



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** May 21, 2019

**Time:** 6:30 PM

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

### 1. ROLL CALL

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

M. Samaras presiding.

### 2. CITY CLERK

**2.1. Minutes of Neighborhoods SC with Zoning SC May 13th; Rules SC May 14th; City Council Meeting May 14th, for acceptance.**

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

### 3. UNFINISHED BUSINESS

**3.1. Ordinance-Amended Ordinance Creating Monument Committee-Chapter 9-Boards Commissions Committees (PH continued from 5/14/19).**

In City Council, Given 2<sup>nd</sup> Reading, Hearing re-opened, hearing held. No remonstrants. **Motion** to adopt by C. Elliott, seconded by C. Mercier. Adopted per Roll Call vote, 8 yeas, 1 absent (C. Kennedy). So voted.

### 4. COMMUNICATIONS FROM CITY MANAGER

#### 4.1. Motion Responses.

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

**A) Motion Response - Tree Planting Schedule** – C. Cirillo recognized the report. C. Elliott commented on State funding and why it was not available. Diane Tradd (DPD) noted the City would be on list for funding. Manager Donoghue noted they were exploring other funding options.



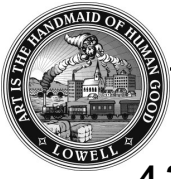
**B) Motion Response - 85 Eleventh St** – C. Mercier commented on the report.

**C) Motion Response - Edge Private Dorm** – C. Elliott voiced his concerns over the number of police calls to the complex. C. Elliott commented on the permit for student housing and the conditions placed on the property. Manager Donoghue commented on police calls and zoning restrictions. Eric Slagle (Insp. Services) noted ordinance does not mandate students live at the complex it defines how the property should be managed and run. C. Elliott noted confused regarding language in the ordinance and noted City resources being used on the complex. **Motion** by C. Elliott, seconded by C. Conway to refer to Housing SC to review Planning Board decision with possible action. So voted. C. Nuon commented on citations issued and parking compliance. C. Conway commented on police reports and noted project does not line up with how it was presented. C. Conway commented on need to collect any fines levied so that public will conform to ordinances. C. Milinazzo commented on the information and stated that they are not in compliance and should have occupancy permits pulled. **Motion** by C. Milinazzo, seconded by C. Cirillo to refer to Law Department to review possible violations of Planning Board decision and proposed action. So voted. C. Elliott commented on Planning Board language and stated that it needs review concerning this property. C. Mercier noted that site would have been useful for Lowell High project.

**D) Motion Response - First St Corridor Illegal Dumping** – C. Mercier noted effort of all parties and procedures put in place to prevent illegal dumping. Manager Donoghue recognized team effort on the response. C. Cirillo noted effort to keep area clean.

**E) Motion Response - Pest Control** - C. Leahy recognized the report. Manager Donoghue recognized the efforts of administration and outside vendors to combat issue. C. Elliott noted procedures need to be followed to prevent infestation. Rick Underwood (School Custodians) provided information to the Council. M. Samaras noted procedures in place. C. Conway commented on the increase and the concerns of the teachers. C. Nuon noted that issue is that the facilities need to be better cleaned.

**F) Motion Response – Vaping** – C. Elliott commented on the dangerous trend and the need to remain ahead of the problem especially in the area of flavored tobacco. Cesar Pungirum (Tobacco Control) noted Board of Health would set regulations and commented on current regulations and trends with the products. **Motion** by C. Elliott, seconded by C. Conway to refer to Law Department to review possible banning of flavored and menthol tobacco in the City. So voted. Solicitor O'Connor noted office would review possibility of a ban on such products. C. Cirillo commented vaping. Mr. Pungirum explained vaping.



## 4.2. Informational Reports

**G) Informational - Open Space Plan – Motion** by C. Elliott, seconded by C. Conway to refer to Law Department to draft proper vote to bring before the Council. So voted. Christine McCall (Insp. Services) and Yovani Baez-Rose (DPD) presented report entitled “City of Lowell Open Space and Recreation Plan”.

