRESENTATION.PDF](#)

- 5.4. Communication - Reappoint Beverly Gonzalez To The Council On Aging

Documents:

[BEVERLY GONZALEZ REAPPOINT TO COA.PDF](#)

6. VOTES FROM THE CITY MANAGER

- 6.1. Vote - Auth CM Remove Restriction From Deed 39 First St Blvd

Documents:

[VOTE-AUTH CM REMOVE RESTRICTION FROM DEED 39 FIRST ST BLVD.PDF](#)

7. REPORTS (SUB/COMMITTEE, IF ANY)

8. PETITIONS

- 8.1. Claims - (1) Property Damage; (1) Property Damage/Personal Injury.
- 8.2. National Grid - Request Installation Of Underground Electric Conduit For Pedestrian Lighting At 199 Pawtucket Street.

Documents:

[2020 APRIL 28 NATIONAL GRID REQ TO INSTALL 1-3 INCH CONDUIT FROM P 22 TO A METER PEDESTAL FOR PEDESTRIAN LIGHTING PAWTUCKET ST.PDF](#)

- 8.3. National Grid - Request Installation Of Underground Electric Conduit For Power At 70 Fox Street.

Documents:

[2020 APRIL 28 NATIONAL GRID REQ TO INSTALL 40 FEET 1-3 INCH CONDUIT AND SECONDARY CABLE FROM HH1 TO NEW HH5 FOR 70 FOX ST.PDF](#)

9. CITY COUNCIL - MOTIONS

- 9.1. C. Elliott - Req. City Mgr. Provide A Report Regarding The Number Of Health Inspections/Violations Of Health Codes In All City Nursing Homes.
- 9.2. C. Elliott - Req. City Mgr. Provide A Report Regarding The Number Of Health And Safety Complaints Filed At The State Department Of Public Health In The Last Year For The City's Nine Nursing Homes.
- 9.3. C. Elliott - Req. City Mgr. Report On Status Of City Finances And Consider Hiring Freezes And Spending Limits On Only Essential Items.
- 9.4. C. Rourke - Req. City Mgr. Look Into The Availability Of Open Spaces; Such As Cawley Stadium And Lelacheur Park, For School Graduations This Spring That Would Adhere To Current Social Distancing Measures.
- 9.5. C. Rourke - Req. City Mgr. Update Council Regarding The Status Of The Lowell Junior Police Academy And The City's Parks And Recreation Summer Programs.
- 9.6. C. Rourke - Req. City Mgr. Contact The Massachusetts School Building Authority

Regarding The Status On The Money Allotted To Lowell Concerning The Renovation Of Lowell High School.

- 9.7. C. Conway - Req. City Mgr. Conference With The Appropriate Department Heads To Explore The Feasibility Of Offering Certificates And Other Documents On-Line; Example Birth, Marriage And Death Certificates.
- 9.8. C. Conway - Req. City Mgr. Reach Out To Lowell Nursing Home Administrators And The Board Of Health To Discuss The "Merits" Of Asking The National Guard To Provide Covid-19 Test Kits To Each Nursing Home In The Greater Lowell Area For All Their Residents And Staff.
- 9.9. C. Conway - Req. City Mgr. Meet With Law Department For The Purpose Of Exploring And Resolving The Outstanding Contractual Issues Regarding Van/Mini-Bus Transportation Of Special Education Students For The Lowell Public Schools.
- 9.10. C. Chau - Req. City Mgr. Investigate The Possible Use Of CDBG Funds For Emergency Grants/Loans To Lowell Small Businesses Similar To Programs In Worcester, Fitchburg And Cambridge.
- 9.11. C. Samaras - Req. City Mgr. Develop A Task Force To Create A Strategy To Assist Downtown Businesses In Preparation Of Reopening.
- 9.12. C. Drinkwater - Req. City Mgr. Direct Appropriate Departments To Survey Essential Grocery, Retail And Pharmacy Businesses To Asses The Availability And Use Of Personal Protective Equipment Including Face Coverings, Gloves, Hand Sanitizer And Plexiglass Barriers At Point Of Sale; And To Make Recommendations On Any Action Needed To Protect The Safety And Health Of Employees And Customers.
- 9.13. C. Drinkwater - Req. City Mgr. Work With Appropriate Departments To Determine The Feasibility Of Restricting Third Party Delivery Services From Charging Restaurants A Fee Per Online Order Of More Than 10% Of The Purchase Price, Until Such Time That The Restaurants Are Allowed To Serve Customers In Their Establishment At Full Capacity.

10. ANNOUNCEMENTS

11. ADJOURNMENT

Office of the City Clerk - 375 Merrimack Street - Phone: 978.674.4161



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: April 14, 2020

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC and recorded due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Albert Daigle. C. Nuon requested moment of silence in darkened chamber for Michael Heath. M. Leahy requested moment of silence in darkened chamber for Beverly Conroy. C. Elliott recognized all of those who have passed due to Covid-19.

2. MAYOR'S BUSINESS

2.1. Communication - Remote Participation

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members wishing to speak regarding a specific agenda item shall register to speak in advance by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be conferenced in to the meeting. Email address is mgeary@lowellma.gov. If no access to email you may contact City Clerk at 978-674-4161.

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

3. CITY CLERK

3.1. Minutes of City Council Meeting March 24th, for acceptance.

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



4. AUDITOR BUSINESS

4.1. Communication - Memo FY19 Audited Financial Statements.

In City Council, **Motion** to refer matter to Finance SC by C. Elliott, seconded by C. Nuon. So voted.

4.2. Communication - Memo Free Cash Certification.

In City Council, **Motion** to refer matter to Finance SC by C. Elliott, seconded by C. Nuon. So voted. C. Elliott noted that the report was impressive and the financial team's efforts were noteworthy. M. Leahy commented on the effort of the financial team.

Motion to suspend rules to take Item #11.1 out of order by C. Mercier, seconded by C. Nuon. So voted.

5. GENERAL PUBLIC HEARINGS

5.1. Ordinance-Amend certain sections of 10.3 entitled Hamilton Canal District Form Based Code.

In City Council, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier commented on helping investors in that area and the surrounding area noting that parking spaces are at a premium and that efforts should be made to increase parking in that area. Manager Donoghue noted that there are many investors interested in developing parking garages and working with DPD and that she would provide report regarding efforts in that area.

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. Samaras. So voted.

A) Motion Response - Councilors Holding Multiple Elective Offices – C. Mercier noted that a home rule petition would not be successful but it should be put forward. **Motion** by C. Mercier, seconded by C. Chau to take Item #7.6 out of order. So voted.

B) Motion Response - Residency Requirement – **Motion** by C. Nuon, seconded by C. Rourke to refer matter to Personnel SC. So voted. C. Rourke requested M. Leahy bring matter before the School Committee.



C) Motion Response - Sick Bank – Motion by C. Drinkwater, seconded by C. Chau to refer matter to Personnel SC. So voted. C. Drinkwater commented on federal legislation being put in place.

D) Motion Response - Christian Ave – C. Mercier noted that there was a long list and that it will be covered.

E) Motion Response - City-wide Spring Cleaning Schedule – C. Nuon requested information be put on website and with LYC.

F) Motion Response - Yard Waste Pick-Up Schedule – C. Nuon requested information be put on website and with LYC.

G) Motion Response - Middlesex Street Sign Removal – C. Elliott noted there was a third sign to be removed. C. Rourke questioned if signage had been installed to direct people to the new courthouse. Manager Donoghue noted she would contact Transportation Engineer on the matter.

H) Motion Response - Illegal Dumping – C. Nuon commented that there must be a more aggressive approach to combatting the issue. C. Rourke commented on the problem area and that clearing brush out may help with the problem. C. Mercier commented on the amount of debris at St. Hilaire car wash that needs to be addressed.

I) Motion Response - Homeless Resources Booklet – C. Mercier commented on the need for information to be updated and distributed in a small package of which she requested a copy. Manager Donoghue noted that the book is complete but information must be updated.

J) Motion Response - Vacant-Dilapidated Properties in the Acre Redevelopment Plan – C. Elliott commented on the updated report noted that there would be more discussion of the matter in the future.

K) Motion Response - Opportunity Zones – C. Elliott commented on the report and the program.

L) Motion Response - Small Business Earmark - C. Elliott commented on the report and the possible negative effect due to pandemic. Manager Donoghue commented on state finances.

M) Motion Response - Lord Overpass Parking – C. Mercier noted report and attempt to think outside of the box.



N) Motion Response - Rourke Bridge Update – C. Nuon commented on the need for public engagement. Manager Donoghue noted the scheduling of MassDOT to make a presentation. C. Elliott indicated that State wishes to move forward the City should be involved as well.

O) Motion Response - Bicentennial Planning – C. Nuon noted planning was moving forward.

6.2. Informational Reports

P) Informational - Coronavirus Response and Preparedness – Manager Donoghue outlined report providing update regarding number of cases; City responses; data reports provided to public; work of Health Department; homelessness issue; rapid testing sites; social distancing; City Hall operations; and first responders. C. Conway commented on the report noting rapid testing and the efforts of the Health Department. C. Conway commented on revising the economy and preparation of municipal buildings once public and employees return. Manager Donoghue outlined the sanitizing of City and school buildings. C. Samaras commented on the number of ventilators available and if that would be sufficient. Manager Donoghue noted that Lowell General Hospital was confident with their approach to the pandemic. C. Nuon commented on the efforts of the City with all their partners. Manager Donoghue noted that efforts are being made to protect all. C. Rourke questioned process as to the selection of a City school for a shelter. Manager Donoghue outlined the process and noted the State involvement with that process. C. Rourke questioned the security, staffing and cleaning of the school during and after use. Manager Donoghue noted there was a plan in place for that transition no matter when it happens and that staff are not City employees. C. Rourke questioned oversight of nursing homes. Manager Donoghue noted that was a State function but the City is providing added resources as well. C. Chau noted efforts for crisis management and noted plans for restoring school after use as a shelter. C. Chau commented on the operations of test sites. C. Mercier noted test sites should be available to all risk groups. C. Drinkwater commented on priorities of the testing centers. Manager Donoghue commented on the preference procedures at the sites. C. Drinkwater noted importance of assisting nursing homes. C. Elliott commented on testing procedures; surge information; and nursing home oversight.

Q) Informational - FY2019 Audit Memo – Motion to refer to Finance SC by C. Elliott, seconded by C. Nuon. So voted.

R) Informational - Construction Projects – Natasha Vance (Transportation Engineer) outlined memo noting construction is deemed essential and additional State regulations.



6.3. Communication - Planning Board recommendation regarding zoning amendments of 10.3 Hamilton Canal District Form Based Code.

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

6.4. Communication - Accept Resignation of Jeffrey Wilson from Lowell Commission on Disability.

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

6.5. Communication - Appoint Mary Katherine Lapinski to Board of Parks.

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

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Appropriate \$7,462,706 from 7.1.19 Certified Free Cash.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott commented on building up the reserve fund noting it was prudent financial practice. Conor Baldwin (CFO) outlined the transfer.

7.2. Vote-Auth CM Accept Expend \$1,125 from Massachusetts Board of Library Commissioners.

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

7.3. Vote-Auth CM Accept Expend \$125,000 from Comm of MA via the Executive Office of Labor and Workforce Dev.

In City Council, matter was withdrawn per request of Manager Donoghue.

7.4. Vote-Auth CM Accept Expend 10K from Mass State Historical Records Advisory Bd and Mass Genl Court.

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



7.5. Vote-Auth CM Execute Amendment #2-Mass Dept of Transportation - RMV Lease.

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

7.6. Vote - Home Rule Petition for City Councilor Restrictions.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Chau. Adopted per Roll Call vote 5 yeas, 4 nays (C. Conway, C. Drinkwater, C. Nuon, C. Samaras). So voted.

8. RESOLUTIONS

8.1. Resolution-Support HD4935 Moratorium on Evictions and Foreclosures during COVID 19 Emergency.

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

9. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

10. PETITIONS

10.1. Claim - (1) Personal Injury.

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

In City Council **Motion** to bundle Items #10.2 to #10.6, inclusive, and refer each of them to a public hearing on April 28, 2014 at 7 PM by C. Elliott, seconded by C. Nuon. So voted.

10.2. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 319 Market Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.



10.3. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 405 Lawrence Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

10.4. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 56 Oak Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

10.5. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 60 Lafayette Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

10.6. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 878 Lakeview Avenue.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Mercier - Req. City Mgr. have Parking Director develop a plan to allow handicap residents from the Appleton Mills Apartments to have first access to the handicap spaces once the garage is finished and allow handicap residents to park in the UMass-Lowell lot in the interim.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speaker, Steve Perez, addressed the Council. C. Mercier commented on the parking concerns of residents in the area and that their request should be honored. C. Conway questioned if Disability Commission were involved in parking plans of the City. Manager Donoghue noted that accommodation plans for the disable are part of all parking projects in the City and that she would provide report in response to motion.

11.2. C. Mercier - Req. City Mgr. find ways and means to have City vendors that are responsible for sending out property tax bill, excise tax bills, etc. offer a grace period for payment during these difficult times.



In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted citizens need assistance during these times and other private and government agencies have provided same. C. Chau noted all motions seeking relief are helpful. M. Leahy noted that City has obligations as well. Manager Donoghue noted that City Hall has and will remain open for business though not accessible by the public. Items #11.3 and #11.5 were discussed as well.

11.3. C. Nuon - Req. City Mgr. due to Covid-19 crisis, extend the appeals period for any citation, ticket or fine issued by the City; in addition relax any time lines for late fees and/or municipal licenses until Emergency Orders are lifted.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on the economic hit caused by the pandemic.

11.4. C. Nuon - Req. City Mgr. and Law Department, due to Covid-19 crisis, consult with Non-Profit Housing Organizations (CTI, CBA, Merrimack Valley Housing Partnership) in order to use Community Preservation Act (CPA) for rental assist programs.

In City Council, seconded by C. Mercier, referred to City Manager/Law Department. So voted. C. Nuon noted that affordable housing was a part of the CPA regulations.

11.5. C. Elliott - Req. City Mgr. have proper department suspend parking ticketing during Stay At Home Order.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott noted it as a gesture for relief during difficult times.

11.6. C. Chau - Req. City Mgr. contact Comcast, Verizon and other internet providers to the City and request/negotiate reduced fees and service charges during the Covid-19 emergency period.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Chau noted that public utilities could not be discontinued during these times and that people have having difficulty paying basic bills.

11.7. C. Chau - Req. City Mgr. incorporate the standardized Covid-19 information provided by the Commonwealth of Massachusetts into a comprehensive neighborhood report regarding Covid-19 cases.



In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Chau noted importance of passing on valuable information to public.

12. ANNOUNCEMENTS

In City Council, C. Mercier noted the efforts of the MIS Department. C. Chau noted the Cambodian New Year Celebration.

13. ADJOURNMENT

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

Meeting adjourned at 8:50 PM.

Michael Q. Geary, City Clerk

Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Project Address

Utility Gas Electric Telephone

Utility Pole #4 Near 319 Market St

(circle one) Other

Lowell, MA

Reason Install Wireless Small Cell Facility on an

Existing Utility Pole in the Public Right of Way

Date Submitted March 17, 2020

Review done by Richard Biagini

Sidewalk Material

Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present Y N

Work on Street under a Paving Moratorium Y N

Is this location within the Flood Plain? Y N

Are ADA requirements being met? Y N

Comments

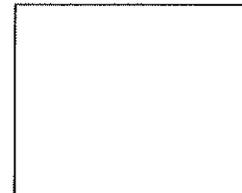
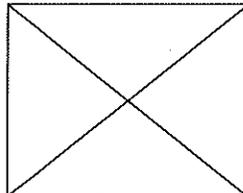
1. Contractor shall notify abutters at least 72 hours prior to beginning work.

Outcome of Review

Approved

Approved With
Comments

Denied



John Gleason, Interim City
Engineer

brownrudnick

Edward D. Pare, Jr., Esq.
direct dial: 401-276-2839
epare@brownrudnick.com

February 3, 2020

City Council
City of Lowell
c/o City Clerk
Lowell City Hall
375 Merrimack Street
1st Floor, Room 31
Lowell, MA 01852

Christine Clancy, P.E.
City Engineer
City of Lowell
Lowell City Hall
375 Merrimack Street
3rd Floor, Room 61
Lowell, MA 01852

RE: Application of New Cingular Wireless PCS, LLC (d/b/a AT&T) for a Grant of Location for a Wireless Small Cell Facility, Including Telecommunication Wires and Wireless Attachments and Appurtenances on an Existing Utility Pole in the Public Right of Way at the Following Location:

Pole #4 - Near 319 Market Street, Lowell, MA 01852

Dear Honorable Members of the Lowell City Council:

As you may recall, we represent New Cingular Wireless PCS, LLC (d/b/a "AT&T") with respect to its deployment of small cell facilities in the City of Lowell and the Commonwealth of Massachusetts. AT&T is licensed by the Federal Communications Commission (the "FCC") to provide wireless communications services in the City of Lowell and throughout the Commonwealth of Massachusetts.

On behalf of AT&T and while reserving all rights, please accept this submission as an application for approval for a grant of location (the "Application") for one (1) small cell facility on an existing utility pole located in the public right of way near the above referenced address (the "Site"). The Application is filed pursuant to the federal Telecommunications Act of 1996 (the "Act"), the Declaratory Ruling and Third Report and Order 18-133 (the "Order") issued by the FCC in September 2018 https://docs.fcc.gov/public/attachments/FCC-18-133A1_Rcd.pdf and Massachusetts General Laws Chapter 166, Sections 21, 22 and 25A for telecommunication wires and wireless attachments and appurtenances attached to utility poles.

AT&T has entered into a Pole Attachment Agreement with National Grid and we have included a letter of authorization from National Grid to AT&T to submit the Application. The



existing pole complies with and is in accordance with the Act, the Order and Massachusetts state law.

We have also provided a detailed set of drawings (the "Plans") and map for this small cell facility. Additionally, we have provided photographs of a similar small cell installation installed by AT&T and located at 8 General Street, Lawrence, Massachusetts for use as an example. Also enclosed, please find a generic small cell facility report demonstrating compliance with applicable emissions standards established by the FCC.

AT&T proposes this small cell facility in the City of Lowell to deal with the rapidly increasing demands on AT&T's wireless network. This small cell facility will work in conjunction with the existing macro sites installed on rooftops, towers and other structures in and around the City of Lowell. AT&T's radio frequency engineers targeted the proposed location due to the high traffic and data demands on AT&T's network in these areas. AT&T's existing macro cell sites are not providing adequate data capacity near the Site due to population, vehicular and foot traffic, multiple wireless devices in use and other contributing factors. This small cell facility will work to offload the demands on the macro sites and allow for increased data capacity and speed within the immediate vicinity of the Sites and near AT&T's existing macro sites.

This small cell facility will be installed using standard commercially accepted methods in accordance with all applicable federal, state and local laws, regulations and orders. As depicted on the Plans, this small cell installation on the existing utility pole will include: fiber optic cable(s); remote radios in a small equipment cabinet 39" in height by 23" wide by 15" deep (7.8 cubic feet in volume) mounted to the pole at least 12'9" above ground level; an unobtrusive pole top antenna measuring 25" long and 10" in diameter (1.132 cubic feet in volume); conduits and cable protectors; and, an electrical meter 8' above ground level with shutoff switch and grounding rod. The Plans also provide the proposed location, pole height, mounting height and equipment specifications.

The Telecommunications Act of 1996

Without the installation, AT&T would be unable to provide specifically established coverage and capacity objectives. The existing utility pole is located within the limited geographic area whereby AT&T's radio frequency engineers determined that a wireless facility is required. The Act imposes substantial restrictions affecting the standard for granting the requested relief. The Act provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and,



City Council
City of Lowell
February 3, 2020
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decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the Order commonly referenced as the applicable “shot clocks”. The FCC shot clock in this instance is sixty (60) days from the date of submission of the Application.

We respectfully assert that AT&T's proposed small cell facility is reasonable and reasonably complies with the requirements of the City of Lowell in light of the Act, the Order and state law. AT&T is willing to work cooperatively with the City of Lowell with respect the deployment of its small cell facilities and we look forward to your feedback. For the convenience of the City Council, AT&T has provided a proposed Form of Order for your consideration.

If you have any questions, please don't hesitate to contact me. We look forward to presenting the Application at an upcoming meeting.

Sincerely,

BROWN RUDNICK LLP

Edward D. Pare, Jr., Esq.

Enclosures: Plans
Structural Report
Letter of Authorization from National Grid
Photograph of Existing Small Cell Facility
Emissions Report



ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2020

ORDERED:

That pursuant to the federal Telecommunication Act of 1996 and Massachusetts General Laws, Chapter 166, NEW CINGULAR WIRELESS PCS, LLC ("AT&T") is hereby granted a location for and permission to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas, to be attached to a National Grid utility pole, located upon, along and under the public ways within the City of Lowell, as substantially shown on the plans filed with said petition.

The forgoing permission is subject to the following condition: the telecommunications wires and wireless attachments and appurtenances shall be installed and operated in compliance with all applicable federal and state laws and regulations.

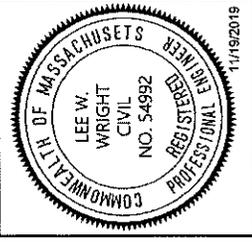
I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2020.

City Clerk



SUBMITTALS	
DATE	REVISION
11/20/01	1. INITIAL
11/20/01	2. REVISED
11/20/01	3. REVISED
11/20/01	4. REVISED
11/20/01	5. REVISED
11/20/01	6. REVISED
11/20/01	7. REVISED
11/20/01	8. REVISED
11/20/01	9. REVISED
11/20/01	10. REVISED

DRAWN BY: AAK
 CHECKED BY: JOW
 APPROVED BY: LWJ



USID: 282143
 SITE ADDRESS:
 319 MARKET STREET
 LOWELL, MA 01862

PA LOCATION:
 14942026

SITE NAME:
 CRAN_RCTB_LWLL_06

SHEET TITLE
 GENERAL NOTES

SHEET NUMBER
 GN-1

GENERAL CONSTRUCTION

- FOR THE PURPOSE OF CONSTRUCTION DRAWINGS, THE FOLLOWING DEFINITIONS SHALL APPLY:
 - CONTRACTOR - AT&T WIRELESS
 - GENERAL CONTRACTOR - TBD
- ALL SITE WORK SHALL BE COMPLETED AS INDICATED ON THE DRAWINGS AND AT&T SPECIFICATIONS PROJECT.
- CONTRACTOR SHALL VISIT THE SITE AND SHALL FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH ALL CONTRACT REQUIREMENTS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ACCOMPLISH AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
- ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. CONTRACTOR SHALL ISSUE ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
- ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
- EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
- PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY UNLESS OTHERWISE NOTED. DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS THE MINIMUM UNLESS OTHERWISE NOTED. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
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- CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
- IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE CONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION SPACE FOR REVIEW BY THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
- ADJACENT AREAS AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT, WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS AND THE LOCAL JURISDICTION.
- CONTRACTOR SHALL COORDINATE WORK AND SCHEDULE WORK ACTIVITIES WITH OTHER TRADES.
- WORK SHALL BE DONE IN A WORKMANLIKE MANNER BY THE BEST EXPERIENCED PERSONNEL IN ACCORDANCE WITH APPLICABLE CODES AND THE ACCEPTED PRACTICES. ALL MEMBERS SHALL BE LAID PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
- WORK PREVIOUSLY COMPLETED IS REPRESENTED BY LIGHT SHADDED LINES AND NOTES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE WRITTEN NOTICE TO THE CONSTRUCTION MANAGER 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
- THE GENERAL CONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, UTILITIES, AND ALL OTHER EXISTING UTILITIES. ANY DAMAGED PARTS SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
- THE GENERAL CONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE AND MAINTAIN ACCESS FOR ALL TRADES AND CONTRACTORS TO THE SITE AND/OR BUILDING.
- THE GENERAL CONTRACTOR SHALL MAINTAIN IN GOOD CONDITION ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA, AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES.
- THE GENERAL CONTRACTOR SHALL PROVIDE PORTABLE FIRE EXTINGUISHERS WITH A MINIMUM OF ONE EXTINGUISHER TO EACH 2500 SQ. FT. OF WORK AREA. EXTINGUISHERS SHALL BE WITHIN 25 FEET OF TRAVEL DISTANCE TO ALL PORTIONS OF WHERE THE WORK IS BEING COMPLETED DURING CONSTRUCTION.
- ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES SHALL BE PROTECTED AT ALL TIMES AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY THE ENGINEER. EXTREME CAUTION SHALL BE USED TO PROTECT ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
- ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHICH ARE NOT TO BE REMOVED SHALL BE PROTECTED AND SHALL BE RELOCATED AS DIRECTED BY THE ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.

ANTENNA MOUNTING

- DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO CURRENT ANSIS/A22.2 OR APPLICABLE LOCAL CODES.
- ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123 (ZINC-ROT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS. UNLESS NOTED OTHERWISE, GALVANIZED MATERIALS SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 (ZINC-COATING (HOT-DIP) ON IRON AND STEEL HARDWARE). UNLESS NOTED OTHERWISE.
- DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A790.
- INSTALL WITH LOCK NUTS, DOUBLE NUTS AND SHALL BE TORQUED TO MANUFACTURER'S RECOMMENDATIONS.
- GENERAL CONTRACTOR SHALL INSTALL ANTENNA PER MANUFACTURER'S RECOMMENDATION FOR INSTALLATION AND GROUNDING.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
- GENERAL CONTRACTOR SHALL RECORD THE SERIAL #, SECTOR, AND POSITION OF EACH ANTENNA INSTALLED AT THE ANTENNAS AND PROVIDE THE INFORMATION TO A&T.

TORQUE REQUIREMENTS

- ALL RF CONNECTIONS, GROUNDING HARDWARE AND ANTENNA HARDWARE SHALL HAVE A TORQUE MARK INSTALLED IN A CONTINUOUS STRAIGHT LINE FROM BOTH SIDES OF THE CONNECTION.
- CONNECTIONS ON BOTH SIDES OF THE CONNECTOR.
- GROUNDING AND ANTENNA HARDWARE ON THE NUT SIDE STARTING FROM THE THREADS TO THE SOLID SURFACE. EXAMPLE OF SOLID SURFACE, GROUND BAR, ANTENNA BRACKET METAL.

CABLE MOUNTING

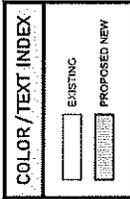
- TYPE AND SIZE OF THE ANTENNA CABLE ARE BASED ON ESTIMATED LENGTHS. PRIOR TO ORDERING CABLE, CONTRACTOR SHALL VERIFY ACTUAL LENGTH BASED ON CONSTRUCTION LAYOUT AND NOTIFY THE PROJECT MANAGER IF ACTUAL LENGTHS EXCEED ESTIMATED LENGTHS.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO THE DESIGNED SUPPORT STRUCTURE, IN AN APPROVED MANNER, AT DISTANCES NOT TO EXCEED 42" OC.
- GENERAL CONTRACTOR SHALL FOLLOW ALL MANUFACTURER'S INSTRUCTIONS REGARDING BOTH THE INSTALLATION AND GROUNDING OF ALL COAXIAL CABLES, CONNECTORS, ANTENNAS, AND ALL OTHER EQUIPMENT, INCLUDING ANTENNAS, RET MOTORS, TUNERS, COAX CABLES, AND RET CONTROL CABLES AS A COMPLETE SYSTEM. GROUNDING SHALL BE EXECUTED BY QUALIFIED WIREMEN IN COMPLIANCE WITH MANUFACTURER'S SPECIFICATION AND RECOMMENDATION.

GENERAL CABLE AND EQUIPMENT NOTES

- GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ANTENNA, AND COAX CONFIGURATION, MAKE AND MODELS PRIOR TO INSTALLATION.
- ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC. SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
- GENERAL CONTRACTOR SHALL REFERENCE THE POLE STRUCTURAL ANALYSIS/DESIGN DRAWINGS FOR DIRECTIONS ON CABLE DISTRIBUTION/ROUTING.
- ALL OUTDOOR RF CONNECTOR CONNECTIONS SHALL BE WEATHERPROOFED, EXCEPT THE RET CONNECTORS, USING BUTYL TAPE AFTER INSTALLATION AND FINAL CONNECTIONS SHALL BE WEATHERPROOFED. ALL WIRE CONNECTIONS SHALL BE WEATHERPROOFED. EACH TURN AND EACH LAYER SHALL BE WRAPPED THREE TIMES. WEATHERPROOFING SHALL BE SMOOTH WITHOUT BUCKLING. BUTYL BLEEDING IS NOT ALLOWED.
- IF REQUIRED TO PAINT ANTENNAS AND/OR COAX:
 - TEMPERATURE SHALL BE ABOVE 50° F BY BUILDING OWNER/LANDLORD.
 - FOR PAINTED TOWERS, PAINT/COAT APPROVED PAINT IS REQUIRED.
 - DO NOT PAINT OVER COLOR CODING OR ON EQUIPMENT MODEL NUMBERS.
 - ALL CABLES SHALL BE GROUNDING WITH COAXIAL CABLE GROUND KITS. FOLLOW THE MANUFACTURER'S SPECIFICATIONS.
 - GROUNDING THE ANTENNA LEVEL.
 - GROUNDING AT BASE OF POLE PRIOR TO TURNING HORIZONTAL.

GROUNDING NOTES

- THE GENERAL CONTRACTOR SHALL REVIEW AND INSPECT THE EXISTING FACILITY GROUNDING SYSTEM AND LIGHTNING PROTECTION SYSTEM (AS DESIGNED AND INSTALLED) FOR STRICT COMPLIANCE WITH THE NEC AS ADOPTED BY THE AUI. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING GROUNDING SYSTEM SHALL REPORT ANY VIOLATIONS OR ADVERSE FINDINGS TO THE CONTRACTOR FOR RESOLUTION.
- ALL GROUND ELECTRODE SYSTEMS (INCLUDING TELECOMMUNICATION, RADIO, LIGHTNING PROTECTION, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH THE NEC. THE GENERAL CONTRACTOR SHALL PERFORM IEEE FALL-OF-POTENTIAL RESISTANCE TO EARTH TESTING PER IEEE 1190 AND 81 FOR NEW GROUND ELECTRODE SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING GROUNDING SYSTEM. METAL RACEWAY SHALL NOT BE USED AS THE NEC REQUIRED EQUIPMENT GROUNDING CONDUCTOR. STRANDED COPPER CONDUCTORS WITH GREEN INSULATION, SIZED IN ACCORDANCE WITH THE NEC, SHALL BE FURNISHED AND INSTALLED WITH THE POWER EACH BITS CABINET FRAME SHALL BE DIRECTLY CONNECTED TO THE MASTER GROUND BAR WITH GREEN INSULATED SUPPLEMENTAL EQUIPMENT GROUND WIRES, 6 AWG STRANDED COPPER OR LARGER FOR INDOOR BITS 2 AWG STRANDED COPPER FOR OUTDOOR BITS. WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE. APPROVED ANTI-OXIDANT COATINGS (I.E. CONDUCTIVE GEL OR PASTE) SHALL BE USED FOR ALUMINUM CONDUCTOR OR COPPER CLAD STEEL. CONDUCTOR SHALL NOT BE USED FOR WELDED JOINTS OR ELECTRICAL METAL BOXES, FRAMES AND WELDED JOINTS.
- ALL WELDED JOINTS SHALL BE BONDED TO THE GROUND ROD, IN ACCORDANCE WITH THE NEC. METAL CONDUIT SHALL BE MADE ELECTRICALLY CONTINUOUS WITH LISTED BONDING FITTINGS OR BY BONDING ACROSS THE DISCONTINUITY WITH 6 AWG COPPER WIRE UL APPROVED GROUNDING TYPE CONDUIT CLAMPS.



NOTE
 GENERAL NOTES APPLY IN APPLICABLE SITUATIONS ONLY

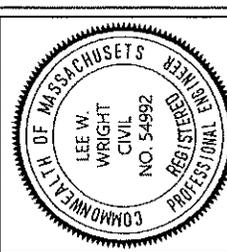






DATE	DESCRIPTION	REV	ISSUED BY

DRAWN BY: AAK
 CHECKED BY: JDM
 APPROVED BY: LWM



USD: 2822143

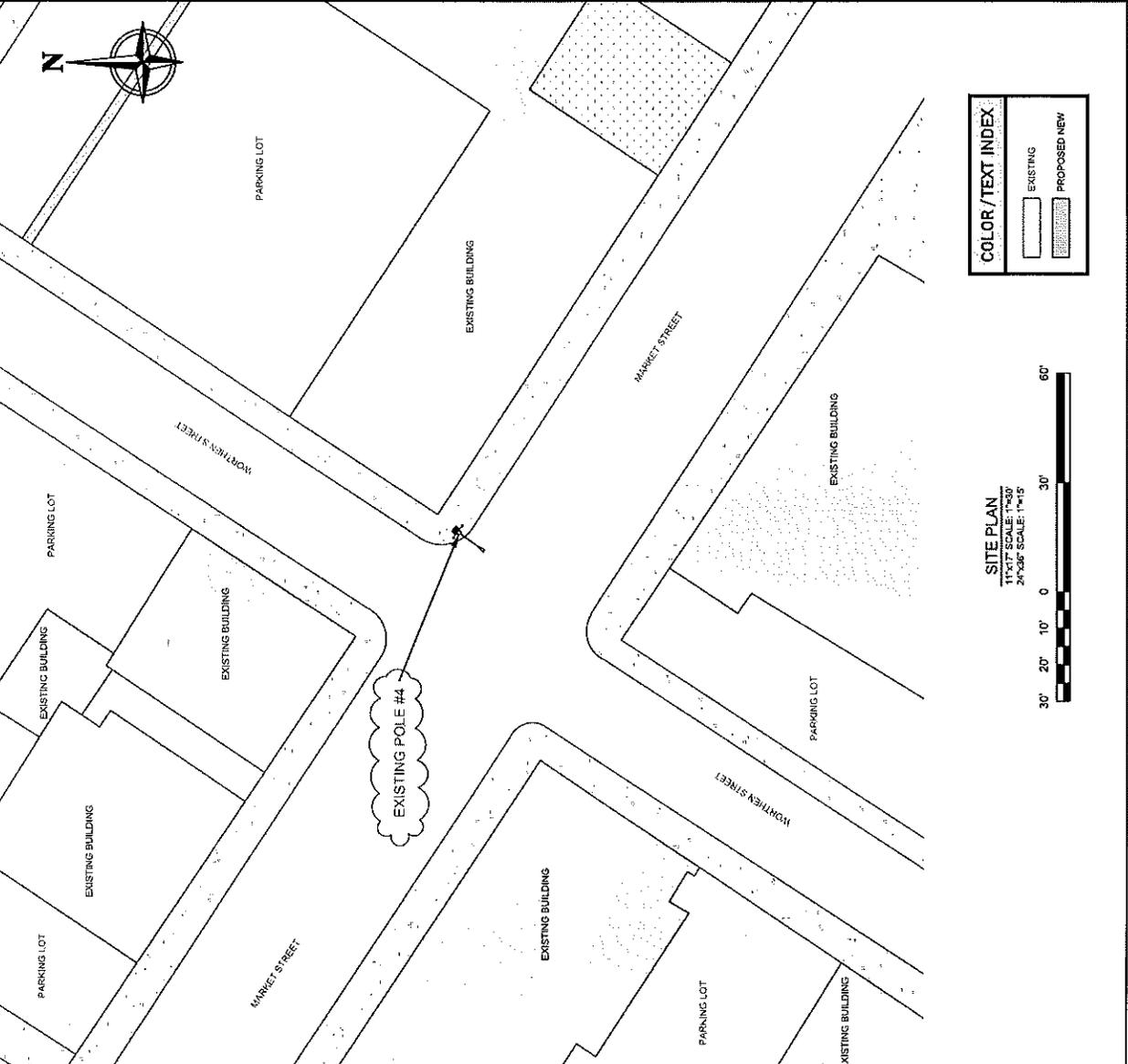
SITE ADDRESS:
319 MARKET STREET
LOWELL, MA 01852

FA LOCATION:
14942026

SITE NAME:
CRAN_RCTB_LWLL_06

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C-1

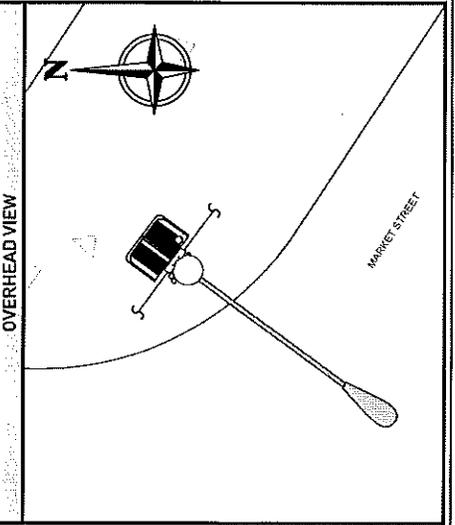
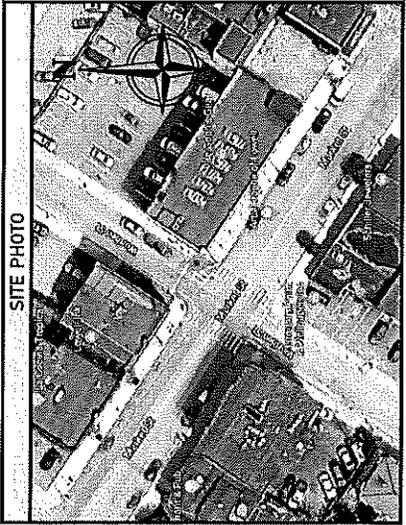


NOTE

SITE PLAN INFORMATION CONTAINED HEREIN IS TAKEN FROM THE DOCUMENTS PROVIDED BY THE CLIENT AND IS NOT GUARANTEED AS TO THE ACCURACY OR THE COMPLETENESS OF THE CORRED SURVEY/SITE PLAN INFORMATION.

SITE NOTES

- GC RESPONSIBLE FOR SUBMITTING A 48 HOUR NOTICE PRIOR TO MOBILIZATION TO THE SITE.
- A PRE-CONSTRUCTION MEETING IS REQUIRED PRIOR TO CONSTRUCTION START TO REVIEW SCOPE OF WORK AND EXPECTATIONS.
 - A RIGGING PLAN MAY BE REQUIRED AND SHALL BE SUBMITTED WITH THE 48 HOUR
 - GC RESPONSIBLE FOR ENSURING THE SAFETY CLIMB IS NOT TRAPPED OR OTHERWISE OBSTRUCTED WITH REASONABLE BUILDING PRACTICES.
- GC RESPONSIBLE FOR COORDINATING DAILY LOG-IN AND LOG-OUT WITH THE POLE OWNER, WHERE APPLICABLE.
- GC WILL BE RESPONSIBLE FOR THE POLE OWNER CLOSEOUT PACKAGE WITH REDLINES OF THE COSE OF THE EQUIPMENT INSTALLED TO BE SUBMITTED WITHIN 7 DAYS OF CONSTRUCTION COMPLETE.



Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Project Address

Utility Gas Electric Telephone

Utility Pole #6-84 Near 405 Lawrence St

(circle one) Other

Lowell, MA

Reason Install Wireless Small Cell Facility on an Existing Utility Pole in the Public Right of Way

Date Submitted March 17, 2020

Review done by Richard Biagini

Sidewalk Material

Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present	Y	<u>N</u>
Work on Street under a Paving Moratorium	Y	<u>N</u>
Is this location within the Flood Plain?	Y	<u>N</u>
Are ADA requirements being met?	<u>Y</u>	N

Comments

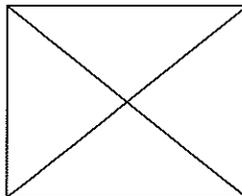
1. Contractor shall notify abutters at least 72 hours prior to beginning work.

Outcome of Review

Approved

Approved With
Comments

Denied



John Gleason, Interim City
Engineer

brownrudnick

Edward D. Pare, Jr., Esq.
direct dial: 401-276-2639
epare@brownrudnick.com

February 3, 2020

City Council
City of Lowell
c/o City Clerk
Lowell City Hall
375 Merrimack Street
1st Floor, Room 31
Lowell, MA 01852

Christine Clancy, P.E.
City Engineer
City of Lowell
Lowell City Hall
375 Merrimack Street
3rd Floor, Room 61
Lowell, MA 01852

RE: Application of New Cingular Wireless PCS, LLC (d/b/a AT&T) for a Grant of Location for a Wireless Small Cell Facility, Including Telecommunication Wires and Wireless Attachments and Appurtenances on an Existing Utility Pole in the Public Right of Way at the Following Location:

Pole #6-84 - Near 405 Lawrence Street, Lowell, MA 01852

Dear Honorable Members of the Lowell City Council:

As you may recall, we represent New Cingular Wireless PCS, LLC (d/b/a "AT&T") with respect to its deployment of small cell facilities in the City of Lowell and the Commonwealth of Massachusetts. AT&T is licensed by the Federal Communications Commission (the "FCC") to provide wireless communications services in the City of Lowell and throughout the Commonwealth of Massachusetts.

On behalf of AT&T and while reserving all rights, please accept this submission as an application for approval for a grant of location (the "Application") for one (1) small cell facility on an existing utility pole located in the public right of way near the above referenced address (the "Site"). The Application is filed pursuant to the federal Telecommunications Act of 1996 (the "Act"), the Declaratory Ruling and Third Report and Order 18-133 (the "Order") issued by the FCC in September 2018 https://docs.fcc.gov/public/attachments/FCC-18-133A1_Red.pdf and Massachusetts General Laws Chapter 166, Sections 21, 22 and 25A for telecommunication wires and wireless attachments and appurtenances attached to utility poles.

AT&T has entered into a Pole Attachment Agreement with National Grid and we have included a letter of authorization from National Grid to AT&T to submit the Application. The

existing pole complies with and is in accordance with the Act, the Order and Massachusetts state law.

We have also provided a detailed set of drawings (the "Plans") and map for this small cell facility. Additionally, we have provided photographs of a similar small cell installation installed by AT&T and located at 8 General Street, Lawrence, Massachusetts for use as an example. Also enclosed, please find a generic small cell facility report demonstrating compliance with applicable emissions standards established by the FCC.

AT&T proposes this small cell facility in the City of Lowell to deal with the rapidly increasing demands on AT&T's wireless network. This small cell facility will work in conjunction with the existing macro sites installed on rooftops, towers and other structures in and around the City of Lowell. AT&T's radio frequency engineers targeted the proposed location due to the high traffic and data demands on AT&T's network in these areas. AT&T's existing macro cell sites are not providing adequate data capacity near the Site due to population, vehicular and foot traffic, multiple wireless devices in use and other contributing factors. This small cell facility will work to offload the demands on the macro sites and allow for increased data capacity and speed within the immediate vicinity of the Sites and near AT&T's existing macro sites.

This small cell facility will be installed using standard commercially accepted methods in accordance with all applicable federal, state and local laws, regulations and orders. As depicted on the Plans, this small cell installation on the existing utility pole will include: fiber optic cable(s); remote radios in a small equipment cabinet 39" in height by 23" wide by 15" deep (7.8 cubic feet in volume) mounted to the pole at least 12'9" above ground level; an unobtrusive pole top antenna measuring 25" long and 10" in diameter (1.132 cubic feet in volume); conduits and cable protectors; and, an electrical meter 8' above ground level with shutoff switch and grounding rod. The Plans also provide the proposed location, pole height, mounting height and equipment specifications.

The Telecommunications Act of 1996

Without the installation, AT&T would be unable to provide specifically established coverage and capacity objectives. The existing utility pole is located within the limited geographic area whereby AT&T's radio frequency engineers determined that a wireless facility is required. The Act imposes substantial restrictions affecting the standard for granting the requested relief. The Act provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and,



City Council
City of Lowell
February 3, 2020
Page 3

decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the Order commonly referenced as the applicable “shot clocks”. The FCC shot clock in this instance is sixty (60) days from the date of submission of the Application.

We respectfully assert that AT&T's proposed small cell facility is reasonable and reasonably complies with the requirements of the City of Lowell in light of the Act, the Order and state law. AT&T is willing to work cooperatively with the City of Lowell with respect the deployment of its small cell facilities and we look forward to your feedback. For the convenience of the City Council, AT&T has provided a proposed Form of Order for your consideration.

If you have any questions, please don't hesitate to contact me. We look forward to presenting the Application at an upcoming meeting.

Sincerely,

BROWN RUDNICK LLP

Edward D. Pare, Jr., Esq.

Enclosures: Plans
Structural Report
Letter of Authorization from National Grid
Photograph of Existing Small Cell Facility
Emissions Report



ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2020

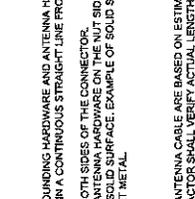
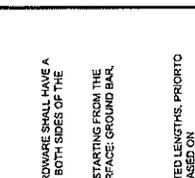
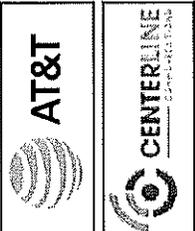
ORDERED:

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The forgoing permission is subject to the following condition: the telecommunications wires and wireless attachments and appurtenances shall be installed and operated in compliance with all applicable federal and state laws and regulations.

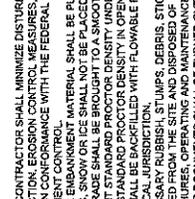
I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2020.

City Clerk



DATE	DESCRIPTION	REV	ISSUED BY
11/20/2019	PERMITS	A	LWW
11/20/2019	CONSTRUCTION	D	LWW

DRAWN BY: JMW
 CHECKED BY: AAW
 APPROVED BY: LWW



USID: 262142
 SITE ADDRESS: 405 LAWRENCE STREET, LOWELL, MA 01852
 PROJECT NO: 2019042019

PL LOCATION: 14941812
 SITE NAME: CRAN_RCTE_LWLL_03
 SHEET TITLE: GENERAL NOTES
 SHEET NUMBER: GN-1

GENERAL CONSTRUCTION

1. FOR THE PURPOSE OF CONSTRUCTION DRAWINGS, THE FOLLOWING DEFINITIONS SHALL APPLY:
 - CONTRACTOR - AT&T WIRELESS
 - OWNER - AT&T WIRELESS
 - GENERAL CONTRACTOR - TBD
2. ALL WORK COMPLETED AS INDICATED ON THE DRAWINGS AND A181 SPECIFICATIONS PROJECT.
3. CONTRACTOR SHALL VISIT THE SITE AND SHALL FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS, DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
4. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. CONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND ALL OTHER ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
5. ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES, AND APPLICABLE REGULATIONS.
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7. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE UNLESS OTHERWISE NOTED. DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS THE MINIMUM REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK. DETAILS ARE INTENDED TO SHOW DESIGN INTENT. MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF WORK AND APPROVED BY THE ENGINEER PRIOR TO PROCEEDING WITH WORK.
8. MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE, IN ACCORDANCE WITH THE APPROVAL BY THE ENGINEER PRIOR TO PROCEEDING.
9. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE CONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION SPACE FOR THE EQUIPMENT.
10. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF WORK AREA UNDER THE CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS AND THE LOCAL JURISDICTION.
11. CONTRACTOR SHALL COORDINATE WORK AND SCHEDULE WORK ACTIVITIES WITH OTHER DISCIPLINES.
12. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED PERSONNEL. ALL MEMBERS SHALL BE LAID PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
13. WORK PREVIOUSLY COMPLETED IS REPRESENTED BY LIGHT SHADED LINES AND NOTES. CONTRACTOR SHALL NOTIFY THE CONTRACTOR OF ANY EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF WORK.
14. CONTRACTOR SHALL PROVIDE WRITTEN NOTICE TO THE CONSTRUCTION MANAGER 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
15. THE GENERAL CONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PARTS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
16. THE GENERAL CONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
17. CONTRACTOR SHALL COORDINATE AND MAINTAIN ACCESS FOR ALL TRADES AND CONTRACTORS TO THE SITE AND/OR BUILDING.
18. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR SECURITY OF THE SITE FOR THE DURATION OF CONSTRUCTION. UNDER NO CIRCUMSTANCES SHALL ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDUMS AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES.
19. THE GENERAL CONTRACTOR SHALL PROVIDE PORTABLE FIRE EXTINGUISHERS WITH A RATING OF NOT LESS THAN 2A TO 2A-10BC AND SHALL BE WITHIN 25 FEET OF TRAVEL DISTANCE TO ALL PORTIONS OF WHERE THE WORK IS BEING COMPLETED DURING ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY THE ENGINEER. EXTREME CAUTION SHOULD BE USED BY THE GENERAL CONTRACTOR WHEN EXCAVATING OR DRILLING PIERS FOR THE WORKING CURBS. THE WORK SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: PROTECTION BY CONFINED SPACE, ELECTRICAL SAFETY, AND D) TRENCHING & EXCAVATION.
20. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED, CAPPED, PLUGGED AND RELOCATED AS DIRECTED BY THE ENGINEER. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE EXCLUSION OF THE WORK, AS DIRECTED BY THE RESPONSIBLE ENGINEER, AND SUBJECT TO THE APPROVAL OF THE OWNER AND/OR LOCAL UTILITIES.
21. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE POLE, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABILIZED TO PREVENT EROSION.

TORQUE REQUIREMENTS

48. ALL RF CONNECTIONS, GROUNDING HARDWARE AND ANTENNA HARDWARE SHALL HAVE A TORQUE MARK INSTALLED IN A CONTINUOUS STRAIGHT LINE FROM BOTH SIDES OF THE CONNECTION.
 - a. GROUNDING AND ANTENNA HARDWARE ON THE NUT SIDE STARTING FROM THE ANTENNA BRACKET METAL.
 - b. GROUNDING AND ANTENNA HARDWARE ON THE NUT SIDE STARTING FROM THE ANTENNA BRACKET METAL.

CABLE MOUNTING

49. TYPES AND SIZES OF THE ANTENNA CABLE ARE BASED ON ESTIMATED LENGTHS. PRIOR TO ORDERING CABLE, CONTRACTOR SHALL VERIFY ACTUAL LENGTH BASED ON ESTIMATED LENGTHS. CONTRACTOR SHALL NOTIFY THE PROJECT MANAGER IF ACTUAL LENGTHS EXCEED ESTIMATED LENGTHS.
50. APPROVED MANAGER AT DISTANCES NOT TO EXCEED 42' O.C.
51. GENERAL CONTRACTOR SHALL FOLLOW ALL MANUFACTURER'S RECOMMENDATIONS REGARDING BOTH THE INSTALLATION AND GROUNDING OF ALL COAXIAL CABLES, CONNECTORS, ANTENNAS, AND ALL OTHER EQUIPMENT.
52. ANTENNAS SHALL BE INSTALLED INCLUDING ANTENNAS, SET MOTORS, TRASS, COAX CABLES, AND RET. CONTROL CABLES AS A COMPLETE SYSTEM. GROUNDING SHALL BE EXECUTED BY QUALIFIED WIREMEN IN COMPLIANCE WITH MANUFACTURER'S SPECIFICATION AND RECOMMENDATION.

GENERAL CABLE AND EQUIPMENT NOTES

53. GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ANTENNA, AND COAX CONFIGURATION, MAKE AND MODELS PRIOR TO INSTALLATION.
54. ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC. SHALL BE INSTALLED PER GENERAL CONTRACTOR'S SPECIFICATIONS.
55. GENERAL CONTRACTOR SHALL REFERENCE THE POLE STRUCTURAL ANALYSIS DESIGN DRAWINGS FOR DIRECTIONS ON CABLE DISTRIBUTION/ROUTING.
56. ALL OUTDOOR RF CONNECTORS/CONNECTIONS SHALL BE WEATHERPROOFED, EXCEPT THE RET CONNECTORS. USING BUTYL TAPE AFTER INSTALLATION AND FINAL CONNECTIONS SHALL BE SMOOTH WITHOUT BLOCKING. BUTYL BLEEDING IS NOT ALLOWED.
57. IF REQUIRED TO PAINT ANTENNAS AND/OR COAX:
 - a. TEMPERATURE SHALL BE ABOVE 50° F. BUILDING OWNER/LANDLORD.
 - b. PAINT SHALL BE EPOXY/FLUOROPOLYMER/FAVFC APPROVED PAINT IS REQUIRED.
 - c. DO NOT PAINT OVER COLOR COATING OR ON EQUIPMENT MODEL NUMBERS.
 - d. ALL CABLES SHALL BE GROUNDING WITH COAXIAL CABLE GROUND KITS. FOLLOW THE MANUFACTURER'S SPECIFICATIONS.
 - e. GROUNDING AT THE ANTENNA LEVEL.
 - f. GROUNDING AT BASE OF POLE PRIOR TO TURNING HORIZONTAL.

GROUNDING NOTES

1. THE GENERAL CONTRACTOR SHALL REVIEW AND INSPECT THE EXISTING FACILITY GROUNDING SYSTEM AND LIGHTNING PROTECTION SYSTEM (AS DESIGNED AND INSTALLED) FOR STRICT COMPLIANCE WITH THE NEC (AS ADOPTED BY THE AHJ), THE SITE SPECIFIC (UL, LP, OR NFPA) LIGHTNING PROTECTION CODE, AND GENERAL CONTRACTOR'S SPECIFICATIONS. CONTRACTOR SHALL REPORT ANY VIOLATIONS OR ADVERSE FINDINGS TO THE CONTRACTOR FOR RESOLUTION.
2. ALL GROUND ELECTRODE SYSTEMS (INCLUDING TELECOMMUNICATION, RADIO, LIGHTNING PROTECTION, AND ACP POWER GROUNDING) SHALL BE BONDING TO THE SAME OR TO THE SAME BUS BY TWO OR MORE COPPER BONDING CONDUCTORS IN ACCORDANCE WITH THE NEC.
3. THE GENERAL CONTRACTOR SHALL PERFORM IEEE FALL-OF-POTENTIAL RESISTANCE TO EARTH TESTING (PER IEEE 1100 AND #1) FOR NEW GROUND ELECTRODE SYSTEMS. THE GENERAL CONTRACTOR SHALL PROVIDE A TEST REPORT TO THE CONTRACTOR. GROUNDING ELECTRODES AS NEEDED TO ACHIEVE A TEST RESULT OF 5 OHMS OR LESS.
4. METAL RACEWAY SHALL NOT BE USED AS THE NEC REQUIRED EQUIPMENT GROUND CONDUCTOR. STRANDED COPPER CONDUCTORS WITH GREEN INSULATION, SIZED IN ACCORDANCE WITH THE NEC, SHALL BE FURNISHED AND INSTALLED WITH THE POWER FACTS CABINET FRAME SHALL BE DIRECTLY CONNECTED TO THE MASTER GROUND BAR WITH GREEN INSULATED SUPPLEMENTAL EQUIPMENT GROUND WIRES, 6 AWG STRANDED COPPER OR LARGER FOR INDOOR BTS, 2 AWG STRANDED COPPER FOR OUTDOOR BTS.
5. ALL BONDING SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE. PROVIDED ANTI-OXIDANT COATINGS (I.E. CONDUCTIVE GEL OR PASTE) SHALL BE USED ON ALL ALUMINUM CONDUCTOR OR COPPER CLAD STEEL. CONDUCTOR SHALL NOT BE USED FOR GROUNDING CONNECTIONS.
6. ALUMINUM CONDUCTOR AND NON-ELECTRICAL METAL BOLTS, FRAMES AND SUPPORTS SHALL BE BONDED TO THE GROUND ROD, IN ACCORDANCE WITH THE NEC. METAL CONDUIT SHALL BE MADE ELECTRICALLY CONTINUOUS WITH LISTED BONDING FITTINGS OR BY BONDING ACROSS THE DISCONTINUITY WITH 6 AWG COPPER WIRE UL APPROVED GROUNDING TYPE CONDUIT CLAMPS.

ANTENNA MOUNTING

40. DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS.
41. ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A153 Z24 (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS, UNLESS NOTED OTHERWISE.
42. ALL STEEL BOLTS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 Z24 (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL HARDWARE, UNLESS NOTED OTHERWISE.
43. DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A760.
44. DOUBLE NUTS AND SHALL BE TOUGH TO MANUFACTURER'S RECOMMENDATIONS.
45. GENERAL CONTRACTOR SHALL INSTALL ANTENNA PER MANUFACTURER'S RECOMMENDATION FOR INSTALLATION AND GROUNDING.
46. ALL UNUSED PORTS ON ANY ANTENNAS SHALL BE TERMINATED WITH A 50-OHM LOAD TO PREVENT REFLECTIONS.
47. GENERAL CONTRACTOR SHALL RECORD THE SERIAL #, SECTOR, AND POSITION OF EACH ACTUATOR INSTALLED AT THE ANTENNAS AND PROVIDE THE INFORMATION TO AT&T.

COLOR/TEXT INDEX

EXISTING	PROPOSED NEW

NOTE

GENERAL NOTES APPLY IN APPLICABLE SITUATIONS ONLY

Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Project Address

Utility Gas Electric Telephone

Utility Pole #5 Near 56 Oak St

(circle one) Other

Lowell, MA

Reason Install Wireless Small Cell Facility on an

Existing Utility Pole in the Public Right of Way

Date Submitted March 17, 2020

Review done by Richard Biagini

Sidewalk Material

Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present Y N

Work on Street under a Paving Moratorium Y N

Is this location within the Flood Plain? Y N

Are ADA requirements being met? Y N

Comments

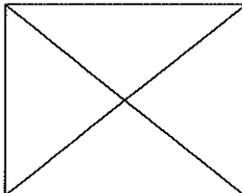
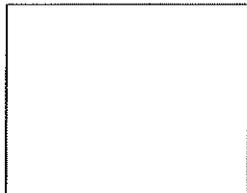
1. Contractor shall notify abutters at least 72 hours prior to beginning work.

Outcome of Review

Approved

Approved With
Comments

Denied



John Gleason, Interim City
Engineer

brownrudnick

Edward D. Pare, Jr., Esq.
direct dial: 401-276-2639
epare@brownrudnick.com

February 3, 2020

City Council
City of Lowell
c/o City Clerk
Lowell City Hall
375 Merrimack Street
1st Floor, Room 31
Lowell, MA 01852

Christine Clancy, P.E.
City Engineer
City of Lowell
Lowell City Hall
375 Merrimack Street
3rd Floor, Room 61
Lowell, MA 01852

RE: Application of New Cingular Wireless PCS, LLC (d/b/a AT&T) for a Grant of Location for a Wireless Small Cell Facility, Including Telecommunication Wires and Wireless Attachments and Appurtenances on a Replacement Utility Pole in the Public Right of Way at the Following Location:

Pole #5 - Near 56 Oak Street, Lowell, MA 01852

Dear Honorable Members of the Lowell City Council:

As you may recall, we represent New Cingular Wireless PCS, LLC (d/b/a "AT&T") with respect to its deployment of small cell facilities in the City of Lowell and the Commonwealth of Massachusetts. AT&T is licensed by the Federal Communications Commission (the "FCC") to provide wireless communications services in the City of Lowell and throughout the Commonwealth of Massachusetts.

On behalf of AT&T and while reserving all rights, please accept this submission as an application for approval for a grant of location (the "Application") for one (1) small cell facility on an existing utility pole located in the public right of way near the above referenced address (the "Site"). The Application is filed pursuant to the federal Telecommunications Act of 1996 (the "Act"), the Declaratory Ruling and Third Report and Order 18-133 (the "Order") issued by the FCC in September 2018 https://docs.fcc.gov/public/attachments/FCC-18-133A1_Rcd.pdf and Massachusetts General Laws Chapter 166, Sections 21, 22 and 25A for telecommunication wires and wireless attachments and appurtenances attached to utility poles.

AT&T has entered into a Pole Attachment Agreement with National Grid and we have included a letter of authorization from National Grid to AT&T to submit the Application. For the proposed installation which is the subject of this request, National Grid requires that the pole

selected by AT&T for the small cell facility be replaced due to leaning, space limitations, age or other physical conditions or limitations. The existing pole is 35'10" above ground level and the replacement pole will be 38'6" above ground level. The replacement pole complies with and is in accordance with the Act, the Order and state law.

We have also provided a detailed set of drawings (the "Plans") and map for this small cell facility. Additionally, we have provided photographs of a similar small cell installation installed by AT&T and located at 8 General Street, Lawrence, Massachusetts for use as an example. Also enclosed, please find a generic small cell facility report demonstrating compliance with applicable emissions standards established by the FCC.

AT&T proposes this small cell facility in the City of Lowell to deal with the rapidly increasing demands on AT&T's wireless network. This small cell facility will work in conjunction with the existing macro sites installed on rooftops, towers and other structures in and around the City of Lowell. AT&T's radio frequency engineers targeted the proposed location due to the high traffic and data demands on AT&T's network in these areas. AT&T's existing macro cell sites are not providing adequate data capacity near the Site due to population, vehicular and foot traffic, multiple wireless devices in use and other contributing factors. This small cell facility will work to offload the demands on the macro sites and allow for increased data capacity and speed within the immediate vicinity of the Sites and near AT&T's existing macro sites.

This small cell facility will be installed using standard commercially accepted methods in accordance with all applicable federal, state and local laws, regulations and orders. As depicted on the Plans, this small cell installation on the replacement utility pole will include: fiber optic cable(s); remote radios in a small equipment cabinet 39" in height by 23" wide by 15" deep (7.8 cubic feet in volume) mounted to the pole at least 12'9" above ground level; an unobtrusive pole top antenna measuring 25" long and 10" in diameter (1.132 cubic feet in volume); conduits and cable protectors; and, an electrical meter 8' above ground level with shutoff switch and grounding rod. The Plans also provide the proposed location, pole height, mounting height and equipment specifications.

The Telecommunications Act of 1996

Without the installation, AT&T would be unable to provide specifically established coverage and capacity objectives. The existing utility pole is located within the limited geographic area whereby AT&T's radio frequency engineers determined that a wireless facility is required. The Act imposes substantial restrictions affecting the standard for granting the requested relief. The Act provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see



City Council
City of Lowell
February 3, 2020
Page 3

47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the Order commonly referenced as the applicable “shot clocks”. The FCC shot clock in this instance is ninety (90) days from the date of submission of the Application.