**H) Informational - Lord Overpass Presentation** – Manager Donoghue noted there was an updated presentation. Natasha Vance (Transportation Engineer) presented following entitled report “Lord Overpass Replacement 100% Design”. The report outlined the goals; safety; HCID project; Complete Streets; congestion; design; and stages of construction. C. Leahy commented on the amount of projects within the City and noted the need for traffic plans during construction. C. Cirillo commented on the presentation noting effort put in. C. Elliott noted it was a complex project with great benefits. M. Samaras noted new system will benefit City but there is a need for a mitigation plan. C. Milinazzo noted project will benefit an entire area not just Lowell, further commented need for noise mitigation as well during construction. Ms. Vance noted she would review noise concerns. C. Mercier noted concerns for certain areas and hopes project will be successful. Manager Donoghue stated there will be continuous updates to Council with all projects.

## 4.3. Communication - City Manager request Out of State Travel (2) LPD; (1) Insp. Services.

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

## 5. VOTES FROM THE CITY MANAGER

### 5.1. Vote-Auth City Mgr Ex. Lease Agmt. w Nicholas Sarris as Trustee of One Hundred Seven Merrimack Street Realty Trust for 107 Merrimack St-Career Center.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt as amended by C. Conway, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted. C. Leahy questioned if more votes would follow. C. Elliott noted bid process used for this lease.

### 5.2. Vote-Authorize CM Execute License Agreement with Lupoli Companies, LLC for overhanging signs and lights at 165 Thorndike St. at Thorndike Exchange.



In City Council, Read twice, full reading waived with no objections. **Motion** to adopt as amended by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted.

**5.3. Vote-Transfer 175,000-Police Dept. to purchase two cars and to cover the purchase of fuel for the remainder of FY19.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt as amended by C. Conway, seconded by C. Cirillo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted. C. Milinazzo questioned who gas vendor was for the City. Conor Baldwin (CFO) noted gas was purchased with bulk procurement. C. Elliott noted vehicles were a needed resource at the department. Supt. Richardson (LPD) outlined approach for maintaining fleet. Mr. Baldwin noted item was part of operating budget and work with surplus to purchase them.

**5.4. Vote-Transfer 890,000-Law to cover costs associated with Workers Compensation and 111F Obligations of the City.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt as amended by C. Conway, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted. C. Elliott noted the amount on school side and that needs to be addressed. Manager Donoghue noted vast amount is going to shortfall on the school side and that there was a substantial increase in this budget. Mr. Baldwin noted where funding would come from to cover shortfall. C. Elliott noted the trend was going in the wrong direction. Manager Donoghue noted best practices should be instituted here.

**6. REPORTS (SUB/COMMITTEE, IF ANY)**

**6.1. (1) Neighborhoods SC joint with Zoning SC May 13, 2019; (2) Technology & Utilities SC May 21, 2019.**

In City Council, C. Cirillo provided the report of Neighborhoods and Zoning joint subcommittee meeting noting attendance and discussion regarding zoning effects in neighborhoods in the City as well as enforcement issues. C. Milinazzo noted there would be one more joint meeting before amendments to ordinances would occur.

In City Council, C. Leahy provided the report of the Technology & Utilities subcommittee noting attendance and discussion of aggregate energy plan and the upcoming energy contract.



**Motion** to accept the reports as reports of progress and adopt motions of the subcommittees by C. Nuon, seconded by C. Milinazzo. So voted.

**6.2. Wire Insp. - Siena Engineering Group Inc. (TC Systems Inc.) - Req. to install telecommunication underground conduit on Gorham St. intersection of Dix St. and Moore St.**

In City Council, **Motion** to accept and adopt the accompanying order by C. Nuon, seconded by C. Mercier. So voted. C. Leahy questioned repair of street after installation. Christine Clancy (City Engineer) commented on restoration of streets after projects.