We respectfully assert that AT&T's proposed small cell facility is reasonable and reasonably complies with the requirements of the City of Lowell in light of the Act, the Order and state law. AT&T is willing to work cooperatively with the City of Lowell with respect to the deployment of its small cell facilities and we look forward to your feedback. For the convenience of the City Council, AT&T has provided a proposed Form of Order for your consideration.

If you have any questions, please don't hesitate to contact me. We look forward to presenting the Application at an upcoming meeting.

Sincerely,

BROWN RUDNICK LLP

Edward D. Pare, Jr., Esq.

Enclosures: Plans
Structural Report
Letter of Authorization from National Grid
Photograph of Existing Small Cell Facility
Emissions Report



ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2020

ORDERED:

That pursuant to the federal Telecommunication Act of 1996 and Massachusetts General Laws, Chapter 166, NEW CINGULAR WIRELESS PCS, LLC ("AT&T") is hereby granted a location for and permission to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas, to be attached to a National Grid utility pole, located upon, along and under the public ways within the City of Lowell, as substantially shown on the plans filed with said petition.

The forgoing permission is subject to the following condition: the telecommunications wires and wireless attachments and appurtenances shall be installed and operated in compliance with all applicable federal and state laws and regulations.

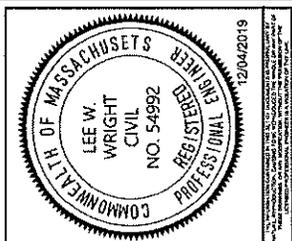
I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2020.

City Clerk



SUBMITTALS		DATE	DESCRIPTION	BY	ISSUED BY
1	PERMITS				
2	CONSTRUCTION				
3					
4					
5					
6					
7					
8					
9					
10					

DRAWN BY: JMW
 CHECKED BY: AAK
 APPROVED BY: LWW



LR#D: 282146

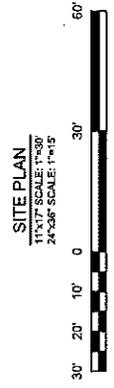
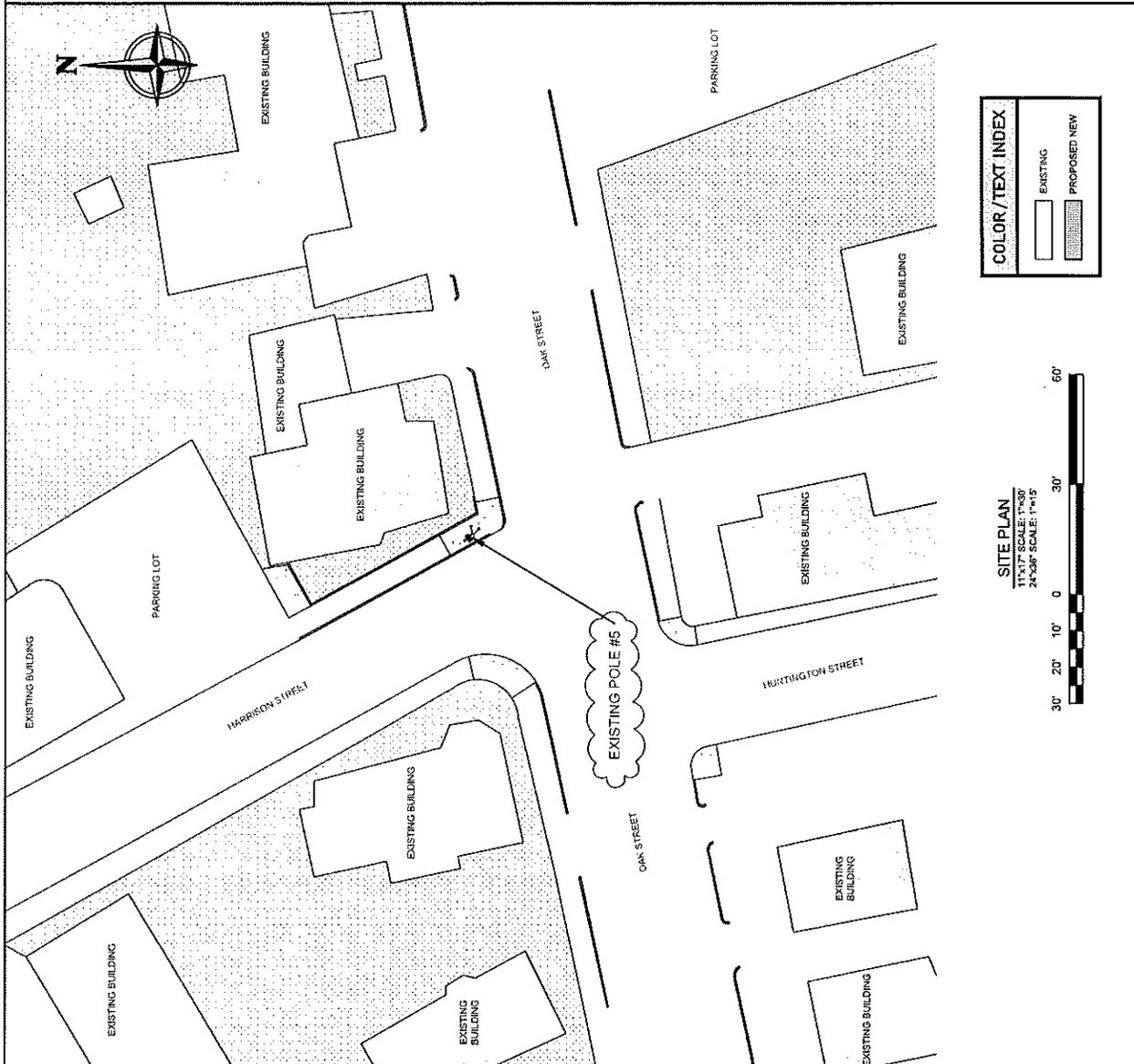
SITE ADDRESS:
56 OAK STREET
LOWELL, MA 01852

PA LOCATION:
14941813

SITE NAME:
CRAN_RCTB_LWLL_04

SHEET TITLE
SITE
PLAN

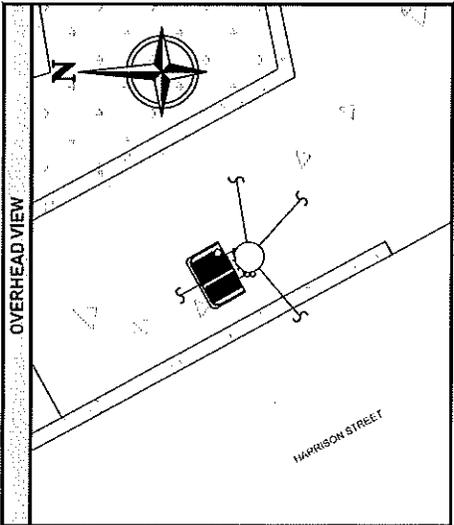
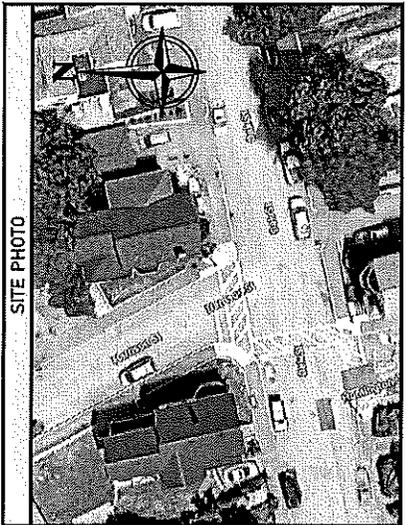
SHEET NUMBER
C-1



NOTE

SITE PLAN INFORMATION CONTAINED HEREIN IS TAKEN FROM THE DOCUMENTS PROVIDED BY THE CLIENT AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY OR THE COMPLETENESS OF THE CORDED SURVEY/STAKE-PLAN INFORMATION.

- SITE NOTES**
- GC RESPONSIBLE FOR SUBMITTING A 48-HOUR NOTICE PRIOR TO MOBILIZATION TO THE SITE.
 - A PRE-CONSTRUCTION MEETING IS REQUIRED PRIOR TO CONSTRUCTION START TO REVIEW SCOPE OF WORK AND EXPECTATIONS.
 - A RIGGING PLAN MAY BE REQUIRED AND SHALL BE SUBMITTED WITH THE 48-HOUR
 - GC RESPONSIBLE FOR ENSURING THE SAFETY CLIMB IS NOT TRAPPED OR OTHERWISE OBSTRUCTED WITH REASONABLE BUILDING PRACTICES.
 - GC RESPONSIBLE FOR COORDINATING DAILY LOG-IN AND LOG-OUT WITH THE POLE OWNER, WHERE APPLICABLE.
 - GC WILL BE RESPONSIBLE FOR THE POLE OWNER CLOSEOUT PACKAGE WITH REDLINES OF THE DTS OF THE EQUIPMENT INSTALLED TO BE SUBMITTED WITHIN 7 DAYS OF CONSTRUCTION COMPLETE.



Review of Utility Company Request for New Conduit/Pole Location

Applicant Information Project Address

Utility Gas Electric Telephone Utility Pole #8-6 Near 60 Lafayette St

(circle one) Other Lowell, MA

Reason Install Wireless Small Cell Facility on an Existing Utility Pole in the Public Right of Way

Date Submitted March 17, 2020

Review done by Richard Biagini

Sidewalk Material Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present	Y	<u>N</u>
Work on Street under a Paving Moratorium	<u>Y</u>	N
Is this location within the Flood Plain?	<u>Y</u>	N
Are ADA requirements being met?	<u>Y</u>	N

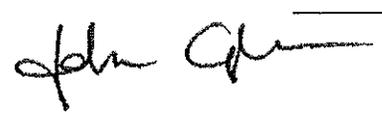
Comments

1. Contractor shall notify abutters at least 72 hours prior to beginning work.

Outcome of Review

Approved	Approved With Comments	Denied
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	<div style="border: 1px solid black; width: 100%; height: 100%; position: relative;"> </div>	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>

John Gleason, Interim City Engineer



brownrudnick

Edward D. Pare, Jr., Esq.
direct dial: 401-276-2839
epare@brownrudnick.com

February 3, 2020

City Council
City of Lowell
c/o City Clerk
Lowell City Hall
375 Merrimack Street
1st Floor, Room 31
Lowell, MA 01852

Christine Clancy, P.E.
City Engineer
City of Lowell
Lowell City Hall
375 Merrimack Street
3rd Floor, Room 61
Lowell, MA 01852

RE: Application of New Cingular Wireless PCS, LLC (d/b/a AT&T) for a Grant of Location for a Wireless Small Cell Facility, Including Telecommunication Wires and Wireless Attachments and Appurtenances on a Replacement Utility Pole in the Public Right of Way at the Following Location:

Pole #8-6 - Near 60 Lafayette Street, Lowell, MA 01854

Dear Honorable Members of the Lowell City Council:

As you may recall, we represent New Cingular Wireless PCS, LLC (d/b/a "AT&T") with respect to its deployment of small cell facilities in the City of Lowell and the Commonwealth of Massachusetts. AT&T is licensed by the Federal Communications Commission (the "FCC") to provide wireless communications services in the City of Lowell and throughout the Commonwealth of Massachusetts.

On behalf of AT&T and while reserving all rights, please accept this submission as an application for approval for a grant of location (the "Application") for one (1) small cell facility on an existing utility pole located in the public right of way near the above referenced address (the "Site"). The Application is filed pursuant to the federal Telecommunications Act of 1996 (the "Act"), the Declaratory Ruling and Third Report and Order 18-133 (the "Order") issued by the FCC in September 2018 https://docs.fcc.gov/public/attachments/FCC-18-133A1_Rcd.pdf and Massachusetts General Laws Chapter 166, Sections 21, 22 and 25A for telecommunication wires and wireless attachments and appurtenances attached to utility poles.

AT&T has entered into a Pole Attachment Agreement with National Grid and we have included a letter of authorization from National Grid to AT&T to submit the Application. For the proposed installation which is the subject of this request, National Grid requires that the pole



selected by AT&T for the small cell facility be replaced due to leaning, space limitations, age or other physical conditions or limitations. The existing pole is 27' 11" above ground level and the replacement pole will be 34' above ground level. The replacement pole complies with and is in accordance with the Act, the Order and state law.

We have also provided a detailed set of drawings (the "Plans") and map for this small cell facility. Additionally, we have provided photographs of a similar small cell installation installed by AT&T and located at 8 General Street, Lawrence, Massachusetts for use as an example. Also enclosed, please find a generic small cell facility report demonstrating compliance with applicable emissions standards established by the FCC.

AT&T proposes this small cell facility in the City of Lowell to deal with the rapidly increasing demands on AT&T's wireless network. This small cell facility will work in conjunction with the existing macro sites installed on rooftops, towers and other structures in and around the City of Lowell. AT&T's radio frequency engineers targeted the proposed location due to the high traffic and data demands on AT&T's network in these areas. AT&T's existing macro cell sites are not providing adequate data capacity near the Site due to population, vehicular and foot traffic, multiple wireless devices in use and other contributing factors. This small cell facility will work to offload the demands on the macro sites and allow for increased data capacity and speed within the immediate vicinity of the Sites and near AT&T's existing macro sites.

This small cell facility will be installed using standard commercially accepted methods in accordance with all applicable federal, state and local laws, regulations and orders. As depicted on the Plans, this small cell installation on the replacement utility pole will include: fiber optic cable(s); remote radios in a small equipment cabinet 39" in height by 23" wide by 15" deep (7.8 cubic feet in volume) mounted to the pole at least 12'9" above ground level; an unobtrusive pole top antenna measuring 25" long and 10" in diameter (1.132 cubic feet in volume); conduits and cable protectors; and, an electrical meter 8' above ground level with shutoff switch and grounding rod. The Plans also provide the proposed location, pole height, mounting height and equipment specifications.

The Telecommunications Act of 1996

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City Council
City of Lowell
February 3, 2020
Page 3

47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the Order commonly referenced as the applicable “shot clocks”. The FCC shot clock in this instance is ninety (90) days from the date of submission of the Application.

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If you have any questions, please don't hesitate to contact me. We look forward to presenting the Application at an upcoming meeting.

Sincerely,

BROWN RUDNICK LLP

Edward D. Pare, Jr., Esq.

Enclosures: Plans
Structural Report
Letter of Authorization from National Grid
Photograph of Existing Small Cell Facility
Emissions Report



ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2020

ORDERED:

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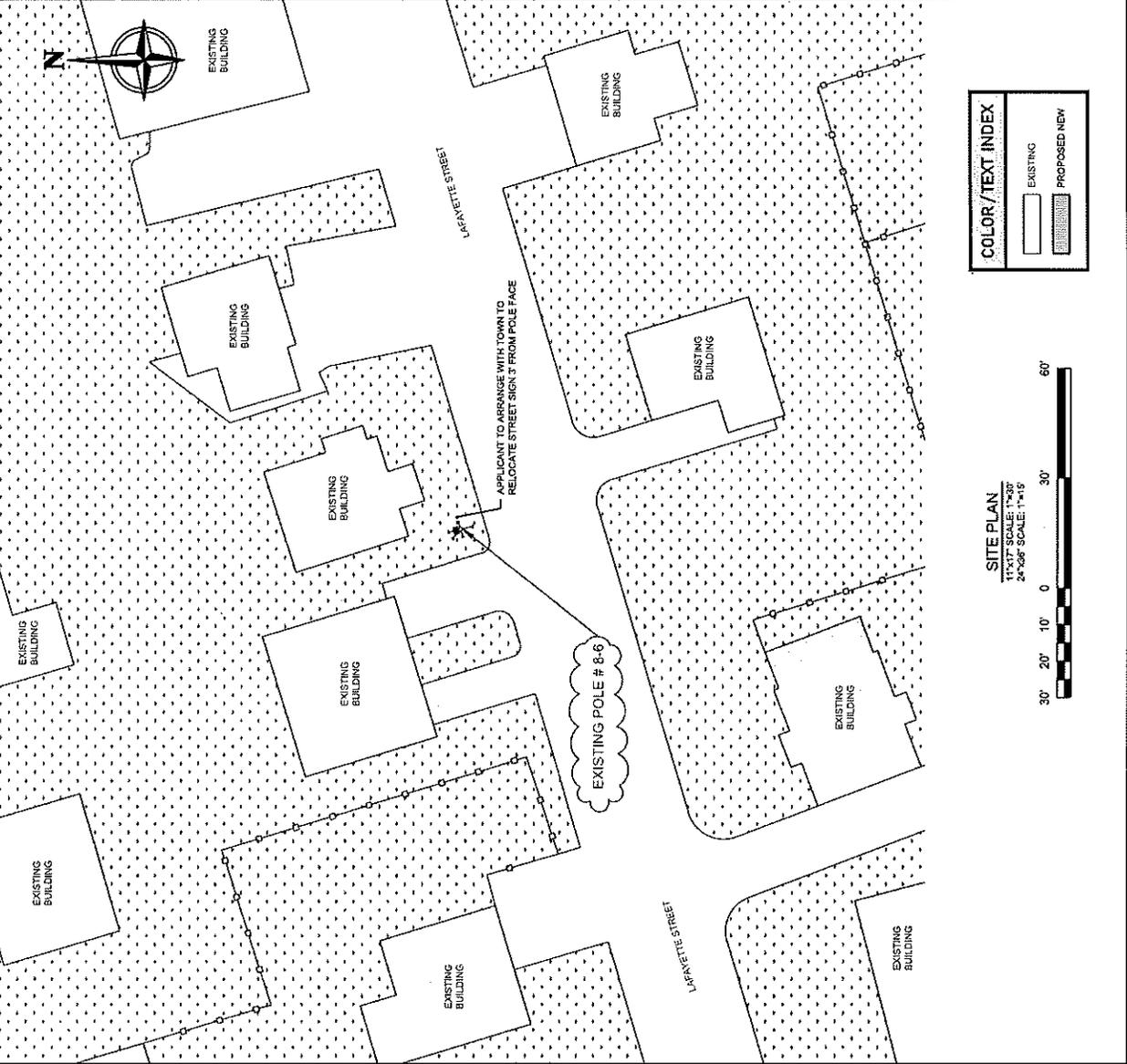
I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2020.

City Clerk

DATE	DESCRIPTION	REV	LOCATED BY
11/05/19	PERMITTING	A	LWW
02/20/19	CONSTRUCTION	B	LWW

DRAWN BY: AAK
 CHECKED BY: JOW
 APPROVED BY: LWW

USD: 262150
 SITE ADDRESS:
 60 LAFAYETTE STREET
 LOWELL, MA 01854
 FA LOCATION:
 149420300
 SITE NAME:
 CRAN_RCTB_LWLL_13
 SHEET TITLE:
 SITE PLAN
 SHEET NUMBER:
 C-1

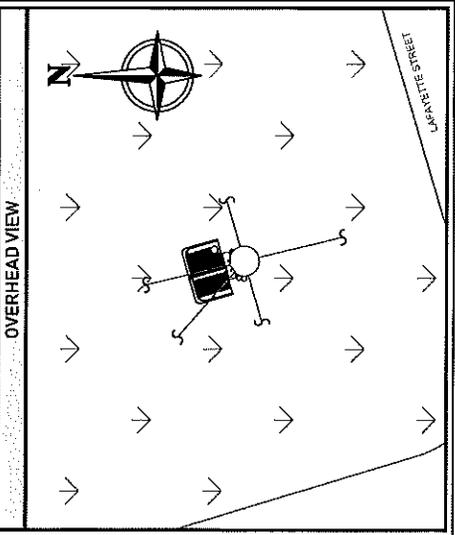
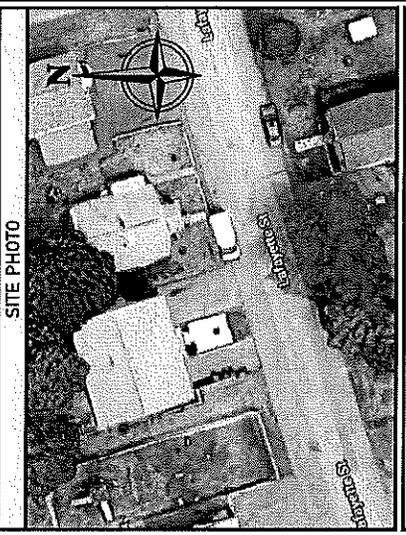


NOTE

SITE PLAN INFORMATION CONTAINED HEREIN IS TAKEN FROM THE DOCUMENTS PROVIDED BY THE CLIENT. NO WARRANTY OR GUARANTEE IS GIVEN BY CARLSON MCCAIN TO THE ACCURACY OR THE COMPLETENESS OF THE COPIED SURVEY/SITE PLAN INFORMATION.

SITE NOTES

- GC RESPONSIBLE FOR SUBMITTING A 48 HOUR NOTICE PRIOR TO MOBILIZATION TO THE SITE.
- A PRE-CONSTRUCTION MEETING IS REQUIRED PRIOR TO CONSTRUCTION START TO REVIEW SCOPE OF WORK AND EXPECTATIONS.
 - A RIGGING PLAN MAY BE REQUIRED AND SHALL BE SUBMITTED WITH THE 48 HOUR NOTICE.
 - GC RESPONSIBLE FOR ENSURING THE SAFETY CLIMB IS NOT TOURED OR OTHERWISE OBSTRUCTED WITH REASONABLE BUILDING PRACTICES.
- GC RESPONSIBLE FOR COORDINATING DAILY LOGIN AND LOG-OUT WITH THE POLE OWNER, WHERE APPLICABLE.
- GC WILL BE RESPONSIBLE FOR THE POLE OWNER CLOSEOUT PACKAGE WITH REQUINES OF THE CTS OF THE EQUIPMENT INSTALLED TO BE SUBMITTED WITHIN 7 DAYS OF CONSTRUCTION COMPLETE.



Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Project Address

Utility Gas Electric Telephone

Utility Pole #1 Near 878 Lakeview Ave

(circle one) Other

Lowell, MA

Reason Install Wireless Small Cell Facility on an

Existing Utility Pole in the Public Right of Way

Date Submitted March 17, 2020

Review done by Richard Biagini

Sidewalk Material

Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present Y N

Work on Street under a Paving Moratorium Y N

Is this location within the Flood Plain? Y N

Are ADA requirements being met? Y N

Comments

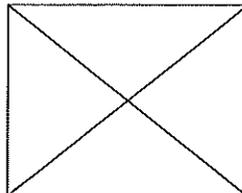
1. Contractor shall notify abutters at least 72 hours prior to beginning work.

Outcome of Review

Approved

Approved With
Comments

Denied



John Gleason, Interim City
Engineer

brownrudnick

Edward D. Pare, Jr., Esq.
direct dial: 401-276-2639
epare@brownrudnick.com

February 3, 2020

City Council
City of Lowell
c/o City Clerk
Lowell City Hall
375 Merrimack Street
1st Floor, Room 31
Lowell, MA 01852

Christine Clancy, P.E.
City Engineer
City of Lowell
Lowell City Hall
375 Merrimack Street
3rd Floor, Room 61
Lowell, MA 01852

RE: Application of New Cingular Wireless PCS, LLC (d/b/a AT&T) for a Grant of Location for a Wireless Small Cell Facility, Including Telecommunication Wires and Wireless Attachments and Appurtenances on an Existing Utility Pole in the Public Right of Way at the Following Location:

Pole #1 - Near 878 Lakeview Avenue, Lowell, MA 01850

Dear Honorable Members of the Lowell City Council:

As you may recall, we represent New Cingular Wireless PCS, LLC (d/b/a "AT&T") with respect to its deployment of small cell facilities in the City of Lowell and the Commonwealth of Massachusetts. AT&T is licensed by the Federal Communications Commission (the "FCC") to provide wireless communications services in the City of Lowell and throughout the Commonwealth of Massachusetts.

On behalf of AT&T and while reserving all rights, please accept this submission as an application for approval for a grant of location (the "Application") for one (1) small cell facility on an existing utility pole located in the public right of way near the above referenced address (the "Site"). The Application is filed pursuant to the federal Telecommunications Act of 1996 (the "Act"), the Declaratory Ruling and Third Report and Order 18-133 (the "Order") issued by the FCC in September 2018 https://docs.fcc.gov/public/attachments/FCC-18-133A1_Rcd.pdf and Massachusetts General Laws Chapter 166, Sections 21, 22 and 25A for telecommunication wires and wireless attachments and appurtenances attached to utility poles.

AT&T has entered into a Pole Attachment Agreement with National Grid and we have included a letter of authorization from National Grid to AT&T to submit the Application. The



existing pole complies with and is in accordance with the Act, the Order and Massachusetts state law.

We have also provided a detailed set of drawings (the "Plans") and map for this small cell facility. Additionally, we have provided photographs of a similar small cell installation installed by AT&T and located at 8 General Street, Lawrence, Massachusetts for use as an example. Also enclosed, please find a generic small cell facility report demonstrating compliance with applicable emissions standards established by the FCC.

AT&T proposes this small cell facility in the City of Lowell to deal with the rapidly increasing demands on AT&T's wireless network. This small cell facility will work in conjunction with the existing macro sites installed on rooftops, towers and other structures in and around the City of Lowell. AT&T's radio frequency engineers targeted the proposed location due to the high traffic and data demands on AT&T's network in these areas. AT&T's existing macro cell sites are not providing adequate data capacity near the Site due to population, vehicular and foot traffic, multiple wireless devices in use and other contributing factors. This small cell facility will work to offload the demands on the macro sites and allow for increased data capacity and speed within the immediate vicinity of the Sites and near AT&T's existing macro sites.

This small cell facility will be installed using standard commercially accepted methods in accordance with all applicable federal, state and local laws, regulations and orders. As depicted on the Plans, this small cell installation on the existing utility pole will include: fiber optic cable(s); remote radios in a small equipment cabinet 39" in height by 23" wide by 15" deep (7.8 cubic feet in volume) mounted to the pole at least 12'9" above ground level; an unobtrusive pole top antenna measuring 25" long and 10" in diameter (1.132 cubic feet in volume); conduits and cable protectors; and, an electrical meter 8' above ground level with shutoff switch and grounding rod. The Plans also provide the proposed location, pole height, mounting height and equipment specifications.

The Telecommunications Act of 1996

Without the installation, AT&T would be unable to provide specifically established coverage and capacity objectives. The existing utility pole is located within the limited geographic area whereby AT&T's radio frequency engineers determined that a wireless facility is required. The Act imposes substantial restrictions affecting the standard for granting the requested relief. The Act provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and,



City Council
City of Lowell
February 3, 2020
Page 3

decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the Order commonly referenced as the applicable “shot clocks”. The FCC shot clock in this instance is sixty (60) days from the date of submission of the Application.

We respectfully assert that AT&T's proposed small cell facility is reasonable and reasonably complies with the requirements of the City of Lowell in light of the Act, the Order and state law. AT&T is willing to work cooperatively with the City of Lowell with respect the deployment of its small cell facilities and we look forward to your feedback. For the convenience of the City Council, AT&T has provided a proposed Form of Order for your consideration.

If you have any questions, please don't hesitate to contact me. We look forward to presenting the Application at an upcoming meeting.

Sincerely,

BROWN RUDNICK LLP

Edward D. Pare, Jr., Esq.

Enclosures: Plans
Structural Report
Letter of Authorization from National Grid
Photograph of Existing Small Cell Facility
Emissions Report



ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2020

ORDERED:

That pursuant to the federal Telecommunication Act of 1996 and Massachusetts General Laws, Chapter 166, NEW CINGULAR WIRELESS PCS, LLC ("AT&T") is hereby granted a location for and permission to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas, to be attached to a National Grid utility pole, located upon, along and under the public ways within the City of Lowell, as substantially shown on the plans filed with said petition.

The forgoing permission is subject to the following condition: the telecommunications wires and wireless attachments and appurtenances shall be installed and operated in compliance with all applicable federal and state laws and regulations.

I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2020.

City Clerk

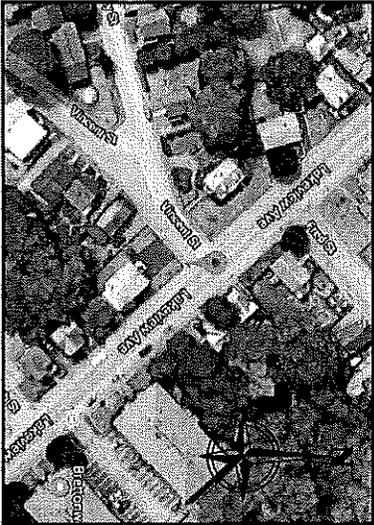
NOTE

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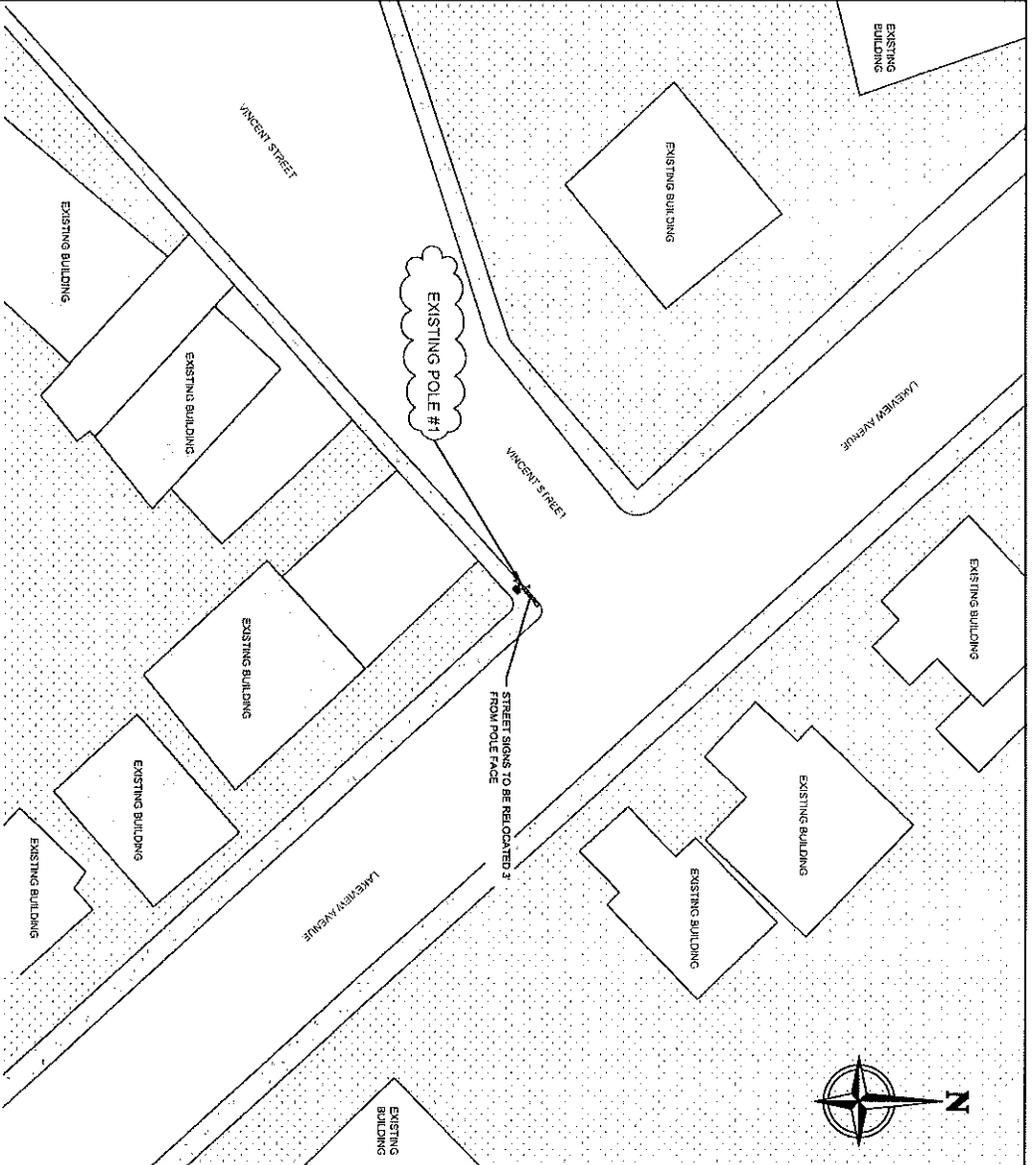
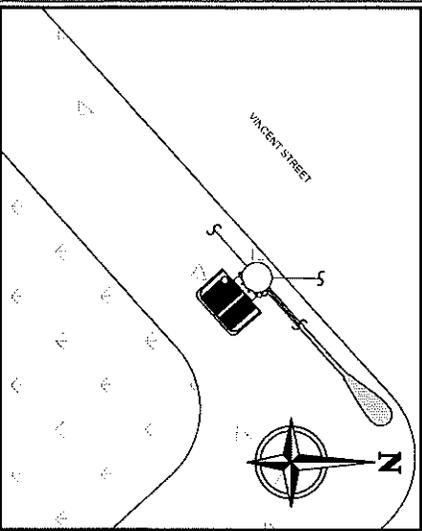
SITE NOTES

1. GC RESPONSIBLE FOR SUBMITTING A 48 HOUR NOTICE PRIOR TO MOBILIZATION TO THE SITE.
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 - GC RESPONSIBLE FOR BRINGING THE SAFETY PLAN IS NOT TAPPED OR OTHER SIGNS CONSTRUCTED WITH RESPONSIBLE BUILDING PRACTICES.
3. GC RESPONSIBLE FOR COORDINATING DAILY LOG-IN AND LOG-OUT WITH THE POLE OWNER, WHERE APPLICABLE.
4. GC WILL BE RESPONSIBLE FOR THE POLE OWNER CLOSEOUT PACKAGE WITH REQUIRES OF THE COSTS OF THE EQUIPMENT INSTALLED TO BE SUBMITTED WITHIN 7 DAYS OF CONSTRUCTION COMPLETE.

SITE PHOTO



OVERHEAD VIEW



SITE PLAN

TYPICAL SCALE: 1"=30'
 2"=60' SCALE: 1"=15'

COLOR/TEXT INDEX	
	EXISTING
	PROPOSED NEW



SUBMITTALS			
DATE	DESCRIPTION	REV	ISSUED BY
11/02/2019	PERMITTING	X	JMK
10/02/2019	CONSTRUCTION	0	LMM

DRAWN BY: JMK
 CHECKED BY: AKK
 APPROVED BY: LMM

COMMONWEALTH OF MASSACHUSETTS
 REGISTERED PROFESSIONAL ENGINEER
 REG. NO. 54992
 LEE W. WRIGHT
 CIVIL
 12/04/2019

USD: 262149

SITE ADDRESS: 878 LAKEVIEW AVENUE LOWELL, MA 01850

FA LOCATION: 14842025

SITE NAME: CRAN_RCTB_LMWL_01

SHEET TITLE: SITE PLAN

SHEET NUMBER: C-1



Mirán Fernandez
Chief Information Officer
Cable TV Coordinator

John Meyers
MIS Director

MEMORANDUM

TO: Eileen Donoghue, City Manager 

FROM: Mirán Fernandez, Chief Information Officer

DATE: April 28, 2020

Re: **MOTION RESPONSE: 4/14/2020 by C. Chau** – Req. City Mgr. Contact Comcast, Verizon And Other Internet Providers To The City And Request/Negotiate Reduced Fees And Service Charges During The Covid-19 Emergency Period

In Massachusetts, the Department of Telecommunications and Cable (DTC) is the local franchising authority for rate regulation purposes, while the municipality is the issuing authority which grants the license to the cable operator. The Federal Communications Commission (FCC) is the authority for all other non-video related services such as Internet Service Providers (ISPs), telecommunications, and wireless services.

MIS recognizes two wired ISPs which service the city (Comcast and Verizon), has reached out to both of them, and has requested that they reduce fees and service charges during the COVID-19 emergency period, and their responses are summarized below. Also attached, please find the DTC's official *COVID-19 Response from Broadband and Telephone Service Providers* document.

Comcast has (1) dropped the monthly cost of their Internet Essentials program for low-income households to \$0 through 5/15/20, (2) instituted a no-shut off policy during the crisis for current customers who can't pay their bill, (3) opened their outdoor and small business hotspots to the public, (4) is offering new educational collections for all grade levels for free, and (5) is pausing data plans for 60 days giving all customer Unlimited data for no additional charge.

Verizon has (1) added a new discount Internet option for low-income households, (2) pledged to not terminate services during the crisis for nonpayment, (3) is waiving wireless data overage charges and late fees, (4) is providing consumers with free learning tools, and (5) is prioritizing first responder access.

Both vendors have been responsive throughout this crisis, and are available to answer additional questions should they arise.

COVID-19 Response from Broadband and Telephone Service Providers

The following information is intended to be a resource to help consumers concerned with service connectivity and limits to minutes and data caps in their service plans. The information contained herein is accurate as of the date of publication and will be updated if/when further information is available. For current offerings and changes to terms and conditions, contact your provider.

COVID-19 Response from Broadband and Telephone Service Providers

In response to COVID-19, the Federal Communications Commission (FCC) launched the [Keep Americans Connected Initiative](#) to ensure that people do not lose their broadband or telephone connectivity during the pandemic. Over 600 broadband and telephone service providers in the country have signed on to commit to the following through May 13, 2020:

- (1) not terminate service to any residential or small business customers because of their inability to pay their bills due to the disruptions caused by the coronavirus pandemic;
- (2) waive any late fees that any residential or small business customers incur because of their economic circumstances related to the coronavirus pandemic; and
- (3) open its Wi-Fi hotspots to public.

Providers service Massachusetts residents that have signed the FCC's pledge include: AT&T, Charter Spectrum, Comcast, Consolidated, Cox, OTelco, RCN, Sprint, T-Mobile, and Verizon. To date, Magna5 (serving the Town of Richmond) has not signed the pledge, but the company has suspended disconnections for non-payment.

Additionally, many carriers are providing customers with unlimited or additional minutes and data until May 13, 2020. The Appendix contains specific COVID-19 related actions announced by service providers serving Massachusetts.

Visit <https://www.fcc.gov/keep-americans-connected> to view a list of companies and associations that have signed the pledge

Lifeline Program - Subsidized Phone and Internet Service

Lifeline is a federal program that provides free or low-cost phone or internet service to low-income households through a monthly service discount of up to \$9.25. Lifeline subscribers have the choice of applying their benefit discount to either (1) home phone service; (2) home internet service, where available, or (3) a wireless phone plan with data. The Lifeline Program subsidy does not cover the cost of a wireless device, but some Lifeline Providers may choose to offer an initial wireless device upon completing enrollment.

Only one Lifeline program discount is available per household, which is defined as any individual or group of individuals who live together at the same address and share income and expenses. Therefore, if there are multiple people living at the same address, but they do not share income, each individual will be eligible for Lifeline service.

In response to COVID-19, the FCC has extended benefit recertification deadlines until May 29, 2020 to ease the burden on current Lifeline subscribers who need to submit documentation to show they remain eligible to receive Lifeline service. The FCC has also waived the 30 day usage rule until May 29, 2020, and directed the Universal Service Administrative Company (USAC) to pause any involuntary de-enrollment of existing subscribers.

Eligibility: There are two ways to qualify for the Lifeline program: income-based eligibility (household income is at or below 135% of the federal poverty guidelines) or program-based eligibility (Medicaid, Supplemental Nutrition Assistance Program, Supplemental Security Income, Federal Public Housing Assistance, Certain Federally-Recognized/State Tribal Assistance Programs, and Veteran's Pension or Survivor's Pension benefit). A full list of eligibility criteria, including the federal poverty guidelines, is available here: <https://www.lifelinesupport.org/do-i-qualify/>.

Enrolling in Lifeline: As of January 22, 2020, prior to enrolling with a Lifeline service provider, Massachusetts Lifeline applicants need to first verify their eligibility for the Lifeline Program using the National Verifier, a centralized system that is managed directly by USAC, the administrator of the Lifeline Program under the direction of the FCC. In order to verify eligibility, consumers will need to complete the standard Lifeline Program application as well as submit a copy of their proof of eligibility documentation. A full list of acceptable proof of eligibility documentation can be found here: <https://www.lifelinesupport.org/do-i-qualify/how-to-prove-participation/>. Consumers can apply online by visiting www.CheckLifeline.org/lifeline/.

For more information on how to enroll, Massachusetts consumers can visit the [Department of Telecommunications and Cable's website](#) for guidance (<https://www.mass.gov/how-to/apply-for-a-discounted-communications-service-through-the-lifeline-program>). Additionally, consumers can call the DTC's hotline, 800-392-6066, for assistance in applying or to get support with any challenges in the process (e.g., eligibility verification).

APPENDIX: WIRELESS LIFELINE IN MASSACHUSETTS

Service Provider	Lifeline Monthly Plan	Covid-19 Response
<u>Assurance Wireless</u>	-350 voice minutes -Unlimited texts -3GB data -Courtesy mobile device upon enrollment	Through May 20, 2020, all Assurance Wireless Lifeline customers will receive: <ul style="list-style-type: none"> • Free unlimited domestic voice minutes • Free unlimited texting • A one-time allotment of 6GB in addition to regular monthly data allotment
<u>SafeLink Wireless</u>	-350 voice minutes -Unlimited texts -3GB data	Through April 28, 2020 all Safelink Wireless Lifeline customers will receive: <ul style="list-style-type: none"> • Free unlimited domestic voice minutes • Free unlimited texts • Additional 5GB of data in addition to regular monthly data allotment
<u>StandUp Wireless</u>	-300 voice minutes -Unlimited texts -3GB data -Courtesy mobile device upon enrollment	Through May 15, 2020, all new and current StandUp Wireless customers will receive: <ul style="list-style-type: none"> • Free unlimited voice minutes • Free unlimited texts • Additional 5GB (8GB total) Lifeline customers must be approved before 4/17/2020 to receive these additional benefits

Eligibility and enrollment information available online at <https://www.lifelinesupport.org/>

For more information on how to enroll, Massachusetts consumers can visit the [Department of Telecommunications and Cable's website](#) for guidance (<https://www.mass.gov/how-to/apply-for-a-discounted-communications-service-through-the-lifeline-program>). Additionally, consumers can call the DTC's hotline, 800-392-6066, for assistance in applying or to get support with any challenges in the process (e.g., eligibility verification).

APPENDIX: WIRED LIFELINE IN MASSACHUSETTS

Service Provider	Lifeline Monthly Plan	Covid 19 Response
Verizon	<p>Home phone: -Unlimited landline minutes, including long distance</p> <p>Home internet: -Fios internet service at a speed of 18 megabits per second or above - 250GB monthly data cap</p>	<ul style="list-style-type: none"> • Waiving coverage charges and late fees. Customers should contact Verizon’s customer service team to let them know they’re experiencing a hardship. • Two months waived internet and voice service charges for current Lifeline customers • Beginning April 3, 2020, Lifeline consumers may select any service speed in the Mix & Match plans and receive a \$20 monthly discount and router rental charges waived for 60 days. The plans with the discounted monthly prices are: <ul style="list-style-type: none"> ○ 200/200 Mbps for \$19.99/month ○ 400/400 Mbps for \$39.99/month ○ Gigabit for \$59.99/month (includes Fios router)

Eligibility and enrollment information available online at <https://www.lifelinesupport.org/>

Please note that as a result of COVID-19, Verizon is not dispatching technicians for in-home or in-premise installations, with very limited exceptions. This means you may be unable to obtain new home phone or internet service with Verizon at this time. If you plan on requesting new service, contact Verizon to confirm whether a self-install will be possible.

For more information on how to enroll, Massachusetts consumers can visit the [Department of Telecommunications and Cable’s website](#) for guidance (<https://www.mass.gov/how-to/apply-for-a-discounted-communications-service-through-the-lifeline-program>). Additionally, consumers can call the DTC’s hotline, 800-392-6066, for assistance in applying or to get support with any challenges in the process (e.g., eligibility verification).

APPENDIX: WIRED SERVICE IN MASSACHUSETTS

Service Provider	COVID-19 Response <i>Offers active through May 13, 2020 unless otherwise noted</i>
<u>Comcast/Xfinity</u>	<ul style="list-style-type: none"> • Two months of complimentary internet access through the <u>Internet Essentials</u> service to new customers who are eligible, which includes MassHealth members. No credit check, shipping fee or term contract required for the service. • Waiving fees on late payments and not terminating service if customers contact Comcast/Xfinity to inform them of the hardship • Public <u>Wi-Fi hotspots</u> open for all • Increasing speed from 15/2 Mbps to 25/3 Mbps for new and existing internet customers • Unlimited data for home internet customers • Consumers with Xfinity internet and Xfinity voice service who fall behind on their monthly payments will have those services transferred to the Xfinity Assistance Plan for \$14.95/month with no equipment rental fee being charged. This plan will be in effect until May 13, 2020 and consumers will not be disconnected for non-payment during this time, but may have their internet speed reduced • Visit <u>https://corporate.comcast.com/covid-19</u> for updates
<u>Cox</u>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service. • New customers of their low-income internet service for families with school-aged children, Connect2Compete, will receive their first two months of service free effective March 16 through May 15 • Customers using Essential, Starter, StraightUp Internet or Connect2Compete internet plans are automatically upgraded to 50 Mbps through May 15. • Starter internet package is offered at \$19.99 through May 15 • Data usage overages are being eliminated through May 15 • Visit <u>https://www.cox.com/residential/support/coronavirus-response.html</u> for updates

Please note that as a result of COVID-19, providers may not be dispatching technicians for in-home or in-premise installations, with very limited exceptions. This means you may be unable to obtain new home phone or internet service with a provider at the moment. If you plan on requesting new service, contact the provider first to confirm whether a self-install will be possible.

<p><u>Spectrum Mobile - Charter Communications</u></p>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service • Public Wi-Fi hotspots open for all • <u>Free Spectrum broadband and Wi-Fi</u> for 60 days to households with children in grades K-12 and college students or educators. To get the deal, you cannot already have Spectrum broadband service at any level up to 100 Mbps. • Visit https://www.spectrum.net/support/internet/coronavirus-covid-19-information-spectrum-customers/ for updates
<p><u>Verizon</u></p>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service. Customers should contact Verizon to let them know they're experiencing a hardship • Waiving activation and upgrade fees when purchased through the specific channels (see website for more information) • Free international calling rates to countries defined by the Center for Disease Control as Level 3 (see website for information and exceptions) • Consumer Fios and DSL broadband internet plans have no data caps • Through April 30, Verizon will offer unlimited domestic calling to customers on limited-minute plans. • Visit https://www.verizon.com/about/news/covid-response-customers for updates

Please note that as a result of COVID-19, providers may not be dispatching technicians for in-home or in-premise installations, with very limited exceptions. This means you may be unable to obtain new home phone or internet service with a provider at the moment. If you plan on requesting new service, contact the provider first to confirm whether a self-install will be possible.

APPENDIX: WIRELESS SERVICE IN MASSACHUSETTS

Service Provider	COVID-19 Response <i>Offers active through May 13, 2020 unless otherwise noted</i>
<u>AT&T</u>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service. Customers must contact AT&T to inform them of the hardship by <u>submitting a waiver request</u>. • Public Wi-Fi hotspots open for all • Waiving domestic wireless plan overage charges for data, voice and text • Unlimited internet data for home internet customers • Two months of complimentary internet access through the <u>Access from AT&T</u> service for new customers who have at least one member of the household participating in Supplemental Nutrition Assistance Program (SNAP), National School Lunch Program or Head Start. • The timeframe to return DIRECTV, U-verse TV, or AT&T Internet equipment is extended from 21 days to 60 days • Increasing mobile hotspot data by 15GB/month for each line on an unlimited plan that includes a monthly tethering allotment. See website for more details • Visit <u>https://about.att.com/pages/COVID-19.html</u> for updates
<u>Boost Mobile</u>	<ul style="list-style-type: none"> • Complementary international calling rates from the U.S. to countries defined by the Center for Disease Control as Level 3 through April 30 • Reactivation fees for customers waived through April 30 • Customers with unlimited data plans will receive an additional 20GB of mobile hotspot on their plans through April 30 • Customers without unlimited plans will receive an additional 20GB of data on their plans through April 30 • Visit <u>https://www.boostmobile.com/about/covid-19-response.html</u> for updates

<p><u>Sprint</u></p>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service • Free international calling rates to countries defined by the Center for Disease Control as <u>Level 3</u> • Customers without unlimited plans will get 60 days of unlimited data (a minimum of two bill cycles) for free • Extra 20GB of mobile hotspot data to customers with hotspot-capable devices • Free next-day shipping for all orders on sprint.com • Visit https://www.sprint.com/en/landings/covid-19.html for updates
<p><u>T-Mobile</u></p>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service • All T-Mobile customers as of March 13, 2020 who have plans with data will automatically have unlimited smartphone data (excluding roaming) • More roaming access for Sprint customers on T-Mobile's network • An extra 20GB of hotspot (10GB/month for two months) for all T-Mobile postpaid and Metro by T-Mobile customers. See website for more information • Visit https://www.t-mobile.com/support/account/covid-19-updates for updates
<p><u>Verizon</u></p>	<ul style="list-style-type: none"> • Waiving fees on late payments and not terminating service. Wireless customers must fill out a <u>short form</u> to let Verizon know they are experiencing hardship • Waiving activation and upgrade fees when purchased through the specific channels (see website for more information) • Free international calling rates to countries defined by the Center for Disease Control as <u>Level 3 until 4/30</u> • Extra 15 GB of mobile hotspot data to be used between 03/25/2020 and 04/30/2020. To be eligible, you must be on a qualifying postpaid (unlimited or shared), Jetpack or prepaid plans. • Visit https://www.verizonwireless.com/support/covid-19-faqs/ for updates



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

MEMORANDUM

TO: Eileen M. Donoghue, City Manager

EMD

FROM: Elliott Veloso, Assistant City Solicitor/Municipal Hearings Officer

DATE: April 28, 2020

RE: Motion: C. Nuon - Request City Manager due to COVID-19 Crisis, extend the appeals period for any citation, ticket, or fine Issued by the City; in addition, relax any timelines for late fees and/or municipal licenses until emergency orders are lifted.

:

In response to the COVID-19 pandemic, the City has currently suspended all in-person hearings for appeals of citations, tickets, or fines issued by the City's Development Services Office, Animal Control, or other similar municipal enforcement entities. All current pending appeals that would have held an in-person hearing have been held in abeyance until such time that the Governor's emergency orders have lifted and a determination can be made that the hearings can be conducted in a safe manner. All late fees and interest that could accrue for these violations will be waived during this period they are held in abeyance. Hearings conducted through mail or online submissions, such as parking tickets, are being conducted as normal.

The City does not have the authority to extend any appeals period governed by state law. For example, a person who wishes to appeal a violation of a rule, regulation, order, ordinance, or by-law regulating housing, building, or sanitary codes must submit their appeal within 21 days pursuant to M.G.L. c. 40U, §8. Similarly, a person who wishes to appeal a parking ticket must submit their appeal within 21 days pursuant to M.G.L. Chapter 90, § 20A. The City does not maintain the authority to abrogate these timelines. Additionally, neither the governor's current emergency orders nor the state and federal laws passed in response to the COVID-19 pandemic have authorized the waiver or suspension of these appeal periods.

Mayor John J. Leahy and Members of the City Council

April 23, 2020

Page 2

Therefore, persons wishing to appeal any citation, ticket, or fine issued during the COVID-19 pandemic are still required to timely submit them to the City. Instructions on appealing a citation can usually be found on the notice itself. Any appeal timely received within the applicable timeframe that would require an in-person hearing will be held in abeyance until such time that in-person hearings can safely resume. Any persons with questions regarding the appeal process may contact the issuing department for assistance.

Cc: Christine P. O'Connor, City Solicitor



Terence J. Ryan
Parking Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Terry Ryan, Parking Director

DATE: April 21, 2020

SUBJECT: COUNCIL MOTION OF 4/14/2020 BY COUNCILOR MERCIER
REQUEST CITY MANAGER Handicap Parking, Appleton Mills

Under M.G.L, people with a legal handicapped placard are allowed to park at any on-street parking space free of charge with no time limit imposed. Additionally, handicapped spaces cannot be assigned to any one particular person or reserved in any way. Within the City's five garages, there are currently 301 customers who pay the "Disabled Downtown Resident Fee" at a current monthly cost of \$37.00 (approx. \$1.25/day).

Based on the lack of handicapped parking spaces around the Appleton Mills complex and the increased development in the area, the residents have requested they be allowed to park at the UML 110 Canal parking lot and then have "first access to the handicapped spaces" in the new HCID garage. I have reached out to UML and received approval for fifteen spaces dedicated to handicapped residents of Appleton Mills for a short term, until the HCID Garage opens. Spaces would be managed by the City of Lowell Parking Department and would be issued after an application and valid handicapped placard is submitted and processed. Availability of these spaces would end with the opening of the HCID Garage.

When the HCID garage opens, there will be 20 handicapped-designated spaces (17 car, 3 van) located adjacent to the elevators on each covered floor. Handicapped parking spaces, as current practice, in all City garages, cannot be allocated or reserved for particular person or vehicle and it is the opinion of the Parking Dept. that this remain the policy at the HCID Garage. Allowing for designated or reserved spaces in one garage would have to be applied universally to the other garages.

The City Transportation Engineer has determined that five Handicapped Parking Spaces could be added to the one current space on Canal St to help in a small way. See attached map, with the new proposed spaces highlighted in red.

It would be the opinion of the Parking Department that a sixty day trial be executed on the five additional handicapped spaces on Canal St., residents be allowed to park at 110 Canal Lot for the short term at no charge, and once open, provided the opportunity to park at the HCID Garage billed at the current Disabled Downtown Resident fee. Residents also have immediate access to the Early Garage.



Terence J. Ryan
Parking Director



Current handicapped spaces in Blue.

Proposed new handicapped spaces in Red.

Terry Ryan
Parking Director

cc: Diane N. Tradd, Assistant City Manager/DPD Director
Natasha Vance, PE, Traffic Engineer.



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Conor Baldwin, Chief Financial Officer *CB*

CC: Kelly Oakes, City Treasurer/ Collector
Sue LeMay, Chief Assessor
Terry Ryan, Parking Director

DATE: April 6, 2020

SUBJECT: **MOTION RESPONSE: 4/14/2020 by C. MERCIER** - Req. City Mgr. Find Ways And Means To Have City Vendors That Are Responsible For Sending Out Property Tax Bill, Excise Tax Bills, Etc. Offer A Grace Period For Payment During These Difficult Times.

MOTION RESPONSE: 4/14/2020 by C. ELLIOTT - Req. City Mgr. Have Proper Department Suspend Parking Ticketing During Stay At Home Order.

1. Taxes/ Penalties & Interest

In response to questions received by the Treasurer/ Collector's Office and the above referenced City Council motions, the finance department has compiled this review of relevant options available to the city for potential relief to residents related to tax payments due to the city in FY2020. While the Administration is exploring every available opportunity to offer options to our residents during this unprecedented public health emergency, the flexibility for municipalities to make changes is limited by state law in most instances. To that end, there was a bill passed by the House and Senate on April 3rd, which provides further relief to cities and towns. Those options are discussed in this memorandum, as well.

a. Motor Vehicle Excise Taxes

Many calls received at City Hall in March/April have been relative to the FY2020 motor vehicle excise bills, which were mailed in March. The city has issued over 68,000 excise bills this fiscal year on various commitments based on data received from the Registry of Motor Vehicles. The largest single commitment, commitment 1, was issued on **March 10th, with a due date of April 8th**. Motor vehicle excise is governed by state law (G.L. c. 60A) which requires an excise to be assessed and levied each calendar year on every motor vehicle in each community. Once the bill is issued, the amount must be due within thirty (30) days. The revenue from Motor Vehicle Excise is a significant component of the city's financing plan each fiscal year. In FY2019 the actual collections were approximately \$9.7 million. While the operating budget depends on the collection of this revenue and the due date has already passed, there are some available opportunities for some relief.



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

After the due date elapses, each year the city will place a demand fee of \$30 is on the bill, which is a method under the law designed to guarantee collection. If it is the will of the Council, the city could allow for a thirty day grace period before the demand is attached, effectively pushing the date out until May 8th. Additionally, the city has yet to issue commitment #2, which is the second largest motor vehicle excise commitment of the year. That commitment consists of 4,989 bills for a total of approximately \$934,662. These bills, if issued on May 13th, would have a due date of June 13th. If the Council desires, we can wait to issue this bill. However, the financial implications for FY2020 would be substantial. As of the date of writing, the city has collected approximately \$4.7 million of the \$8.25 million in budgeted revenue for motor vehicle excise for the FY2020 commitments.

Finally, the city is permitted to waive interest up to a maximum of \$15, without any special legislation. If a resident's interest charges—which begin to accrue on the 31st day after the bill is issued at a rate of 12% per annum – are less than \$15, these could also be waived if the Council so chooses. Anything in excess of \$15 cannot be waived, under the law. Other communities, like Springfield, have enacted this measure as part of a relief package to residents.

b. Real and Personal Property Taxes

The second most pressing question of a financial nature posed to City Hall has been related to the fourth quarter tax bills. Unlike like aforementioned options for excise, taxes for real and personal property are more strictly regulated by the Department of Revenue and the relative flexibility for municipalities is nearly non-existent. The City of Lowell uses a quarterly tax billing system under the provisions of GL c. 59 s. 57C. Four bills are issued per year, the first two of which are a “preliminary bill” based on the prior year valuation and then two “actual quarterly bills”. The 3rd and 4th quarter bills are based on the assessed valuation as of January 1st and are calculated using a tax rate that has been approved by the Commissioner of Revenue after submission of the city's annual tax rate recapitulation. Under the law, the municipal finance officials like the Treasurer, Assessor, and Collector are bound by statute to follow the prescribed process for assessing, billing, and collecting the taxes each year. The annual due date of the bills are a matter of law and the city has already issued the Q4 bill with a due date of 5/1/2020.

To address these matters, legislatively, the Governor signed into law *An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19*, (Chapter 53 of the Acts of 2020, on April 3, 2020). The Act provides cities and towns, amongst other provisions, flexibility on tax collections in order to allow residents more time to pay taxes without incurring penalties. Municipalities are be allowed, pursuant to a local option, to waive late-payment penalties and interest for certain payments and change their tax bill due date, as well as extend the deadline for property tax exemptions and deferrals to June 1.

The law further includes a local option to waive interest and other penalties for late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

or other charge added to a tax for any payments with a due date on or after March 10, 2020 where payment is made after its respective due date but before June 30, 2020. This section allows the waiver of interest and penalties regarding late payments of bills with a due date of March 10, 2020 or after, when such bills are paid late but paid on or before June 30, 2020. This section does not permit waiver of interest and penalties regarding bills with due dates before March 10, 2020 or if the bill is not paid by June 30, 2020.

c. Fiscal Impact and Recommendation

Any change to the due date for taxes will result in an impact to the city's cash flow, which could have repercussions to city services. In order to provide the level of services outlined in the 2020 fiscal year budget, the city must meet its revenue estimates. As of the end of the third quarter of the fiscal year, the actual revenue collections are largely on-target. However, some of the revenues in the budget related to economic activity like meals tax, hotel/motel excise, and marijuana excise taxes will not see a decline in revenue until the fourth quarter because the funds we receive from the state are one quarter behind (for example, the Q3 meals tax receipt is for activity from December through February). The Administration has already implemented cost control measures to make sure the city finishes the year on-target and any further impact to revenue estimates will need to be met with commensurate reductions to expenditures. Without meeting revenue estimates, the city will need to consider service reductions, where possible.

Furthermore, according to records from the Treasurer's Office, the two largest payers of taxes or "customers" to the city are *Corelogic and Lereta*—financial services companies who collect tax payments on behalf of mortgage lenders and make payments to municipalities on their behalf. It is probable that these companies have already collected the revenue from the city's residents through their escrow accounts and will sit on the money until whichever date is chosen for payment. This would help the financial position of those companies, who may be able to earn interest on the funds, rather than the residents. Approximately 55% of the total commitment for the 4th quarter is going to be paid by a mortgage company. Only about 12,000 of the 27,000 Q4 tax bills were issued to individuals other than the two aforementioned mortgage customers.

In order to prevent any material loss of revenue in the fourth quarter, the finance department would not recommend exercising the local option to extend the due date of the fourth quarter. The FY2020 tax levy totals approximately \$138.3 million and the amount of revenue still deferred for real and personal property taxes is approximately \$35.2 million, the majority of which should be collected before year-end. Any change to the date would impact our ability to recognize the revenue within FY2020 and could potentially result in the need to reduce services. Collectively, between the various penalties and interest revenue that would be lost in the fourth quarter, the city is at risk of losing another approximately \$335,000 before 6/30/2020. This revenue does not exclude the first \$15 dollars that could potentially be waived. Essentially the loss of revenue, coupled with the existing loss of economic-activity related revenue associated



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

with local option meals tax, hotel/motel excise tax, building permit revenue, and local option marijuana excise, could have a material impact on the FY2020 financials.

2. Parking Tickets/ Enterprise Revenue

The final request for residential relief is relative to parking tickets. According to the Parking Department, the city immediately reduced the number of tickets issued beginning on the week of March 15th and shifted the attention of personnel to “priority tickets”, cars left on the street for long periods of time and illegal parking in loading zones or on crosswalks. During the six (6) weeks between March 1st and April 11th, the year-over-year ticket issuance is down by 53%, as compared with the same period in FY2019. The Parking Director maintained a level of enforcement due to observed behavior that was impacting the economic activity in the downtown, albeit substantially limited due to COVID-19.