**6.3. Wire Insp. - Siena Engineering Group Inc. (TC Systems Inc.) - Req. to install telecommunication underground conduit on Gorham St. intersection of Manchester St.**

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

**6.4. Wire Insp. - Axis Engineering Group - Req. to place fiber line to service 2 Prince Ave.**

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

**7. PETITIONS**

**7.1. Claims - (1) Personal Injury; (2) Property Damage.**

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

**7.2. National Grid - Request permission to replace existing gas main from 1847 Middlesex Street to Chelmsford town line.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to refer to Public Hearing on June 25, 2019 at 7 PM by C. Nuon, seconded by C. Cirillo. So voted.

**7.3. National Grid - Request permission to replace existing gas main on Chelmsford Street between Howard and Liberty Street.**



In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to refer to Public Hearing on June 25, 2019 at 7 PM by C. Nuon, seconded by C. Milinazzo. So voted.

## **8. CITY COUNCIL - MOTIONS**

### **8.1. C. Elliott - Req. City Mgr. explore possibility of establishing a resource recovery station for bulk items now being disposed illegally.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott requested report to explore solutions and gather costs.

### **8.2. C. Nuon - Req. City Mgr. report on Capital Plan regarding a new fire truck at the Stevens Street Fire Station.**

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

### **8.3. C. Nuon - Req. City Mgr. review inspection and enforcement procedures within Development Services to determine if better efficiency can be achieved through transfer of data via tablets or other electronic means with the aim of improving turnaround time without adding personnel.**

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted request was generated from a subcommittee meeting to promote higher efficiency in the neighborhoods.

### **8.4. C. Cirillo - Req. City Mgr. add Ames St. and Mill St. in the Back Central neighborhood to the paving list.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted the need for repair. C. Elliott commented on process for street paving and that lists should be made available to Council so that information can get into neighborhoods. C. Leahy noted Mill Street would not need to be paved fully so work could be done quicker. C. Mercier commented on street reports that are available.

### **8.5. C. Cirillo - Req. City Mgr. add Western Avenue in the Acre/Highlands to the paving list.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Cirillo noted area was in bad shape.



**8.6. C. Cirillo - Req. City Mgr. have the proper department add a “Slow-Children At Play” sign on Mt. Washington St. off of Pawtucket St.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Cirillo noted motion arose out of citizen concern.

**8.7. C. Cirillo - Req. City Mgr. have the proper department look into making the vacant lot at the corner of Merrill St. and Rogers St. into a car condo.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted the need for added parking in the Back Central neighborhood. C. Conway noted parcel may not be owned by the City. Manager Donoghue noted parcel was State owned. C. Leahy questioned ownership.

**8.8. C. Cirillo - Req. City Mgr. have the proper department look into making the vacant lot on Elm St. into neighborhood parking.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Cirillo noted congestion in Back Central neighborhood.

**8.9. C. Leahy - Req. City Mgr. have proper department provide a report to City Council regarding traffic plan surrounding construction projects in the City over the next five years.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted motion was self-explanatory.

**9. CITY COUNCIL - EXECUTIVE SESSION**

**9.1. Executive Session - Regarding matter of litigation, namely Huot et al. v. City of Lowell, public discussion of which could have a detrimental effect on the City’s position.**

In City Council, M. Samaras stated reason for Executive Session, **Motion** by C. Cirillo, seconded by C. Nuon to enter Executive Session for stated purpose and to adjourn from Executive Session (8:50 PM). Adopted per Roll Call vote 8 yeas, 1 absent (C. Kennedy). So voted. M. Samaras stated that body would adjourn from the Executive Session.



## 10. ANNOUNCEMENTS

In City Council, C. Mercier noted issue with discussions getting outside of the Executive Sessions being held regarding voting lawsuit.

## 11. ADJOURNMENT

In City Council, **Motion** to Adjourn in Executive Session by C. Elliott, seconded by C. Mercier. So voted.

Meeting adjourned at 9:25 PM.

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Michael Geary, City Clerk