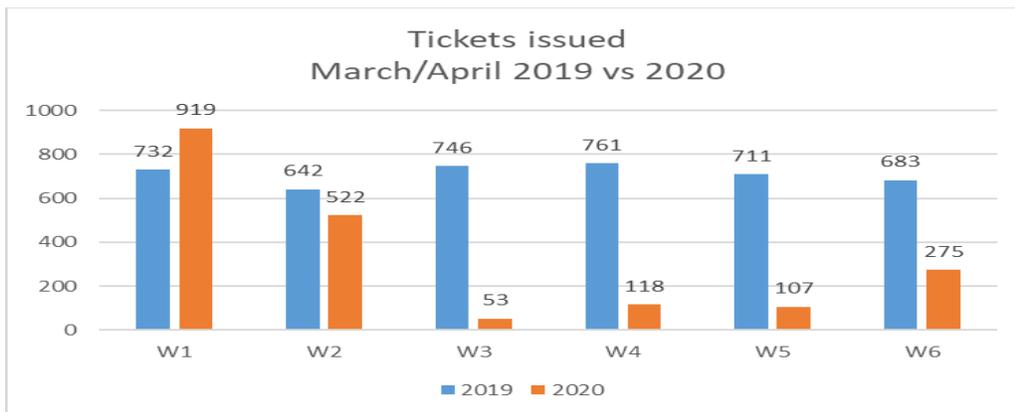
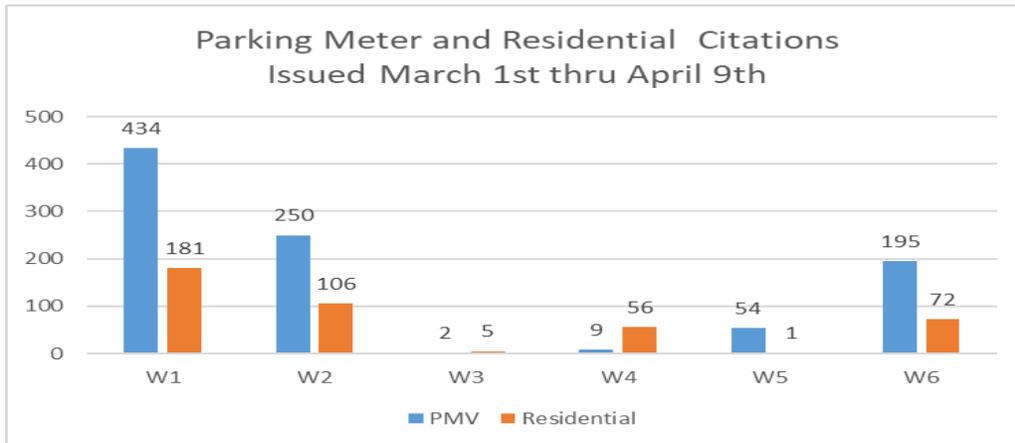
The primary objective of parking enforcement is to maintain an adequate supply of open spaces on the street, in order to support the downtown economy. Without enforcement, it is likely that the availability of open spaces on or near business will be usurped by residents or visitors for long periods of time. Enforcement is also a key component of maintaining an accessible downtown for the disabled community, as tickets are issued for violations of crosswalks, parking on sidewalks, etc., that are necessary for ensuring compliance with ADA requirements for public streets and sidewalks.

Financially, the parking ticket revenue accounts for approximately \$860,000 in annual revenue for the parking enterprise fund. The Parking Department is an Enterprise Fund, pursuant to G.L. c. 44 s. 53F1/2 and is self-supported by the rates and revenues derived from the operation. As such, no tax dollars are used to support the salaries and wages, ordinary expenses, or debt service associated with the city’s parking department. While the health of the enterprise is good, currently, and the enterprise fund balance was certified at \$5,465,109 as of 7/1/2019; that fund balance will rapidly deteriorate as the debt service for the HCID garage comes online, starting in the next fiscal year. In FY2021, the total debt service for the garage under construction is \$2,034,569. Exacerbating this increased cost is lost revenue from the enterprise, itself, associated with the COVID-19 crisis. Between late February and early April, garage revenue is down by 88%, as most pass card holders have cancelled their monthly subscription and meter revenues have dropped, proportionately to the reduction in economic activity in the downtown.



Conor Baldwin
 Chief Financial Officer

Allison Chambers
 Deputy CFO

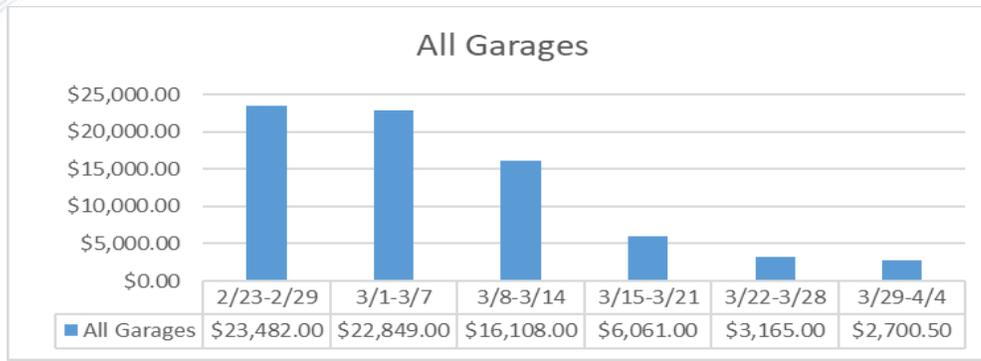


W1	3/1-3/7
W2	3/8-3/14
W3	3/15-3/21
W4	3/22-3/28
W5	3/29-4/4
W6	4/5-4/11



Conor Baldwin
 Chief Financial Officer

Allison Chambers
 Deputy CFO



Week	All Garages	% Drop
2/23-2/29	\$23,482.00	
3/1-3/7	\$22,849.00	3%
3/8-3/14	\$16,108.00	31%
3/15-3/21	\$6,061.00	74%
3/22-3/28	\$3,165.00	87%
3/29-4/4	\$2,700.50	88%

Some positive steps taken by the Parking Dept. were to implement the Restaurant Relief Program providing parking specifically for restaurant pick up service and providing Lowell Makes with parking placards for members to make PPE on 3D printers. Additionally, Parking has taken the opportunity to sweep the garages, perform needed maintenance on department vehicles, remove graffiti and perform maintenance on parking kiosks.

Parking is available in the garages for long term parking and on street parking is available which can be paid for at a kiosk or on the Passport Parking App. If a customer feels that they received a citation in error, they may appeal it online at lowellma.rmcpay.com.

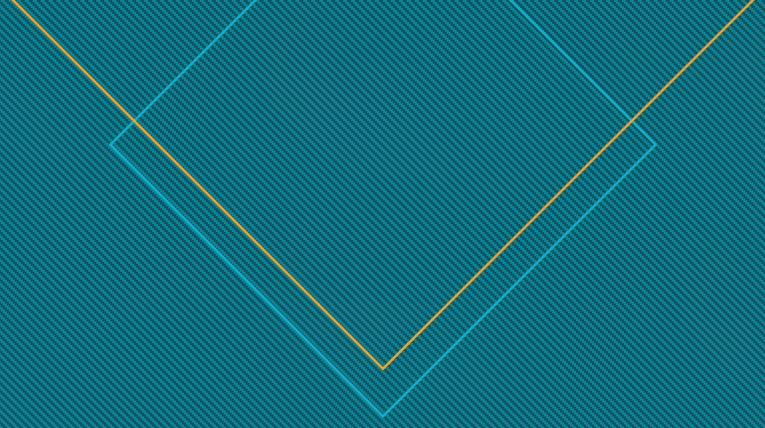
3. Conclusions

The COVID-19 crisis has only just begun to impact cities and towns across the country, financially. Offering relief to residents through various avenues provided for through recent legislation must be balanced with the potential impact to the city's finances. The City of Lowell is a major employer and maintains a workforce of approximately 3,238 full and part-time employees (2,183 of whom are employed by the School Department). By law, the city must maintain a balanced budget (G.L c. 44 s. 31) and, if a major reduction to revenue comes as a result of this crisis, either in local receipts or a reduction at the state-level to our unrestricted or Chapter 70 education aid, the impact could be devastating. For context, of the approximately \$370 million in General Fund appropriations in FY2020, only approximately \$13.3 million (3.5%) is so-called "discretionary spending" in city departmental budgets. Enclosed with this memorandum is a short presentation which outlines some of the possible financial impacts of the COVID-19 crisis to the city budget.

Please do not hesitate to let me know if there are any questions.

PARKING ENTERPRISE FUND FORECAST/BALANCE

Line Number	Category	Assumptions	2020	2021	2022	2023	2024	2025
1	Penalties & Interest	0.00%	306,000	306,000	306,000	306,000	306,000	306,000
2	Fines	3.00%	652,520	650,000	669,500	689,585	710,273	-
3	Streets	2.00%	1,250,000	1,275,000	1,300,500	1,326,510	1,353,040	1,380,101
4	Ayotte	2.00%	835,000	851,700	868,734	886,109	903,831	921,907
5	Downes	2.00%	1,100,000	1,122,000	1,144,440	1,167,329	1,190,675	1,214,489
6	Davidson Lot	2.00%	190,000	193,800	197,676	201,630	205,662	209,775
7	Roy	2.00%	1,040,000	1,060,800	1,082,016	1,103,656	1,125,729	1,148,244
8	Lower Locks	2.00%	475,000	484,500	494,190	504,074	514,155	524,438
9	Early	1.75%	975,000	994,500	1,014,390	1,034,678	1,055,371	1,076,479
10	Pass Cards	5.00%	30,000	31,500	33,075	34,729	36,465	38,288
11	NEW HCID Garage	4.00%	-	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
12	Misc	5.00%	102,268	185,942	187,270	187,688	188,910	25,526
13	Revenues	<i>Sum of Line 1 - 11</i>	6,955,788	8,355,742	8,497,791	8,641,987	8,790,112	8,045,248
14	Salaries & Wages	3.00%	378,976	418,820	436,117	454,129	472,884	492,415
15	plus General Fund indirect	3.00%	207,715	213,946	220,365	226,976	233,785	240,799
16	Health/Dental Insurance	7.00%	686,688	734,757	786,190	841,223	900,109	963,116
17	Medicare Tax (1.45% of wages)	<i>calculated</i>	5,495	6,073	6,324	6,585	6,857	7,140
18	Pension Assessments	4.50%	218,286	228,109	238,374	249,101	260,311	272,025
19	Debt Service	<i>attached</i>	3,414,215	3,179,096	3,172,021	3,034,546	2,680,006	2,913,326
20	HCD Garage Design/ Build	<i>attached</i>	-	2,081,884	2,081,884	2,081,884	2,081,884	467,000
21	Utility Accounts	5.00%	271,215	284,776	299,015	313,965	329,664	346,147
22	All Other Expenses	2.00%	2,542,341	2,593,188	2,645,051	2,697,952	2,751,911	2,806,950
23	plus General Fund indirect	3.00%	289,214	297,891	306,828	316,032	325,513	335,279
24	Appropriations	<i>Sum of Line 13 - 22</i>	8,014,146	10,038,540	10,192,168	10,222,394	10,042,924	8,844,195
25	Surplus/(Deficit)	<i>Line 23 - Line 12</i>	(1,058,358)	(1,682,798)	(1,694,377)	(1,580,407)	(1,252,812)	(798,947)
26	Beginning Fund Balance	<i>As Certified by DOR</i>	3,057,494	1,999,136	316,338	(1,378,039)	(2,958,446)	(4,211,258)
27	Operations	<i>Line 24</i>	(1,058,358)	(1,682,798)	(1,694,377)	(1,580,407)	(1,252,812)	(798,947)
28	Ending Fund Balance	<i>Line 25 + Line 26</i>	1,999,136	316,338	(1,378,039)	(2,958,446)	(4,211,258)	(5,010,205)



City of Lowell

COVID-19

Potential Financial Impact

VARIABLES OF IMPACT

How long will shut down last?



How has spending behavior changed?



When will we fully recover?



How widespread will the virus be?



How much will we get from the federal and state government?

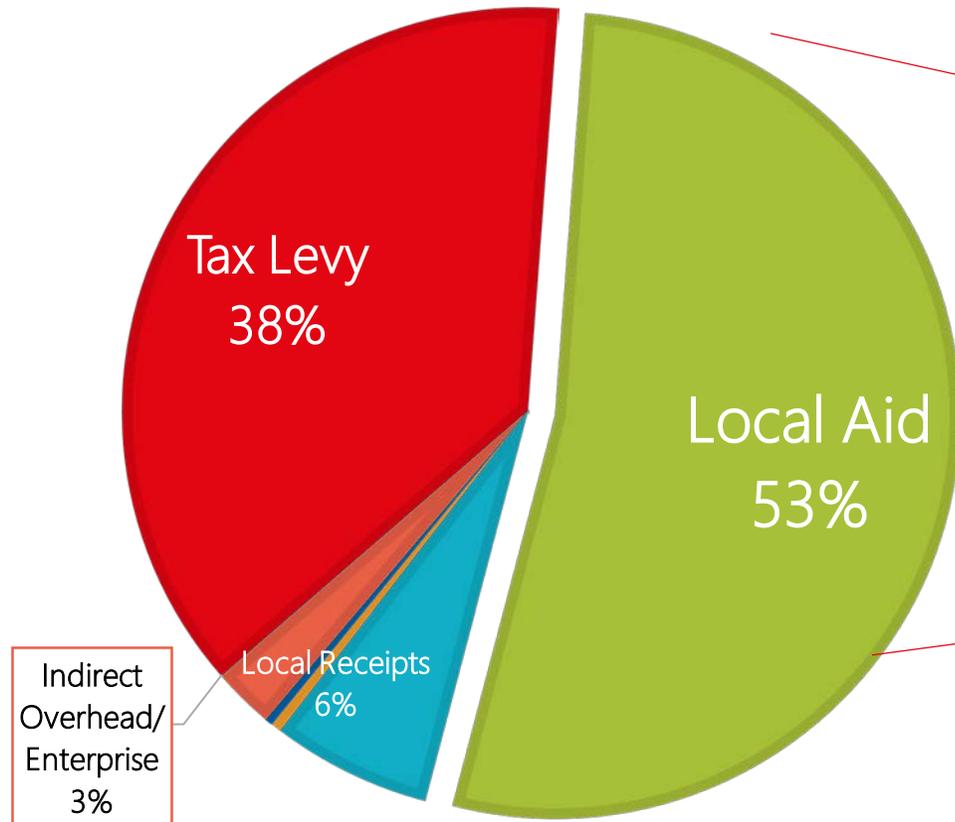


What permanent changes will be made?

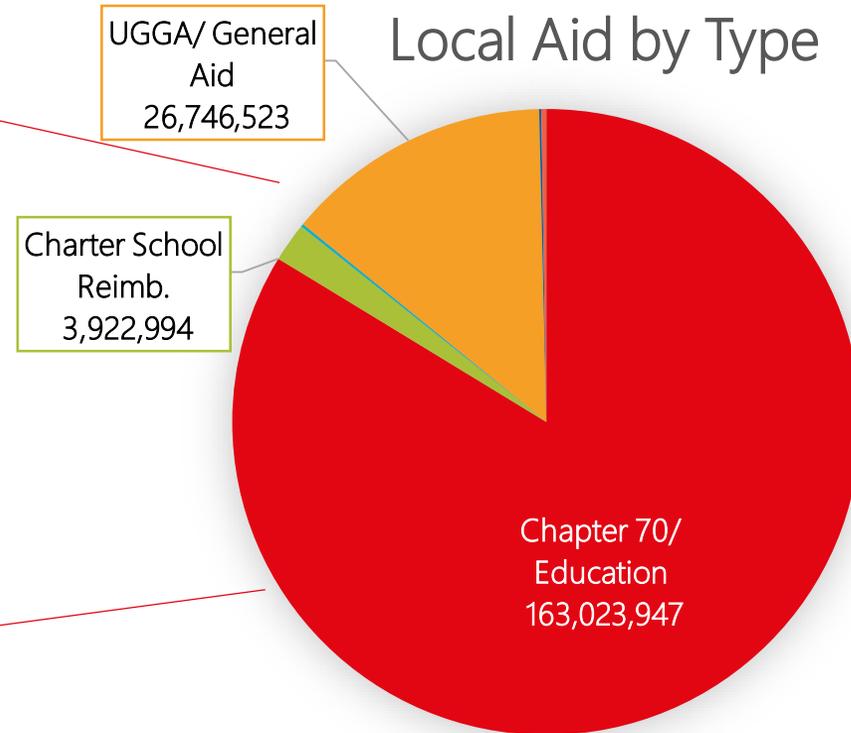


General Fund Revenue Sources

GENERAL FUND REVENUE



Local Aid by Type



Lowell Revenues Dependent on the Economy

FY 2020 Budgeted "Economic" Revenue:
\$9.94 million

9 Months Revenue Collected
\$7.5 million

Hotel/ Motel Excise Tax

-\$80,000

Based on 9 months with 70% drop in Q4

Meals Excise Tax

-\$250,000

Based on 9 months with 70% drop in Q4

Motor Vehicle

-\$1,350,000

Based on 9 months with 70% drop in Q4

Worst Case Scenario: Shortage of \$1.7 million in Excise Tax

State-collected excise taxes are remitted 2 months behind
On 3/31/20 Lowell received tax on sales that occurred: Dec. 2019 – Feb. 2020

Other General Fund Revenue Shortfalls

Penalties & Interest (Property, MV)
Worst Case: **-\$400,000**

Court Fines and Fees
Worst Case: **-\$54,625**

Medicaid Reimbursement
Worst Case: **-\$500,000**



City Clerk/ Vital Record Revenue
Worst Case: **-\$90,000**

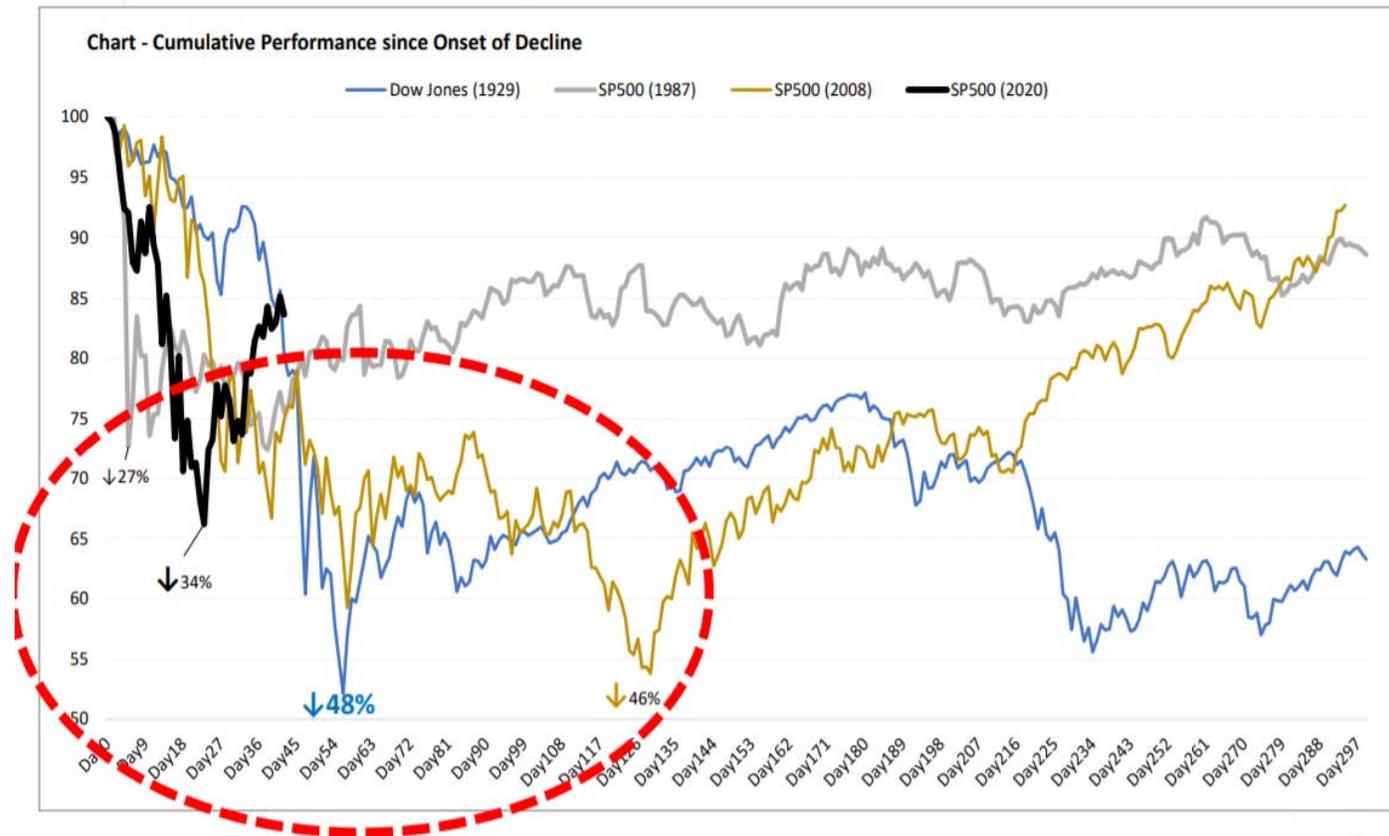
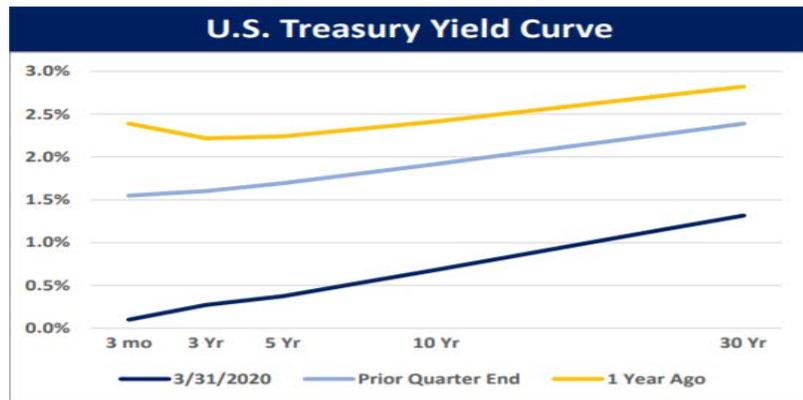
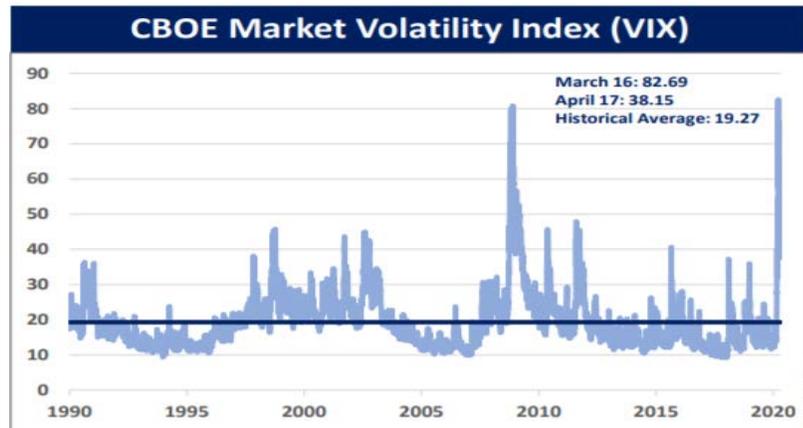
Parks & Rec Permits
Worst Case: **-\$46,889**

Tourism
Worst Case: **-\$100,000**

Worst Case Scenario: **Shortage of \$1.2 million**

Interest Rates/ Pension & OPEB impact

- Pension fund March (3/31/2020) – LOSS of \$40.7 million (net asset value)
- OPEB Trust – LOSS of \$1.3 million

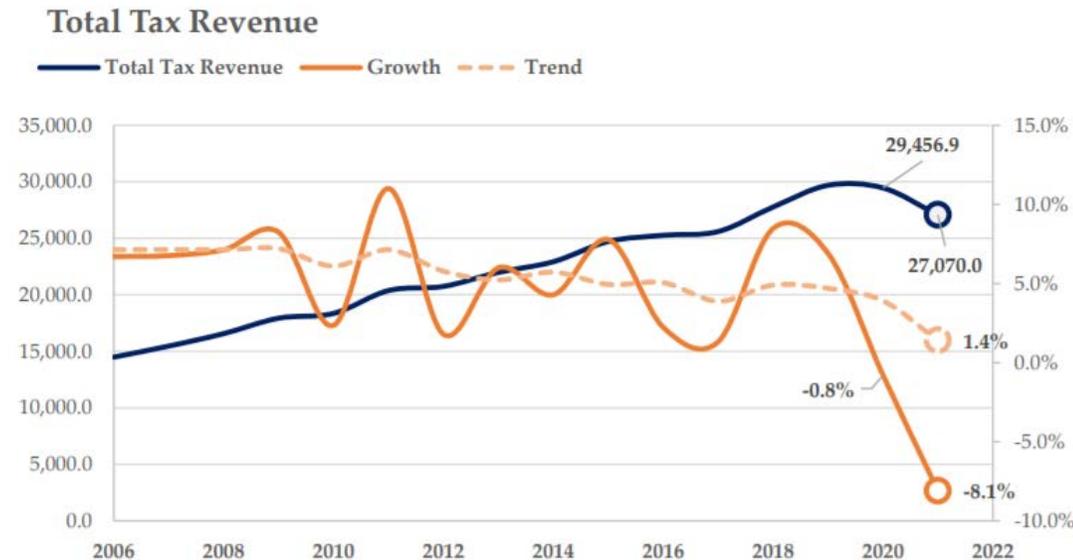


City Manager's Fiscal Initiatives

- Departments are only purchasing essential items and supplies needed to continue operations;
- Hiring Freeze;
- Tightened Purchase Order Restrictions- Approval by CFO/ Deputy CFO – only essential items;
- Keeping track of all COVID-19 related expenses for potential FEMA reimbursement
- Putting a pause on projects that are not:
 - In Progress
 - Under Contract

FY2021 – A Changing Outlook

- Mass Taxpayer Foundation: FY21 tax revenues projected to fall by \$4.4 billion or 14.1 percent (state revenues)
- Fiscal 2020 tax collections shortfall of between \$500 million and \$1 billion
- “A return to pre-pandemic employment levels of Q1 2020 will take several years to achieve.” – MTF



How Will We Recover?

- FEMA Reimbursement to cover COVID-19 Related Expenses
- Funds provided from the Commonwealth from the CARE act- Unclear how these funds will be distributed
- Budget cuts for FY 2021 if needed
- Current Fund Balances-

Cash Balances as of 4/23/2020:

- General Fund- \$14,852,520 (Avg. Monthly 2020 Expenses = \$25.7 million)
- Sewer Enterprise - \$4,342,343 (Avg. Monthly Expenses = \$1.3 million)
- Water Enterprise - \$6,070,702 (Avg. Monthly Expenses = \$717k)
- Parking Enterprise - \$6,739,692 (Avg. Monthly 2020 Expenses = \$238k)



Diane Nichols Tradd
 Assistant City Manager/DPD Director

Craig Thomas
 Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: April 28, 2020

SUBJECT: UPDATE TO REPORT OF 9/10/2019 AND MOTION OF 4/23/19 BY MAYOR LEAHY REQUEST THE CITY MANAGER UPDATE THE CITY COUNCIL ON THE BUDGET FOR STREET LINE PAINTING AND ALSO UPDATE THE CITY COUNCIL ON SCHEDULE FOR THE UPCOMING YEAR FOR PAINTING LINES AND STREETS THROUGHOUT THE CITY OF LOWELL

Mayor Leahy requested an update to the motion response with the total cost to apply pavement markings in the City of Lowell, as required per the Manual on Uniform Traffic Control Devices (MUTCD). The Transportation staff was able to create an estimate of the cost and total linear feet of markings for City roads using traffic counts, the City Geographic Information System (GIS), additional GIS data and MUTCD requirements. Per the MUTCD, any road can be marked with a double yellow centerline as a public safety measure. However, roads that are a minimum of 20 feet wide, with an Average Daily Traffic (ADT) of at least 6,000 vehicles per day are required to have edge lines and double yellow centerlines. GIS data previously provided to the City by a consultant included the following data:

- Width over 20 feet
- ADT over 5,000 vehicles a day (*ADT over 6,000 not provided*)
- Has a bike lane
- Owned by the City

Using the data provided, Transportation Staff identified the City roads that require double yellow centerlines and edge lines, as well as bike lanes. A map of these streets is attached. This estimate is only for striping edge lines, double yellow lines and bicycle lanes. The table below shows the total cost for striping the streets identified.

Cost of Striping				
			\$ Per Linear Foot	\$ For Each
Linear Footage: DY	256,000	LF	\$ 0.08 /LF	\$ 20,480
Linear Footage: Edge	256,000	LF	\$ 0.08 /LF	\$ 20,480
Linear Footage: Bikes	40,000	LF	\$ 0.04 /LF	\$ 1,600
TOTAL				\$ 42,560

A police detail of one patrolman is needed for each night of pavement striping. In order to estimate that cost, based on previous experience, it was assumed that 150,000 linear feet can be painted per night in a 10-hour shift. The table below shows the cost for the police details needed to stripe the identified streets.

Cost of Police Detail – Truck Crew	
Total Linear Footage	806,795
# of Nights LPD Detail Needed	6
\$ per 10 hour detail	\$ 900.00
Total Police Detail Cost	\$ 5,400.00

The total estimated cost for required pavement marking is **\$47,960**. This cost does not include any work that would be performed by a hand crew, such as painting stop bars, arrows, 'ONLY' or parking spot delineators (known as Ls and Ts). It only includes the cost of a truck crew for long-line painting and a police detail for each night of painting.

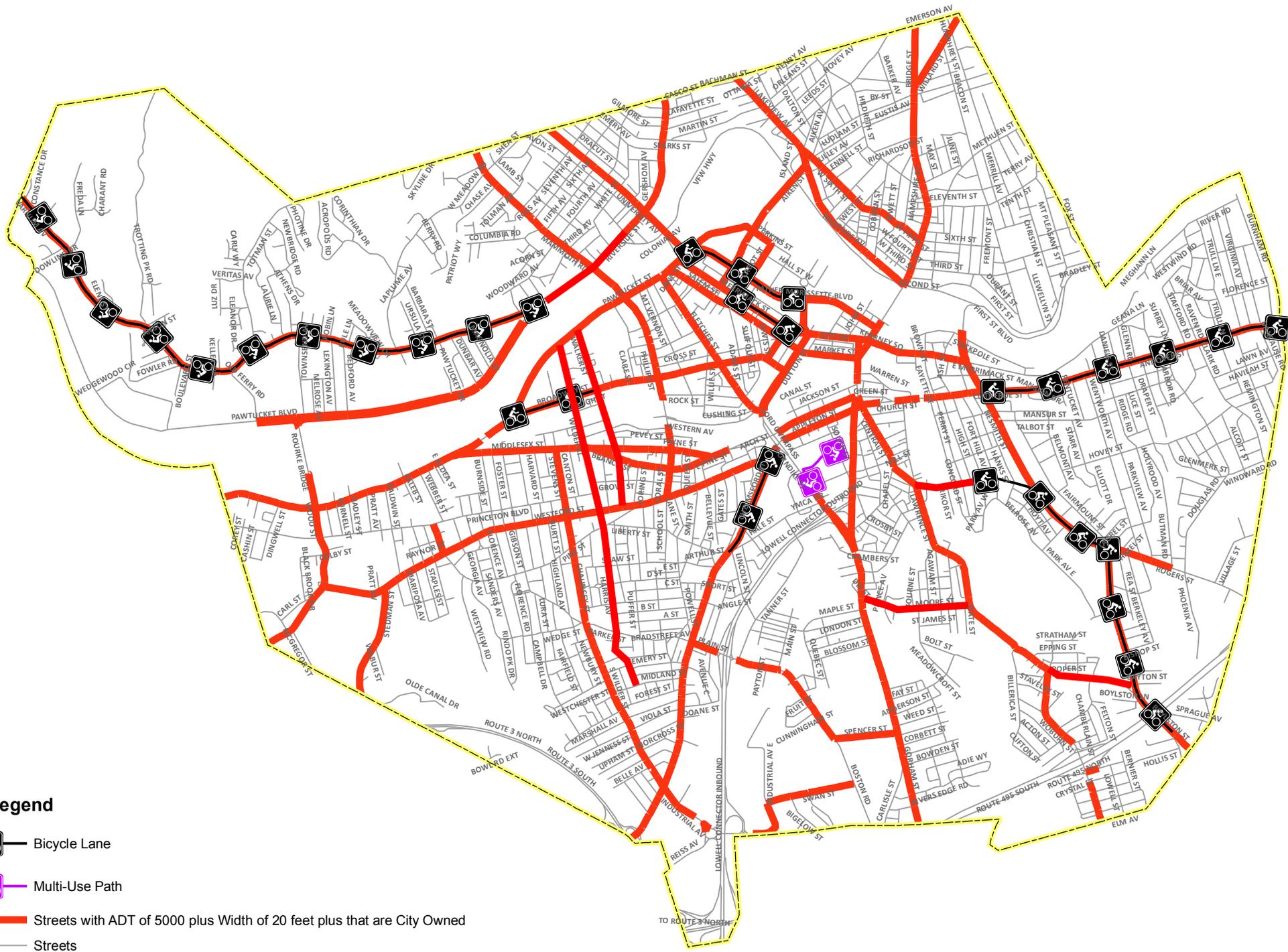
Currently, the City has a \$75,000, 3-year contract with Hi-Way Safety Systems, which is funded through the Parking Department that will expire on 6/30/2020. Due to safety concerns, as of January 2020, MassDOT revoked Hi-Way Safety Systems prequalification certificate, which means the company can no longer bid on MassDOT projects. The City's procurement officer recommends terminating the contract with Hi-Way Safety Systems and issuing an RFP for a new contract.

With current record low levels of traffic, and with all schools closed for the remainder of the school year, it is an opportunity to refresh pavement markings near and around schools. Time and costs for that effort have not been evaluated. Prior to issuing the RFP, the City will need to determine what level of funding is required. The Transportation Engineer recommends doubling the value of the contract to \$150,000, which would enable the City to repaint all required lines, as well as repainting parking spot delineators.

NV/ah

Attachment

cc: Natasha Vance, Transportation Engineer
Terry Ryan, Parking Director



Legend

-  Bicycle Lane
-  Multi-Use Path
-  Streets with ADT of 5000 plus Width of 20 feet plus that are City Owned
-  Streets
-  Lowell Boundary

1 inch = 3,000 feet



Diane N. Tradd
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *EID*
FROM: R. Eric Slagle, Director of Development Services
Steve Stowell, Historic Board Administrator

DATE: April 28, 2020

RE: Motion by C. Samaras - Req. City Mgr. Establish An Ad Hoc Commission To Prepare A Protocol Regarding Placement Of Mayoral Portraits Throughout City Hall.

This memorandum addresses the requests from Councilor Samaras regarding the placement of mayoral portraits in City Hall. Attached please find a draft policy and diagram for the Council's review.

ES

04/14/2020

Mayoral Portrait Policy

1. Mayoral Portraits shall be of the following size and composition
 - a. The frame for a mayoral portrait shall be no larger than 39.5 inches wide and 49.5 inches tall.
 - b. The composition of the portrait shall show the mayor facing the viewer, in professional attire, from the waist up, in either the City Council Chambers or Mayor's Reception Room.
 - c. Following the adoption of this policy, portraits not conforming to the above guidelines shall not be commissioned by the Mayor's Office or hung in City Hall.

2. Portrait Locations
 - a. Mayoral portraits may be displayed in City Hall from the staircase between the first and second floors up to the third floor, including the balcony of the City Council Chambers.
 - b. The second floor of City Hall, on the wall outside the Mayor's Reception Room to Room 51 and above the water fountain across from Room 50, shall be reserved for the last twelve (12) mayors (Modern Mayors Hall). Please see attached diagram.
 - c. Mayors will be numbered chronologically by most recent term served from 1 – 12, with the current mayor being number 1, and the mayor whose most recent term is the most distant being number 12.
 - d. The mayoral portraits in Modern Mayors Hall shall be hung by number as listed in the diagram below.
 - e. The locations on the staircase leading from the second floor to the third floor shall be reserved for portraits of Benjamin Butler and Frederic Greenhalge, each of whom served as Governor of Massachusetts.
 - f. Once a mayoral portrait is no longer hung in Modern Mayors Hall, it shall be deemed a historical mayoral portrait, and placed in the care of the Lowell Historic Board. Historical mayoral portraits shall either be placed in secure storage or hung in City Hall, at the sole discretion of the Lowell Historic Board. The decision to hang a portrait in City Hall shall take into consideration the following:
 1. The historical significance of the mayor;
 2. The condition of the portrait;
 3. The context of the portrait, both in size, condition, and age, with the surrounding portraits.
 - g. Historical mayoral portraits shall be divided into two sizes, large and small. If such portraits are hung in City Hall, they shall be hung as follows:
 1. Small portraits shall be placed in one of the 8 locations listed below.
 2. Large portraits shall be placed at one of the 22 locations listed below.
 3. Locations of historical mayoral portraits shall be reviewed periodically by the Lowell Historic Board Administrator.

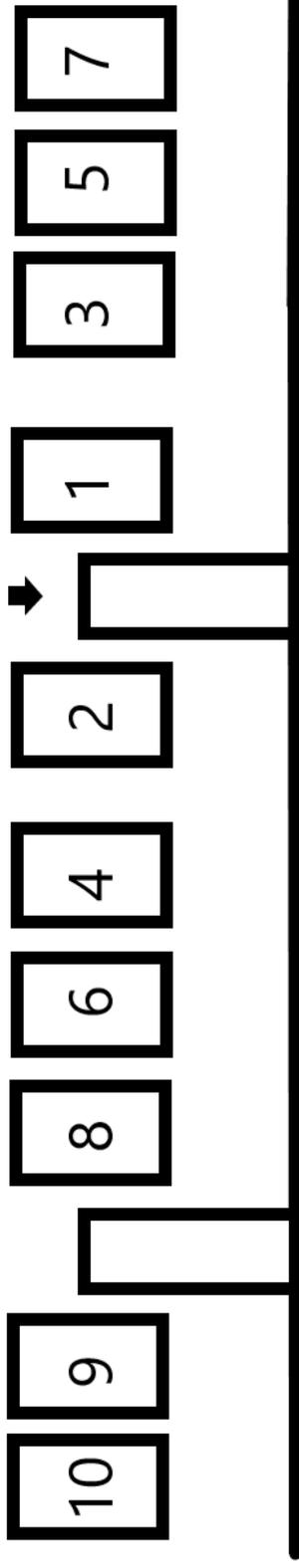
Small Portrait Locations

1. One location on third floor outside Purchasing
2. Two locations on third floor between Engineering and Law Departments.
3. One location on second floor in hall leading to Room 55.
4. Four locations on the second floor outside the Manager's Office.

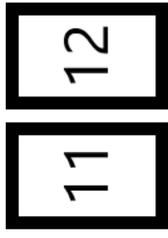
Large Portrait Locations

1. Four locations on the third floor in the City Council Chambers balcony.
2. Four locations on the third floor outside Purchasing.
3. Two locations on third floor between Engineering and Law Departments.
4. Three locations on the staircase between the second floor and third floor.
5. One location on second floor outside the Mayor's Reception Room.
6. One location on the second floor outside the Manager's Office.
7. Seven locations on the staircase between the first floor and second floor.

Mayor's Office

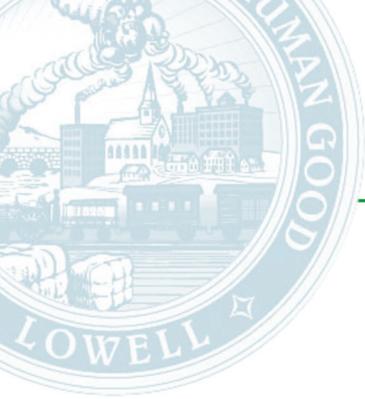


Across the Hallway



Modern Mayors Hall





Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: April 28, 2020

SUBJECT: PETITION OF 01/28/20 BY CHARLES KAFASIS REGARDING
PARKING ISSUES, INCLUDING RESIDENTIAL PARKING PROGRAM

The Transportation team reviewed the situation and current traffic ordinances to determine any parking issues and possible solutions. Mr. Kafasis described in his petition that he received a citation for parking on Plymouth Street, and stated the ordinance was changed without alerting the residents.

Mr. Kafasis currently resides on 141 Mt. Vernon Street, in the Acres/Highlands residential parking area. He received the citation while parked on Plymouth Street, in the Pawtucketville residential parking area. The Residential Parking Permit ordinance states "Any resident of a particular residential parking permit area of the City whose vehicle is principally garaged within said area of the City shall be eligible to be issued an area residential parking permit sticker for such vehicle for said particular residential parking permit area." This ordinance has not been changed since it was amended in 1988.

Mr. Kafasis also mentioned the ability for students to obtain parking permits. Students residing in Lowell are able to obtain a parking permit if they are currently living in a residential parking area. Students are required to provide a copy of their lease as well as have their vehicle registered in Lowell or have their vehicle principally garaged in the City. Vehicles registered and/or principally garaged in the City must pay excise taxes to the City of Lowell.

AH/nv

cc: Natasha Vance, Transportation Engineer
Alan Heredia, Assistant Transportation Planner
Terry Ryan, Parking Director



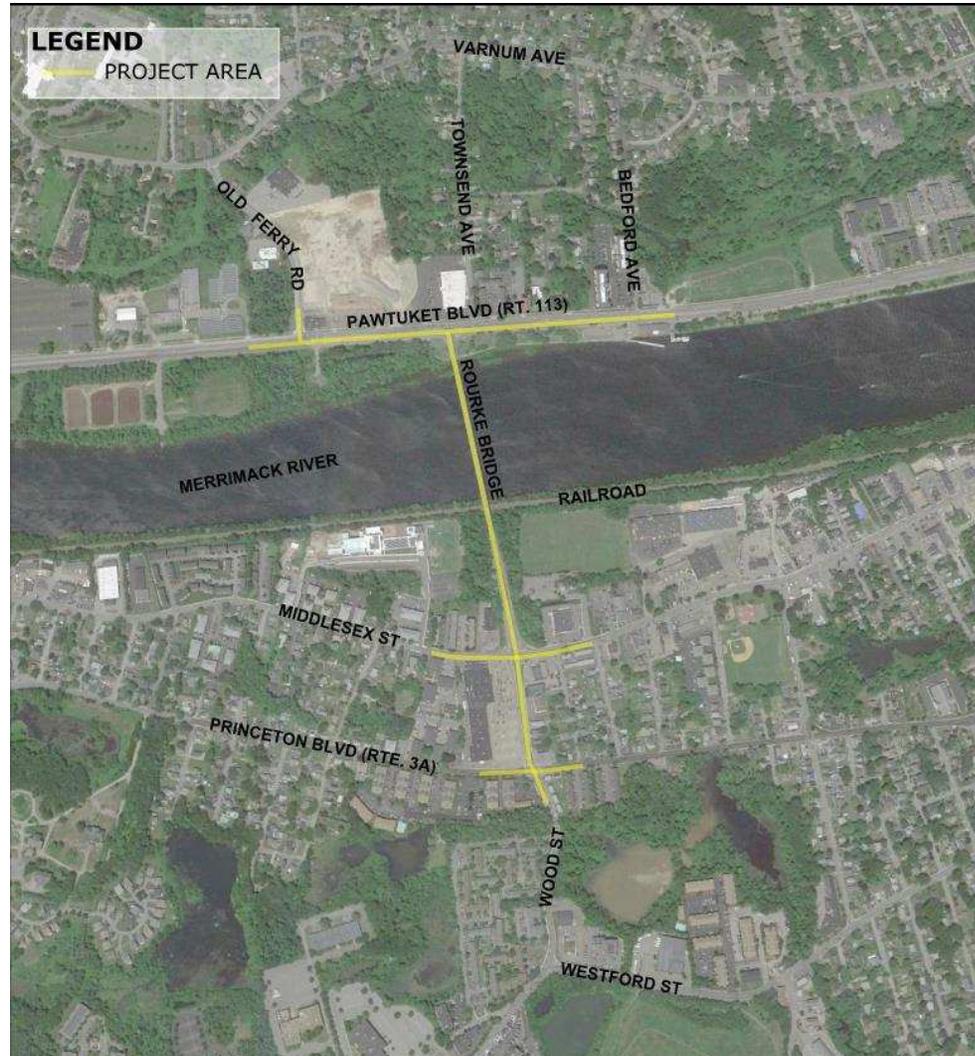
Welcome!

Rourke Bridge Replacement Project
Lowell, MA
MassDOT #607887

Project Briefing

April 28, 2020

Project Limits



Project Purpose



Bridge Replacement



Enhance safety and connectivity for Pedestrians, Bicycles, Emergency Vehicles and Watercraft



Improve Traffic Operations at the Wood Street intersections with Pawtucket Boulevard, Middlesex Street, and Princeton Boulevard

Project Need



Functionally Obsolete

- Substandard Pedestrian Walkway
- No Shoulders for Emergency Vehicles
- No Bicycle Accommodations
- Inadequate Approach Intersection Capacity



Maintenance Issues

- Deck Patching
- Replacement Parts

Project Need

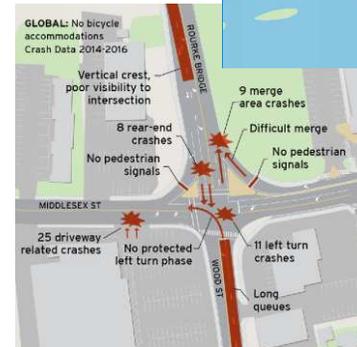


Safety & Operations Lack of Bike/Ped Accommodation

Wood Street & Pawtucket Boulevard



Wood Street & Middlesex Street



Wood Street & Princeton Boulevard





History of the Project

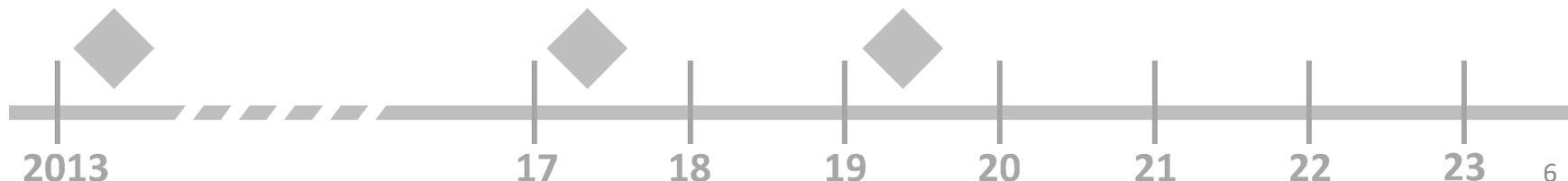
2013 Corridor Study & Feasibility Analysis (NMCOG)

2017 Road Safety Audits (MassDOT)

Pawtucket Boulevard & Rourke Bridge

Wood Street from Middlesex Street to Princeton Boulevard

2019 Bridge Replacement Design Contract Awarded (MassDOT)

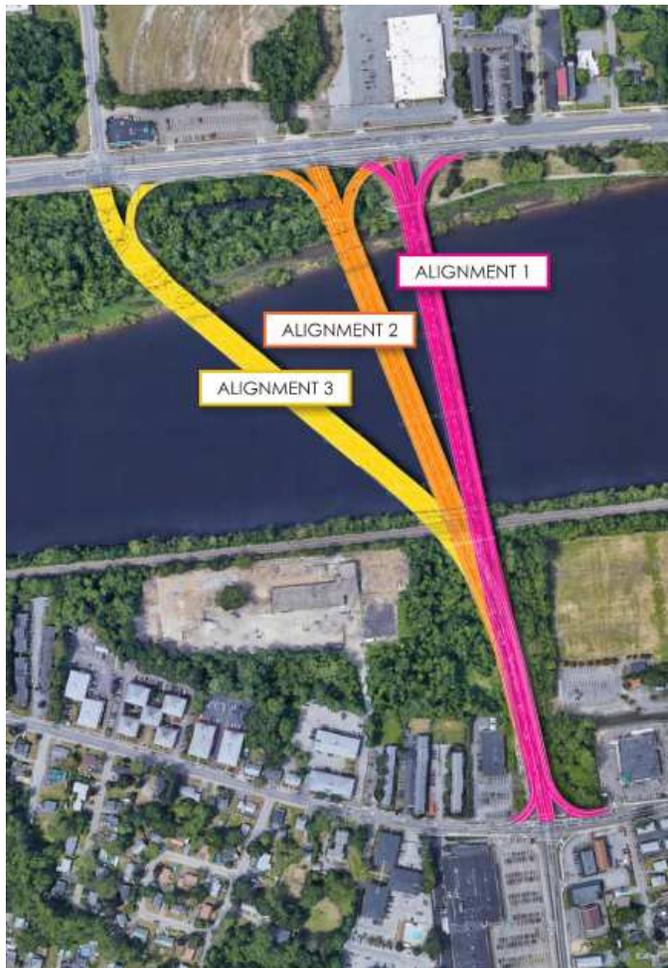


Design Contract Scope



- **Identify Preferred Bridge Alignment**
- **Identify Preferred Bridge Type**
- **25% Design & Bridge Sketch Plans**
- **Environmental Permitting**
- **Final Design or Design Build RFP**

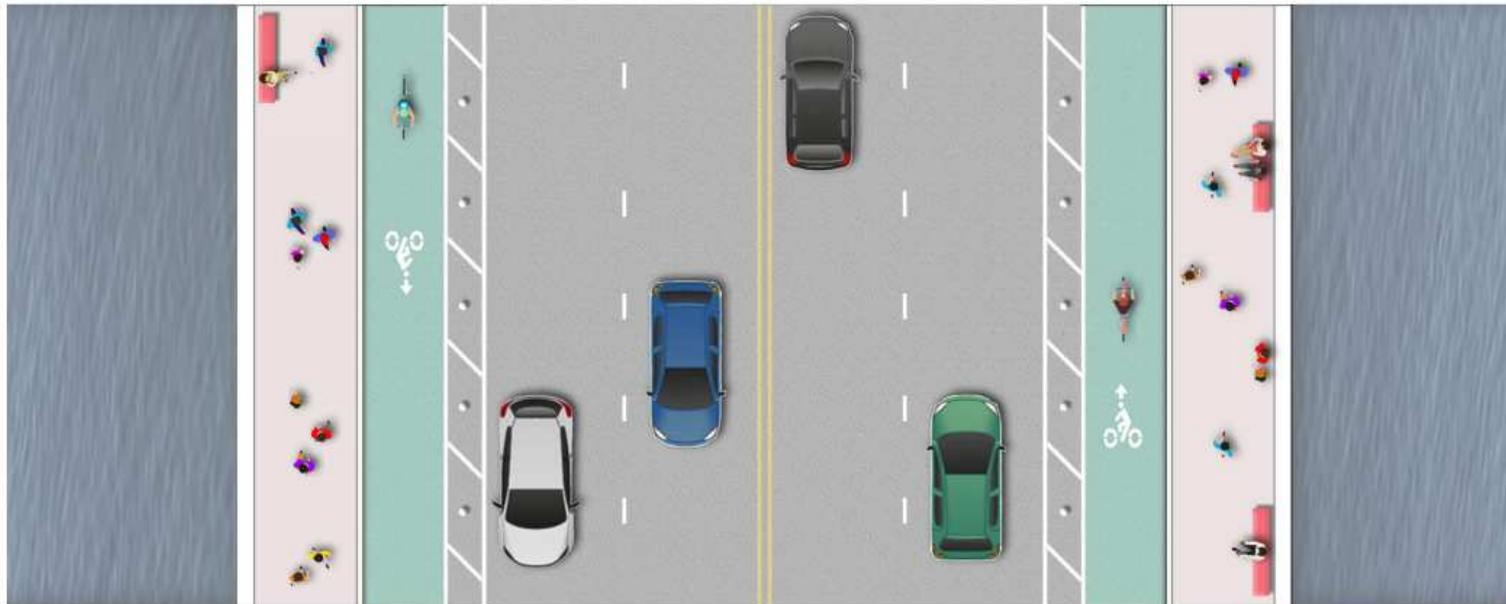
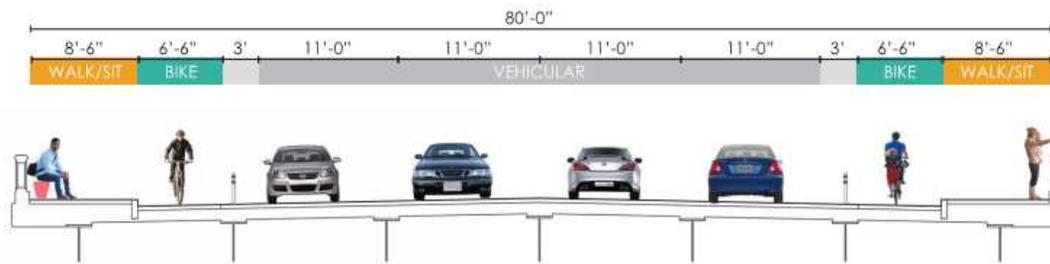
Alignments to be Evaluated



Environmental Impacts
Bike/Ped Connectivity
Emergency Response
Traffic Operations
Water Recreation
Constructability
ROW Impacts
Open Space
Aesthetics
Schedule
Cost

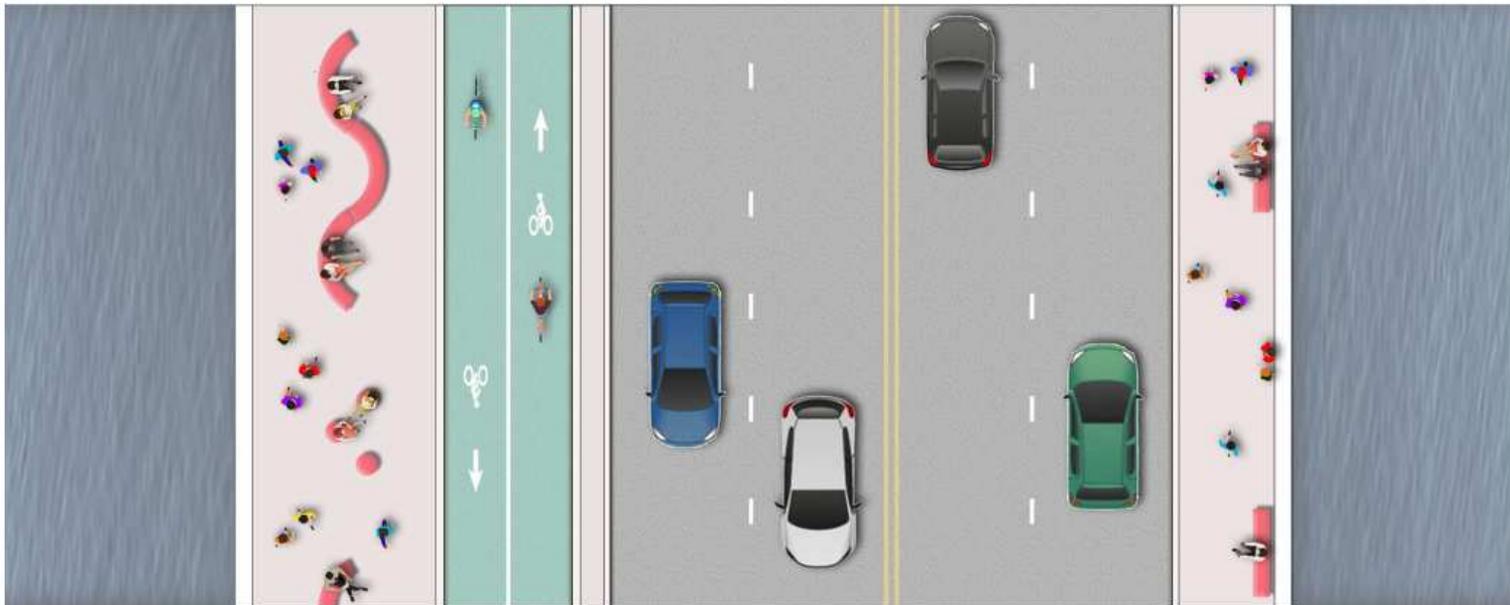
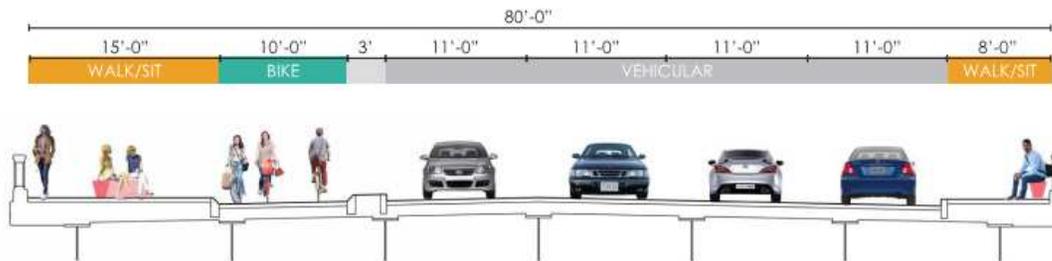


Multi-Modal Considerations





Multi-Modal Considerations



Watercraft Considerations



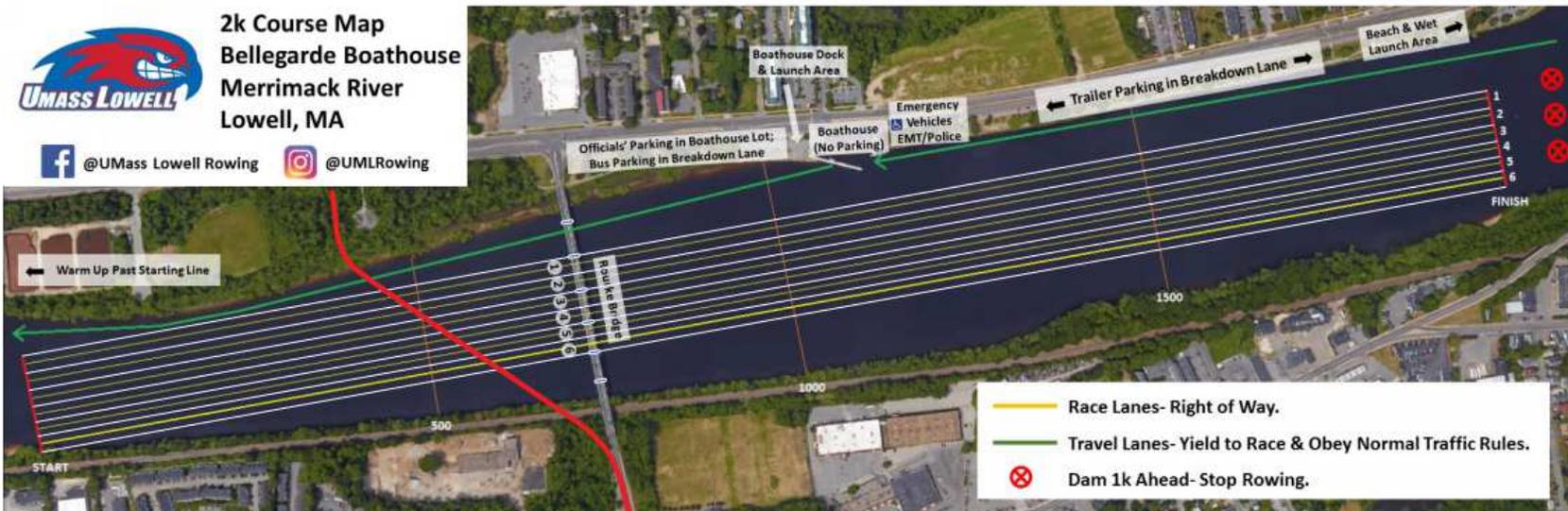
2k Course Map
Bellegarde Boathouse
Merrimack River
Lowell, MA



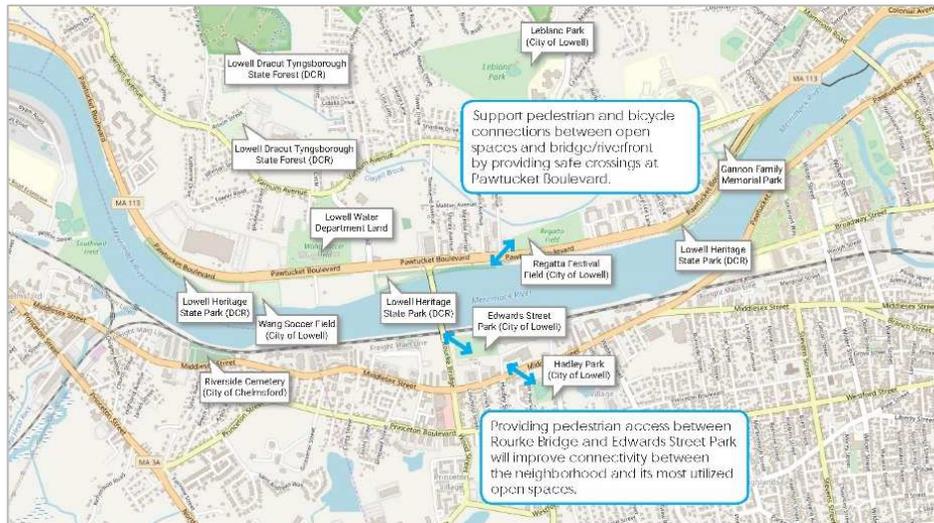
@UMass Lowell Rowing



@UMLRowing



Adjacent Site Use



Edwards Street Park – Lowell Youth Soccer



Lowell Heritage State Park – Vandenberg Esplanade

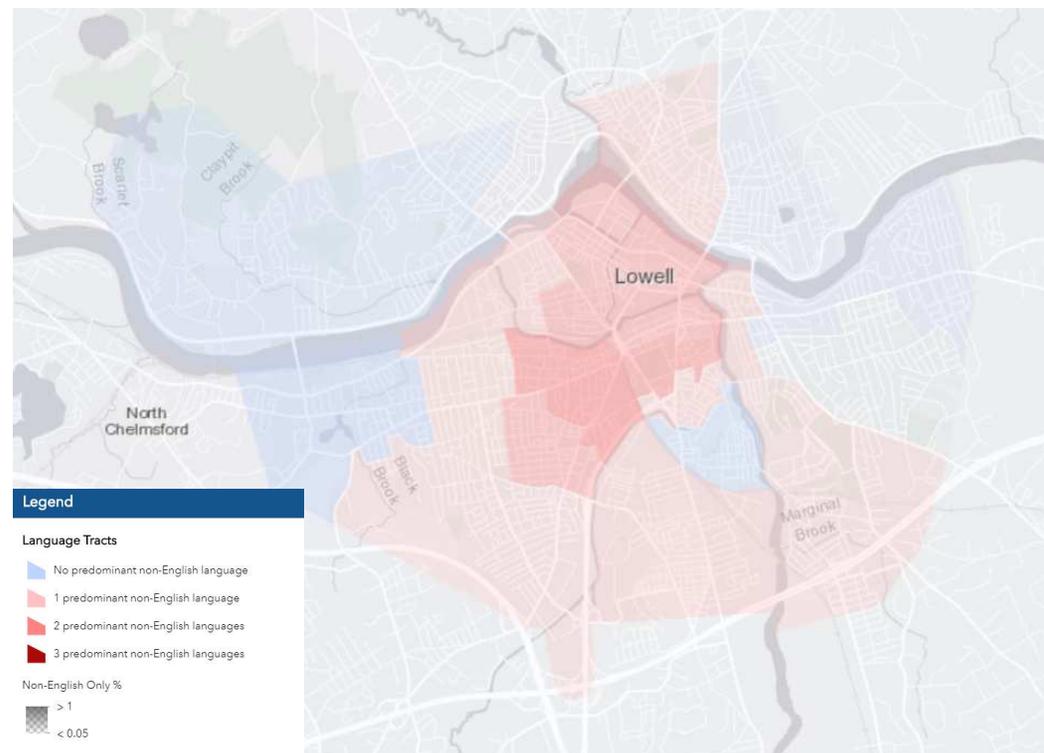


Lowell Heritage State Park – Boat Launch



Environmental Justice

- **Lowell has a diverse population with a large concentration of EJ communities**
- **Will comply with state and federal EJ policy**
- **The Project is not anticipated to result in disparate impacts to EJ populations**



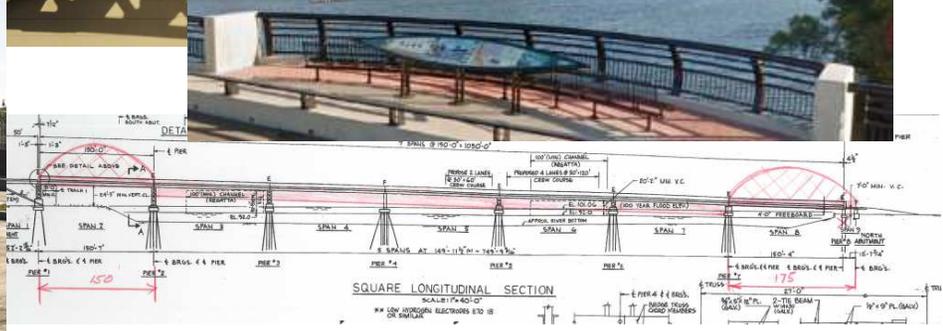
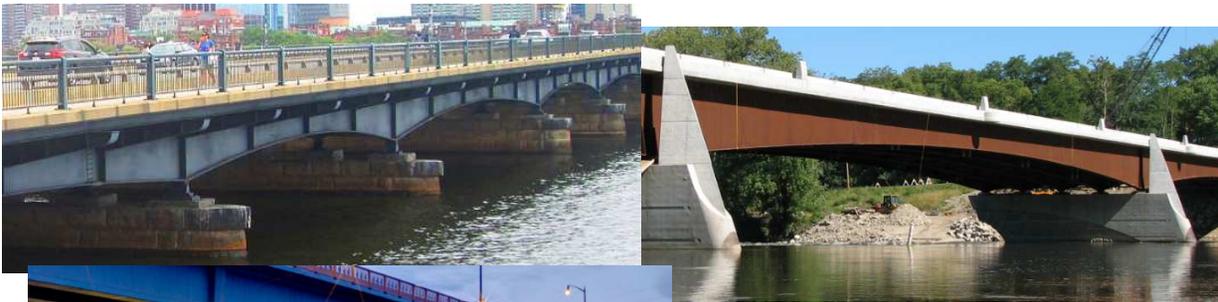


Anticipated Environmental Filings

- **NEPA – Categorical Exclusion**
- **MA Wetlands Protection Act – NOI**
- **MA Endangered Species Act (MESA)**
- **MA Article 97**
- **MA Chapter 91**
- **Section 401 Water Quality Certificate**
- **USACE Section 404 Permit**
- **Section 4(f) Review**
- **Section 6(f) Review**
- **Section 106 Review**



Bridge Type & Aesthetics



Completed Work



Survey

Wetland Delineation

Geophysical Evaluation

Preliminary Hydraulic Analysis

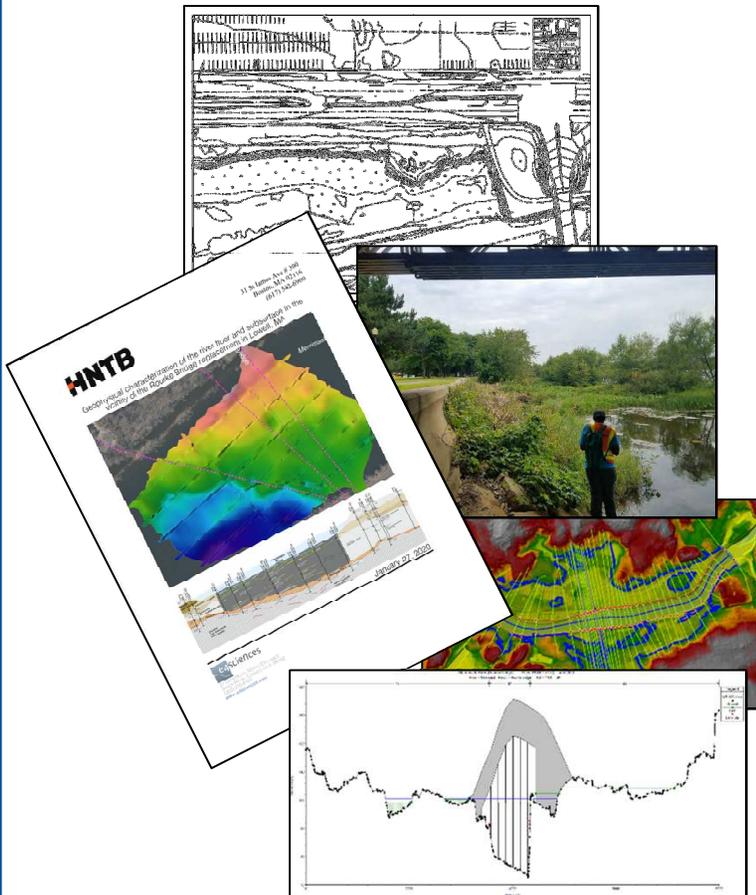
Public Involvement & Outreach Plan

Urban/Landscape Concept Evaluation

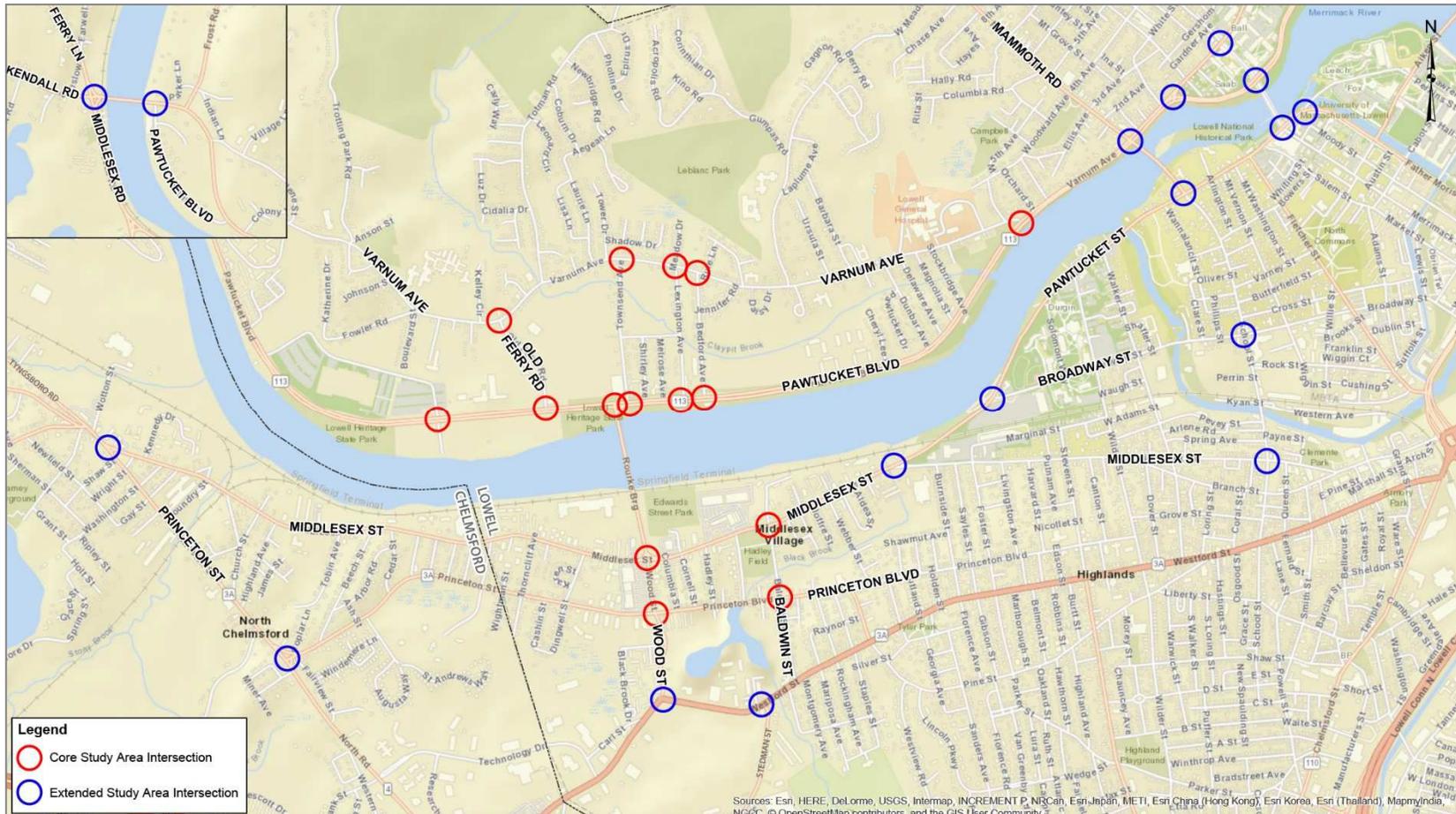
Traffic Counts (veh/ped/bike/truck)

Safety Analysis

Traffic Modeling



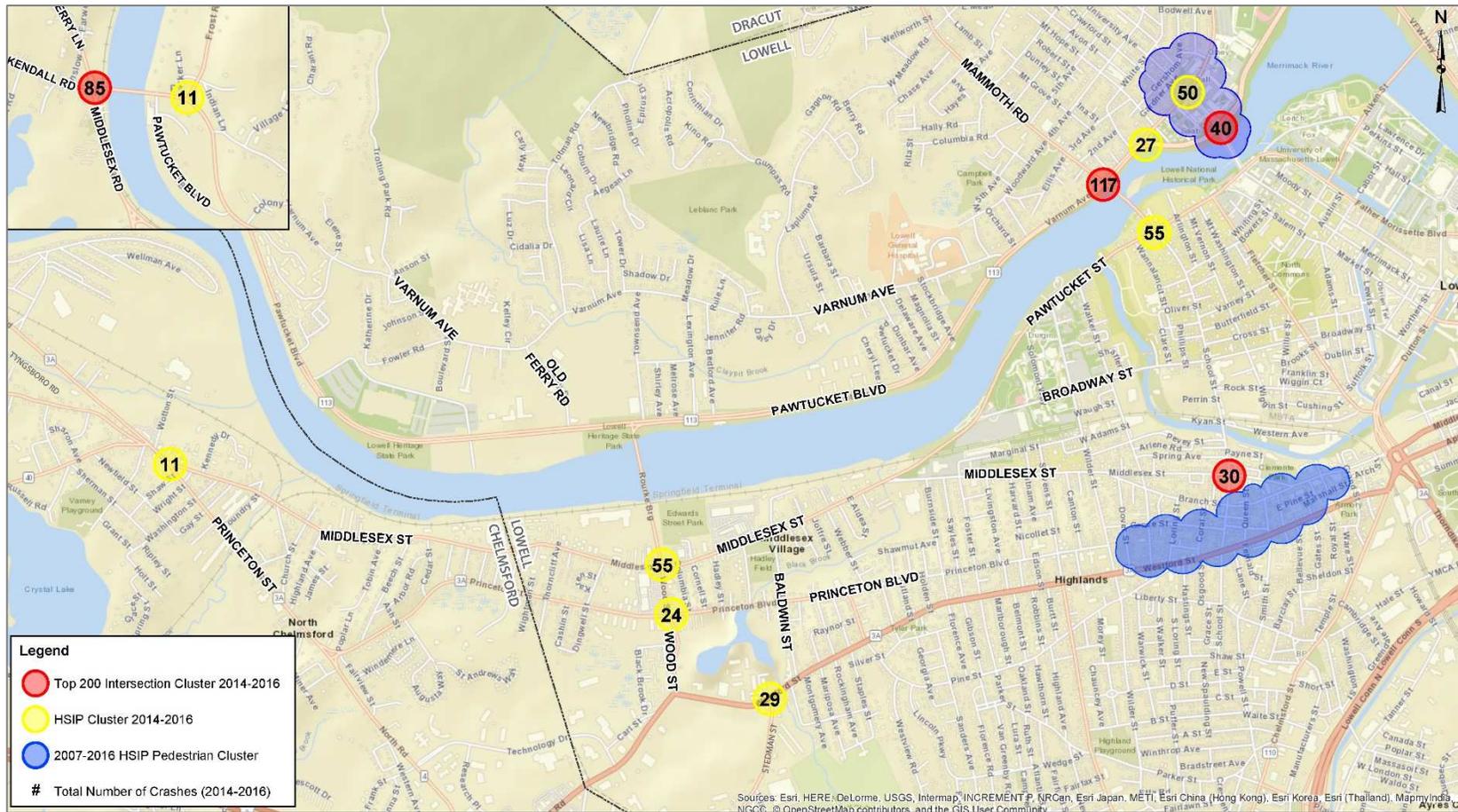
Traffic Study Area



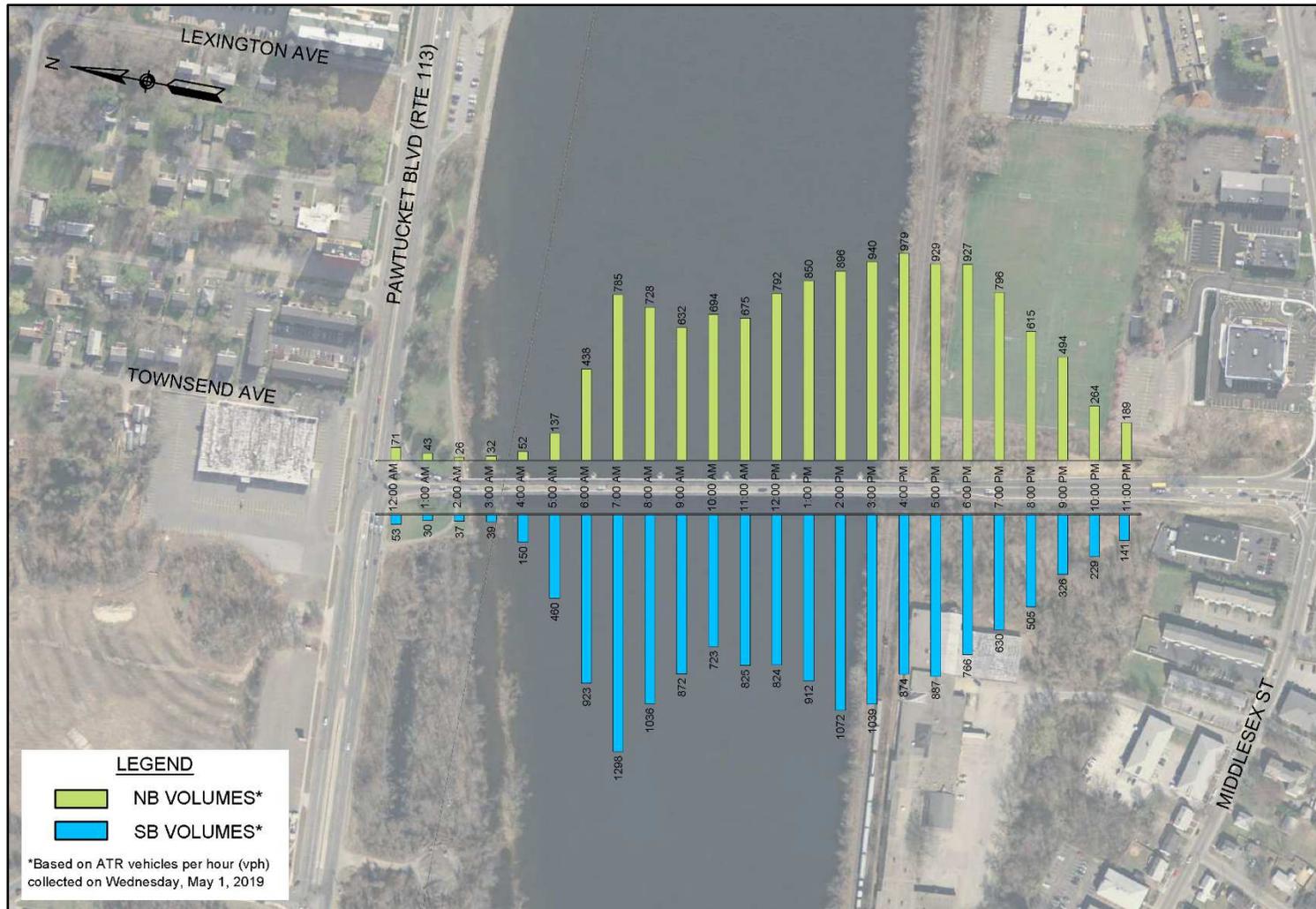
Safety Analysis



Highway Safety Improvement Data



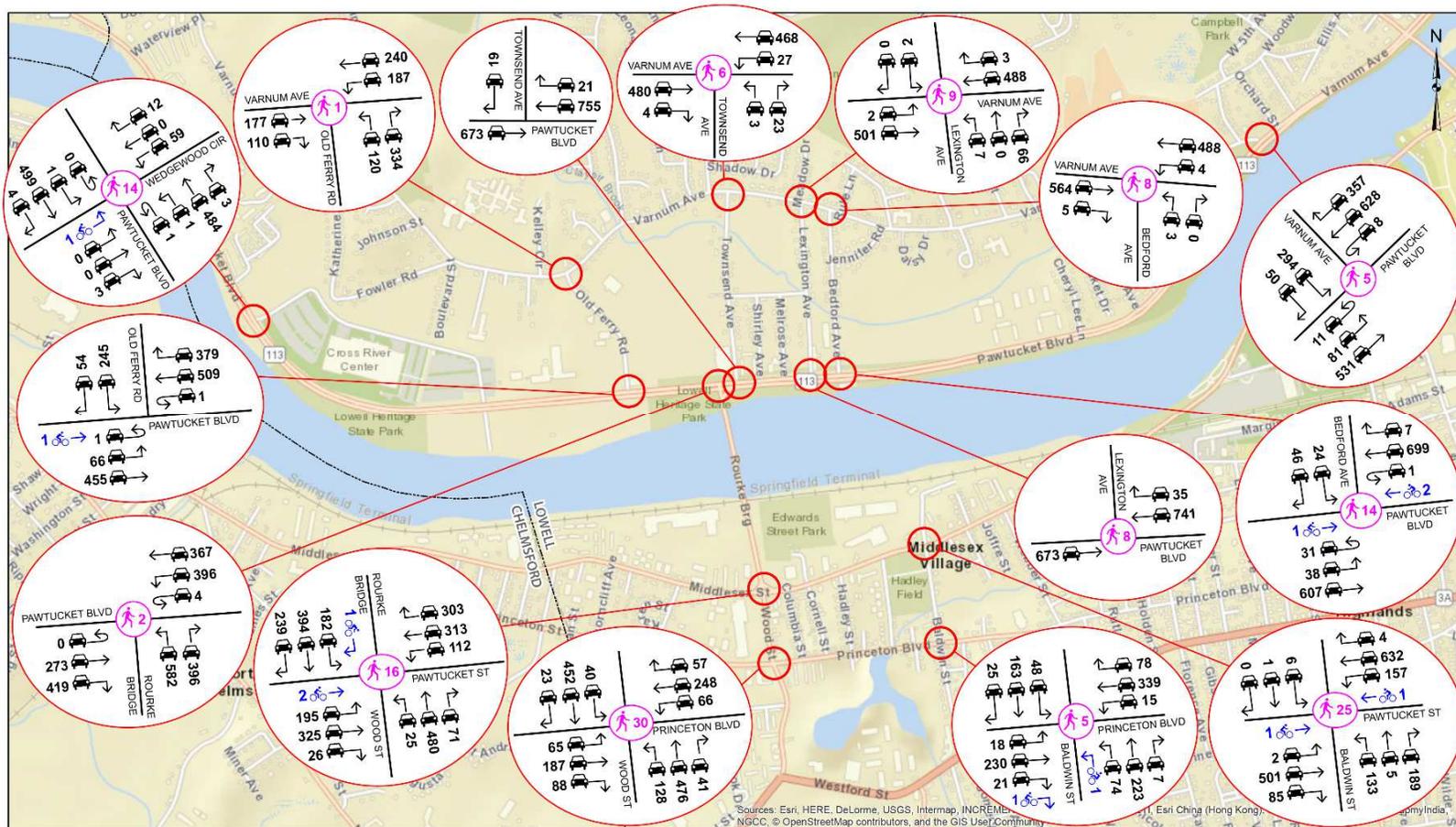
Traffic Volumes



Traffic Volumes



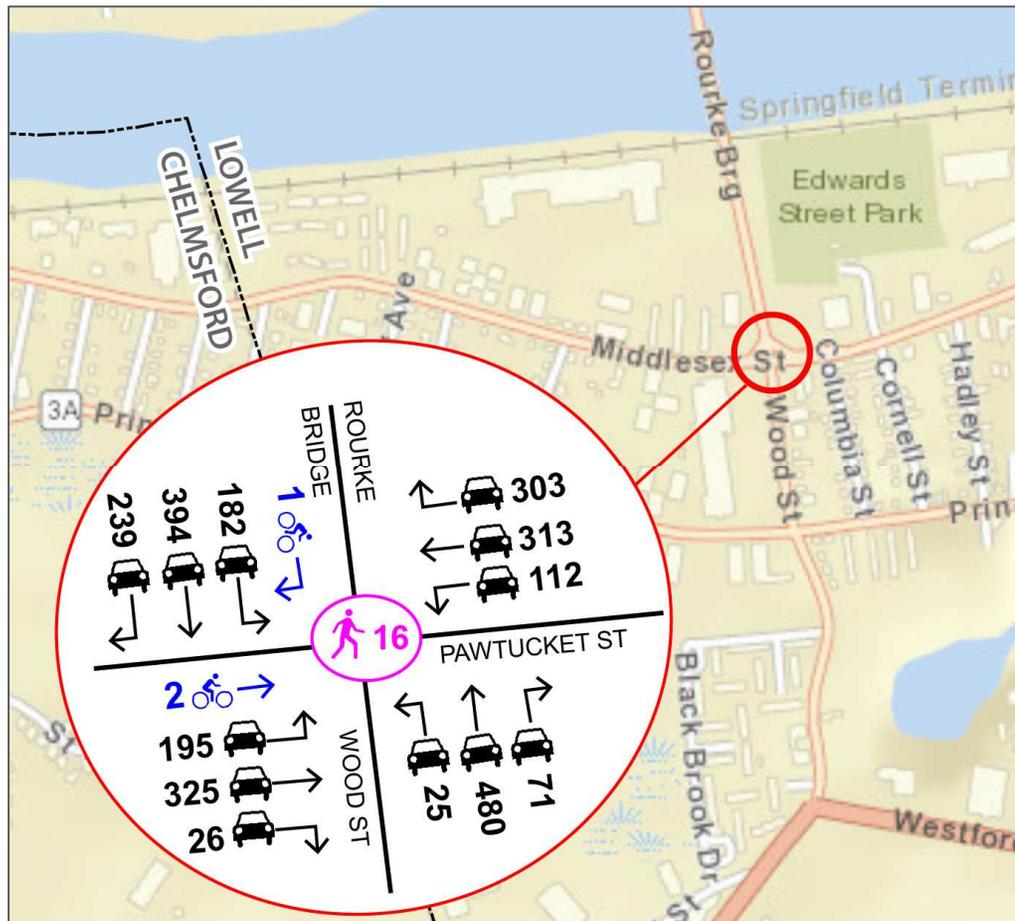
PM Volume Map for core intersections





Traffic Volumes

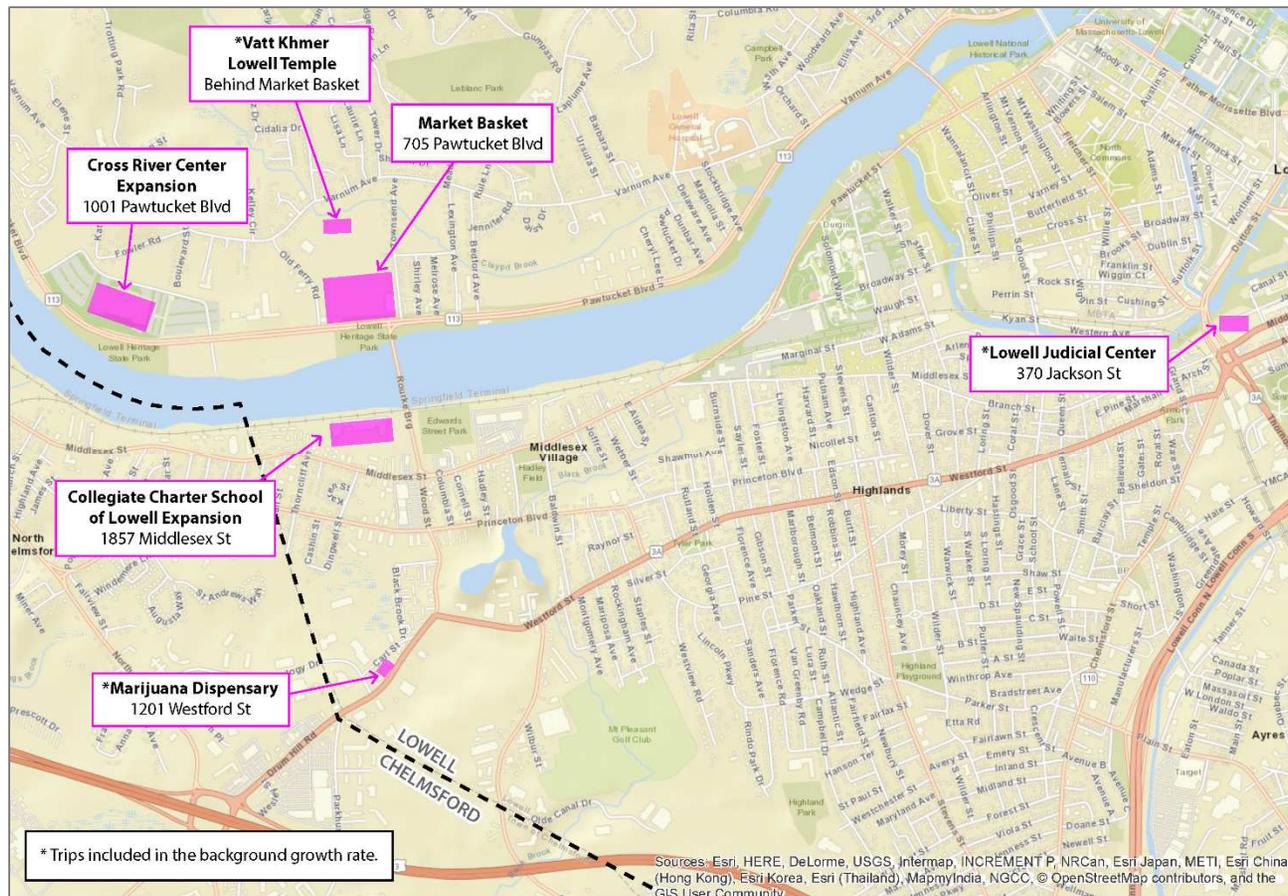
PM Volume Map for core intersections



Traffic Volumes



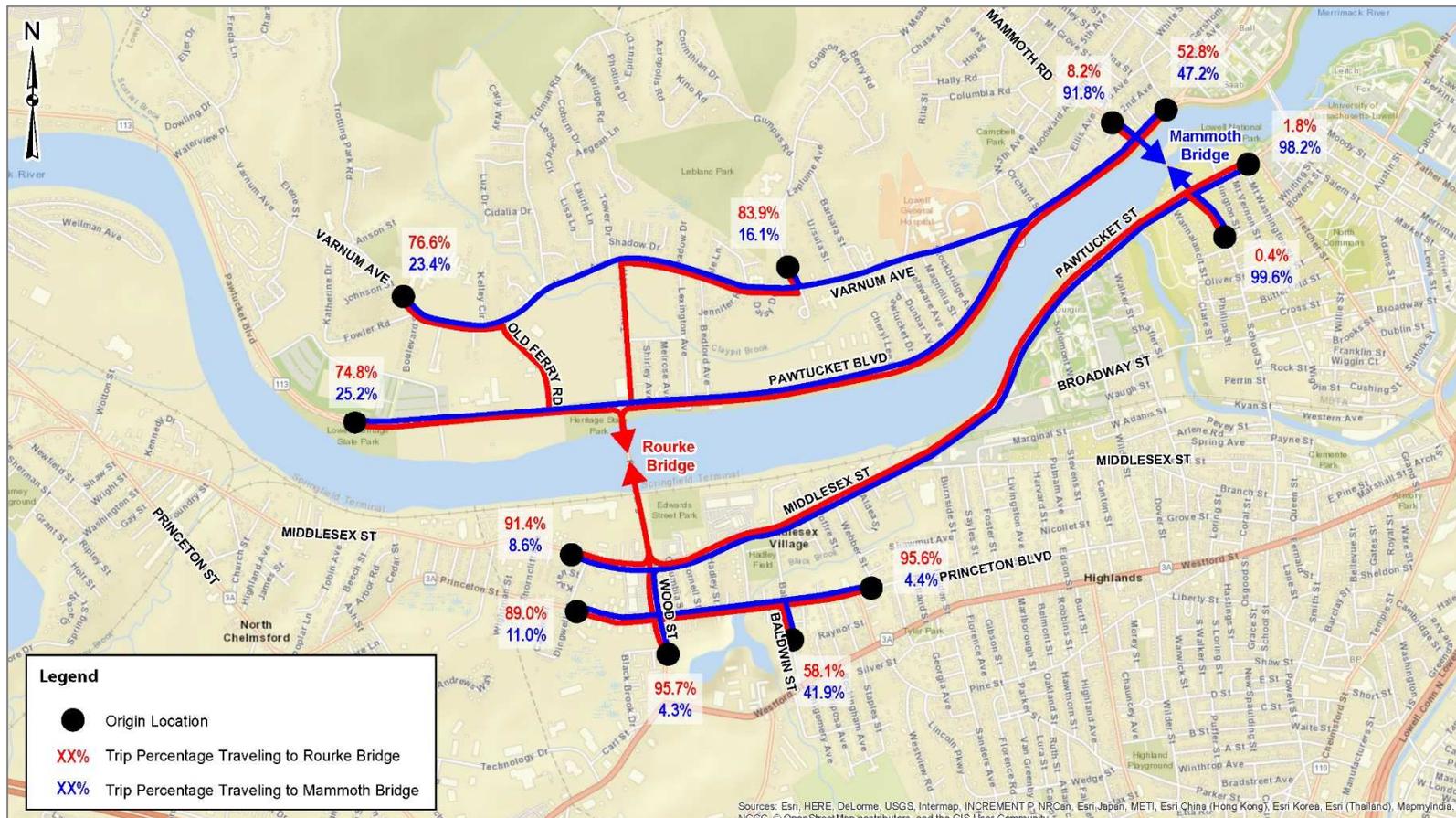
Identified site traffic generators



Origin/Destination Study



PM Origin-Destination map

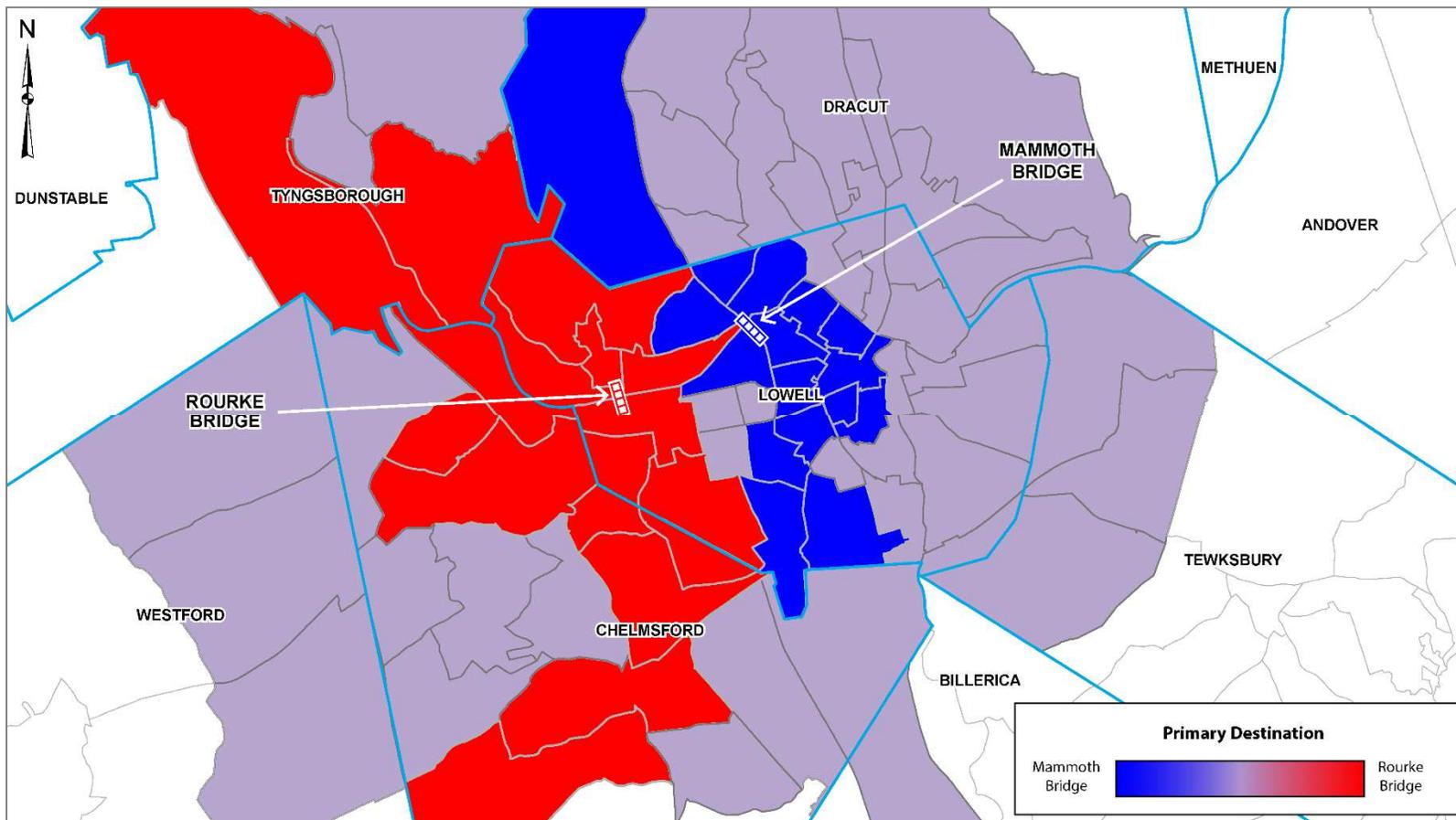


Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Mapbox, NGCC, OpenStreetMap contributors, and the GIS User Community

Origin/Destination Study



- PM Bridge Traffic Zones**



Public Outreach



Stakeholder Briefings

Continued Partnership with NMCOG

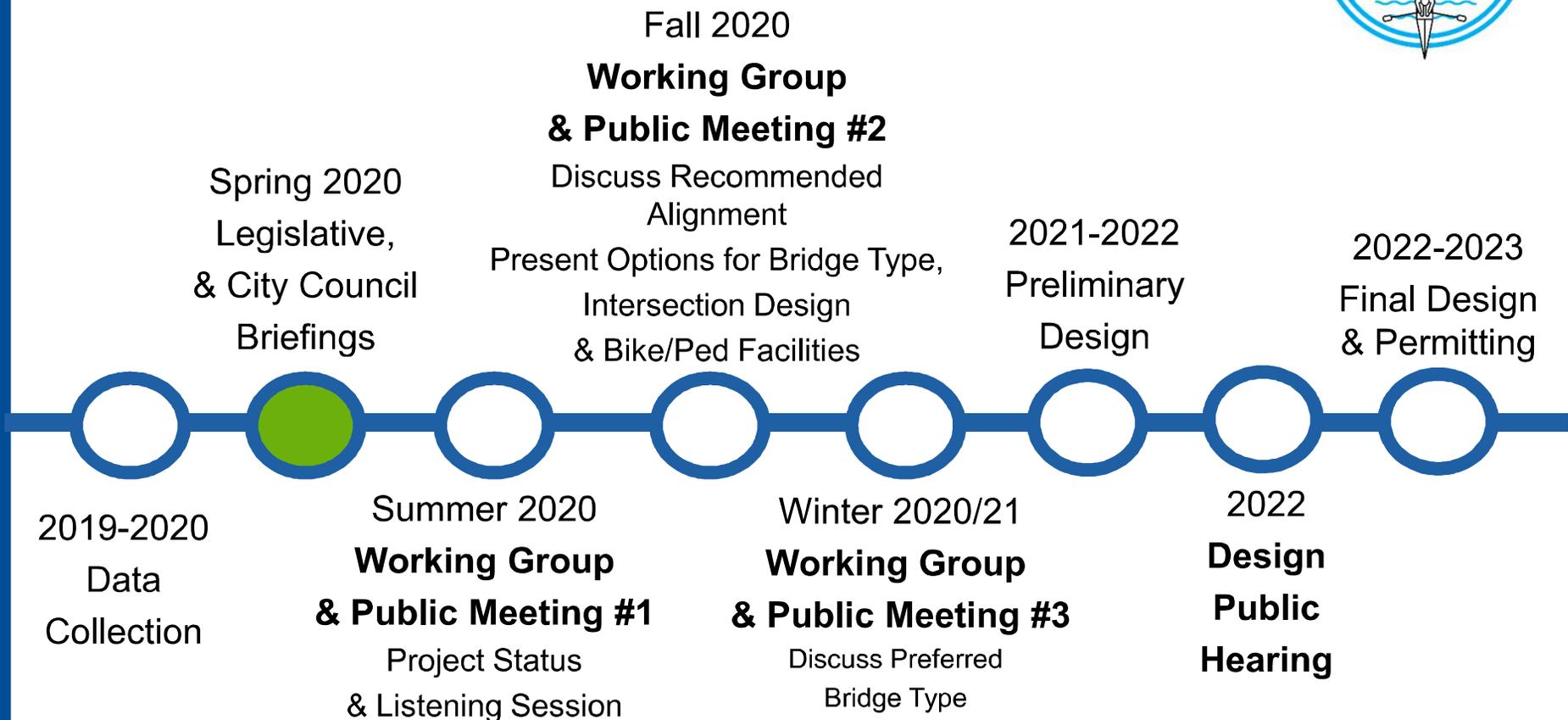
Presence at Key Community Events

Local Working Group (3 Meetings Planned)

Public Outreach Meetings (3 Meetings Planned)

Ongoing Response to Online Feedback

Schedule



Next Steps



Public Outreach

Noise/Land Use/Mobility Studies

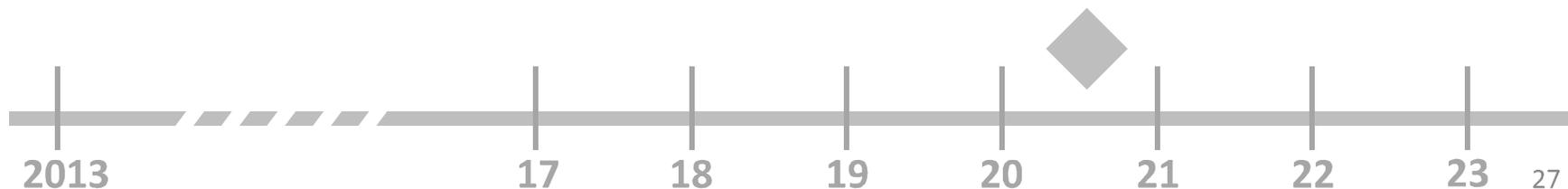
Traffic Modeling

Alignment Concept Refinement

Development of Measures of Effectiveness

Evaluation of Alternatives

Preferred Alignment Recommendation





Thank You!

**Please provide feedback online
via the links below:**

<https://www.mass.gov/rourke-bridge-replacement-project>



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

April 23, 2020

Mayor John J. Leahy
and
Members of the City Council

RE: Council on Aging; Reappointment Thereto

Dear Mayor Leahy and Members of the City Council:

Pursuant to the authority specified in the Code of the City of Lowell Section §9-12 - §9-14, it is with pleasure that I am reappointing Beverly Gonzales of 115 Lafayette Street, Lowell, MA 01854 to a term which expires April 28, 2023, or such time thereafter until a successor is appointed and qualified.

Confirmation by the City Council is required for this reappointment and is hereby requested.

I would be happy to answer any inquiry you may have concerning this reappointment.

Very truly yours,

Eileen M. Donoghue
City Manager

EMD/kd.coa

cc: Council on Aging
City Auditor
City Clerk
City Solicitor
Human Relations
MIS

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to remove a certain restriction from deed to property conveyed from City of Lowell to MCF Industries, Inc., located adjacent to 39 First Street Boulevard, known as 15 First Street Boulevard, Lowell on August 22, 1990.

The City of Lowell was the owner of certain land located adjacent to 39 First Street Boulevard; and

The property was conveyed to MCF Industries, Inc. and recorded with certain deed restrictions at Middlesex North District Registry of Deeds on August 22, 1990 in Book 5307, Page 252; and

The property is being purchased and it is in the best interest of the City of Lowell to remove Restriction #2 from the Deed:

“The SELLER shall retain a right of First Refusal should the BUYER desire to sell the premises. If the SELLER exercises its right of First Refusal it shall pay to the BUYER the sum for which the BUYER acquired the premises.”

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

The City Manager is hereby authorized to remove a certain restriction from the deed to property conveyed from the City of Lowell to MCF Industries, Inc., located adjacent to 39 First Street Boulevard, known as 15 First Street Boulevard, Lowell on August 22, 1990. Said Restriction is #2 regarding Sellers right of First Refusal. Said Deed is recorded at Middlesex North District Registry of Deeds in Book 5307, Page 252. A copy of the deed and vote is attached.

DEED

The CITY OF LOWELL, a municipal corporation duly organized by law and located in Middlesex County, Commonwealth of Massachusetts for consideration of TWENTY EIGHT THOUSAND THREE HUNDRED NINETY DOLLARS (\$28,390.00) grants to MCF INDUSTRIES, INC. a corporation duly established by law and having an usual place of business at Foot of John Street, Lowell, MA 01852;

with QUITCLAIM COVENANTS:

The land in said Lowell, Middlesex County, Massachusetts, with buildings thereon, if any, situated adjacent to 39 First Street and bounded and described as follows:

The land in said Lowell, Middlesex County, Massachusetts, situated on the Southerly side of First Street and being shown as Lot 2 on a plan of land entitled, "Plan of Land in Lowell, Mass. prepared for Richard V. and Claire G. Mailloux, May 12, 1989", said plan to be recorded herewith and being bounded and described as follows:

- Northerly by the Southerly line of First Street, One Hundred Fifty-one and 60/100 (151.60') feet;
- Easterly by other land now or formerly of the Grantee, Seventy-six and 97/100 (76.97') feet;
- Southerly by other land now or formerly of the Grantee, Forty-one and 50/100 (41.50') feet;
- Easterly by other land now or formerly of the Grantee, Fifty-seven and 47/100 (57.47') feet;
- Northerly by other land now or formerly of the Grantee, Sixty-six and 50/100 (66.50') feet;
- Easterly by land now or formerly of the Locks and Canals, Forty-three and 16/100 (43.16') feet;
- Southwesterly by other land now or formerly of the Grantor, One Hundred Ninety-six and 96/100 (196.96') feet;
- Westerly by other land now or formerly of the Grantor, Ninety and 00/100 (90.00') feet.

Said land contains 17,876 square feet according to said plan.

08/22/90 PLAN BOOK: 173 PAGE: 143

08/22/90 10137184

32927

25.25

12

**** MASS. EXCISE TAX: 129.96 ***

129.96 ***

DEEDS REG. 14
MIDDLE NORTH
08/22/88

TAX
CHC
129.96
129.96

XAL EBIXE
62101 00042590

This conveyance is subject to the following restrictions:

1. The premises shall be used solely for parking. Any other use shall require the approval of the Lowell City Council.
2. That if the land is to be sold in the future, the City of Lowell shall first be offered the land back at the above stated purchase price.
3. The Buyer shall maintain the premises together with the adjoining land of the Seller.

R - in one

For City of Lowell title see Middlesex North District Registry of Deeds book 666, page 541, book 668, page 1, book 1121, page 151 and book 1169, page 1.

Full compliance has been made with the provisions of Chapter 44, Paragraph 63A, as amended, of Massachusetts General Laws.

Grantee acknowledges receipt of a copy of Massachusetts General Laws, Chapter 7, Section 40J and agrees to comply therewith.

IN WITNESS WHEREOF, The City of Lowell has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by James J. Campbell, its City Manager, this Twenty-sixth day of July, 1989.

CITY OF LOWELL

By: *James J. Campbell*
James J. Campbell
City Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

July 26, 1989

Then personally appeared the above-named James J. Campbell to me personally known, who being by me sworn did say that he is the City Manager of the City of Lowell and that this instrument was signed and sealed in behalf of said City by authority of its City Council and said James J. Campbell acknowledged said instrument to be the free act and deed of said City.

By: *Judith M. Henderson*
Judith M. Henderson
Notary Public
My Commission Expires: 6/18/94

COMMONWEALTH OF MASSACHUSETTS
CITY OF LOWELL

In City Council

RESOLUTION

Authorizing the City Manager to Convey to MCF Industries, Inc., Certain City-owned land located adjacent to 88 First Street in Lowell.

WHEREAS, the City of Lowell is the owner of certain land located adjacent to 88 First Street in Lowell; and

WHEREAS, the City Manager has recommended to the City Council that the City convey to MCF Industries, Inc. the above-referenced property;

NOW, THEREFORE, BE IT VOTED:

That the City Manager be and he is hereby authorized in the name of the City of Lowell, to sell and convey, on such terms as the City Manager deems in the best interest of the City of Lowell, to MCF Industries, Inc., for TWENTY EIGHT THOUSAND THREE HUNDRED NINETY DOLLARS (\$28,390.00) the parcel hereinafter described:

The land in said Lowell, Middlesex County, Massachusetts, situated on the southerly side of First Street and being shown as Lot 2 on a plan of land entitled, "Plan of Land in Lowell, Mass. prepared for Richard V. and Claire G. Malhoux, May 12, 1985", said plan to be recorded herewith and being bounded and described as follows:

- Northerly by the Southerly line of First Street, One Hundred Fifty-one and 80/100 (151.80') feet;
- Easterly by other land now or formerly of the Grantee, Seventy-six and 07/100 (76.97') feet;
- Southerly by other land now or formerly of the Grantee, Forty-one and 50/100 (41.50') feet;
- Westerly by other land now or formerly of the Grantee, Fifty-seven and 47/100 (57.47') feet;
- Northerly by other land now or formerly of the Grantee, Sixty-six and 50/100 (66.50') feet;
- Easterly by land now or formerly of the Locks and Canals, Forty-three and 16/100 (43.16') feet;

08/22/98 PLAN BOOK: 177 PAGE: 142

08/22/98 10:47:08 2326 10 11

Southwesterly by other land now or formerly of the Grantor, One Hundred Ninety-six and 96/100 (196.96) feet;

Westerly by other land now or formerly of the Grantor, Ninety and 00/100 (90.00) feet.

Said land contains 17,878 square feet according to said plan.

BE IT FURTHER VOTED:

That the deed shall contain the following restrictions:

1. The SELLER's deed shall contain a restriction that the BUYER's use of the premises shall be restricted to parking only. Any other proposed use of the premises shall require the approval of the Lowell City Council.
2. The SELLER shall retain a right of First Refusal should the BUYER desire to sell the premises. If the SELLER exercises its right of First Refusal it shall pay to the BUYER the sum for which the BUYER acquired the premises.
3. The BUYER shall maintain the premises together with the adjoining land of the SELLER.

Review

BE IT FURTHER VOTED:

That upon conveyance, the deed and subdivision plan shall be duly recorded in the Registry of Deeds by the City Manager or anyone whom he shall delegate this duty, at the expense of the Grantee. Grantee shall also pay the stamp tax.

BE IT FURTHER VOTED:

That at the closing, the grantee shall pay the purchase price and shall also comply with the provisions of General Laws, Chapter 44, Section 83A and Chapter 7, Section 40J.

In City Council, June 13, 1989. Read twice and adopted 7 yeas, 2 absents.

/s/ William F. Busby, City Clerk

Approved on June 14, 1989 by James J. Campbell, City Manager.

A true copy
ATTEST

William F. Busby
William F. Busby, City Clerk

CITY OF LOWELL

PETITION

**CITY COUNCIL
Conduit Location**

National Blvd

*Install 1-3 inch conduit
from P. 32 to a meter pedestal
on pedestrian lighting structure
in City Council*

April 28, 2020

Read and hearing ordered for 7PM on

May 26, 2020

**Read, Hearing Held,
Referred to Wire In-
spector, Development
Services**

City Clerk

Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Project Address

Utility Gas Electric Telephone

Utility Pole #22 Across from 199 Pawtucket

(circle one) Other

Street Lowell, MA

Reason Install 1- 3" Underground Conduit to

power pedestrian lighting

Date Submitted April 14,2020

Review done by Richard Biagini

Sidewalk Material

Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present Y N

Work on Street under a Paving Moratorium Y N

Is this location within the Flood Plain? Y N

Are ADA requirements being met? Y N

Comments

Outcome of Review

Approved

Approved With
Comments

Denied

X

John Gleason, Interim City
Engineer

nationalgrid

March 20, 2020

The City Council of Lowell, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Michael Meneades 978-725-1033

If this petition meets with your approval, please return an executed copy to:

National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845; # 978-725-1418

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

MAR 20 20 04:11:05
ENGINEERS

Questions contact – Michael Meneades 978-725-1033

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric Conduit Location:

To the City Council of Lowell, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Pawtucket St. - Lowell, Massachusetts.

The following are the streets and highways referred to:

29547994 Pawtucket St. - Beginning at a point approximately 60 feet northeast of the centerline of the intersection of Merrimack St. and Pawtucket St. and continuing approximately 40 feet in a northerly direction. Customer will be responsible for excavation. Customer will install 1-3-inch conduit from P.22 to a meter pedestal for pedestrian lighting. Customer will also install secondary service cable in the conduit to power the lights.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a
NATIONAL GRID
BY

Engineering Department

Dave Johnson/lla

Dated: March 20, 2020

Lowell

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 20th day of March 2020.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked - Pawtucket St. - Lowell, Massachusetts.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

29547994 Pawtucket St. - Beginning at a point approximately 60 feet northeast of the centerline of the intersection of Merrimack St. and Pawtucket St. and continuing approximately 40 feet in a northerly direction. Customer will be responsible for excavation. Customer will install 1-3-inch conduit from P.22 to a meter pedestal for pedestrian lighting. Customer will also install secondary service cable in the conduit to power the lights.

I hereby certify that the foregoing order was adopted at a meeting of the
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....., held on the day of, 20

....., 20

Received and entered in the records of location orders of the City/Town of
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Attest:

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Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the
underground electric conduits described in the order herewith recorded, and that I mailed at least
seven days before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last preceding assessment for taxation) along the ways
or parts of ways upon which the Company is permitted to construct the underground electric
conduits under said order. And that thereupon said order was duly adopted.

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Noguel

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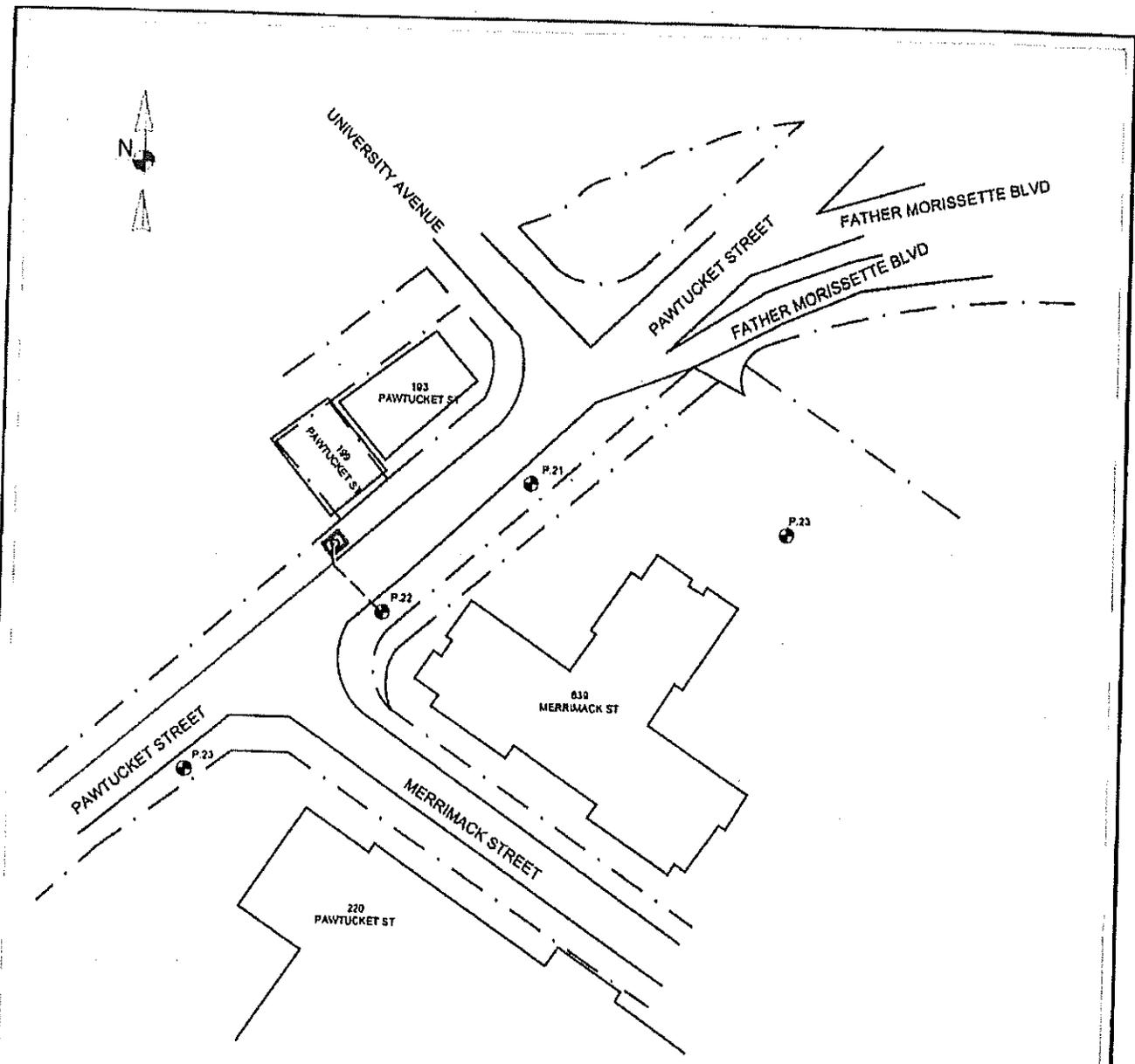
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UNDERGROUND PETITION

 POLE (EXISTING)
  PROPOSED CONDUIT 1-3"

Customer will be responsible for excavation. Customer will install 1-3" conduit from P.22 to a meter pedestal for pedestrian lighting. Customer will also install secondary service cable in the conduit to power the lights.

nationalgrid

Date: 3/19/2020

WORK REQUEST: 29547994

To The: City Of Lowell

For Proposed: 1-3" Conduit Location: Pawtucket St

Drawn By: M. Meneades

DISTANCES ARE APPROXIMATE

CITY OF LOWELL

PETITION

**CITY COUNCIL
Conduit Location**

Michael Smith
*to install 14 feet of 1-3 inch
conduit and trench at Pine Oakley
from #1 to Row-H #5 for 90-225.*
IN CITY Council

David 378 3092

Read and hearing ordered for 7PM on

May 31 2022

**Read, Hearing Held,
Referred to Wire In-
spector, Development
Services**

City Clerk

Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Project Address

Utility Gas Electric Telephone _____ 70 Fox Street (Fauvel St)

(circle one) Other _____ Lowell, MA

Reason Install 1- 3" Underground Conduit to

Provide electric service to 70 Fox St

Date Submitted April 16,2020

Review done by Richard Biagini

Sidewalk Material

Concrete Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present Y N

Work on Street under a Paving Moratorium Y N

Is this location within the Flood Plain? Y N

Are ADA requirements being met? Y N

Comments

1. Contractor shall notify abutters at least 72 hours prior to beginning work.

Outcome of Review

Approved

Approved With
Comments

Denied

John Gleason, Interim City
Engineer

nationalgrid

April 1, 2020

The City Council of Lowell, Massachusetts

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Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

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APR 6 20 09:51
ENGINEERS

Questions contact – Michael Meneades 978-725-1033

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OF NORTH ANDOVER, MASSACHUSETTS
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The following are the streets and highways referred to:

2622903 Fauvel Dr. - Beginning at a point approximately 165 feet south of the centerline of the intersection of East Sixth St. and Fauvel Dr. and continuing approximately 40 feet in a westerly direction. National Grid to install 40 feet +/- of 1-3 inch conduit and secondary cable from HH1 to new HH5 to provide new electric service to 70 Fox St. Lowell, MA.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Dave Johnson/lla*
BY _____
Engineering Department

Dated: April 1, 2020

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 1st day of April 2020.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked - Fauvel Dr. - Lowell, Massachusetts.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

29622903 Fauvel Dr. - Beginning at a point approximately 165 feet south of the centerline of the intersection of East Sixth St. and Fauvel Dr. and continuing approximately 40 feet in a westerly direction. National Grid to install 40 feet +/- of 1-3 inch conduit and secondary cable from HH1 to new HH5 to provide new electric service to 70 Fox St. Lowell, MA.

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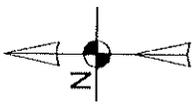
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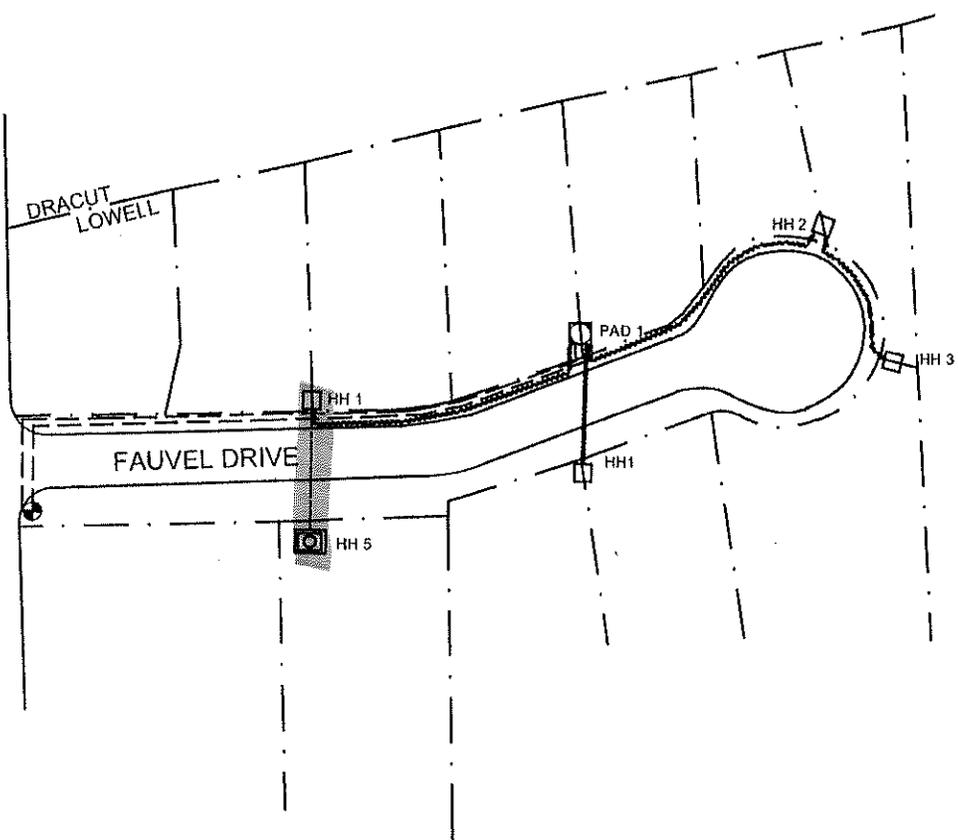


FOX STREET

EAST SIXTH STREET

DRACUT
LOWELL

FAUVEL DRIVE



UNDERGROUND PETITION

-  EXISTING POLE
-  EXISTING HAND HOLE
-  EXISTING TRANSFORMER
-  EXISTING PRIMARY CONDUIT
-  EXISTING SECONDARY CONDUIT
-  PROPOSED HAND HOLE
-  PROPOSED SECONDARY CONDUIT

DISTANCES ARE APPROXIMATE

nationalgrid

Date: 03/20/2020

WORK REQUEST: 29622903

To The: City Of Lowell

For Proposed: 1-3" conduit Location: Fauvel St

Drawn By: M. Meneades