



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: September 24, 2019

Time: 6:30 PM

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

1. ROLL CALL

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

M. Samaras presiding.

C. Leahy requested moment of silence in darkened chamber for Gary L. Martin.

2. MAYOR'S BUSINESS

2.1. Discussion - Selection of City Auditor.

In City Council, M. Samaras noted there was not a full Council so requested matter be removed from the agenda. C. Elliott commented that there is a need for the selection of the Auditor. **Motion** by C. Elliott, seconded by C. Leahy to re-post position of the City Auditor for an additional two weeks. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. C. Leahy noted it was time to move forward with the selection of the City Auditor. C. Kennedy noted prior votes by the body indicated that they would wait for full Council before moving on with a decision. C. Mercier noted the need to move onto advertising the position. C. Milinazzo noted that in full disclosure he had been emailed by prior applicant, Kara McSwiggin, who indicated she would re-apply for the position. C. Kennedy questioned the amount of time to place advertisement. C. Elliott noted that two weeks should suffice. C. Nuon noted he received similar email from Ms. McSwiggin and he favored re-posting of the position. Mary Callery (HR) indicated she would post for two weeks. There was a Roll Call to indicate if ad should be placed in Boston Globe. Results indicated that ad would not be placed in the Boston Globe, 1 yeas, 7 nays (C. Conway, C. Elliott, C. Leahy, C. Mercier, C. Milinazzo, C. Nuon, M. Samaras), 1 absent (C. Cirillo). C. Kennedy noted ad should be placed in Boston Globe as it was done prior.



3. CITY CLERK

3.1. Minutes of Cannabis Control SC September 5th; City Council Meeting September 10th; Rules SC September 17th, for acceptance.

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

4. UNFINISHED BUSINESS

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

In City Council, **Motion** by C. Elliott, seconded by C. Conway to refer matter to October 1, 2019 meeting. so voted.

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

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

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

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

5. UTILITY PUBLIC HEARING

5.1. National Grid/Verizon NE - Request relocation of (2) JO Poles on Varnum Avenue at Old Ferry Road.

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

C. Mercier provided information to National Grid representative regarding unsafe wiring at 877 Andover Street.



6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

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

A) Motion Response - Barbara St. and LaPlume Ave. – Motion by C. Mercier, seconded by C. Conway to delay discussion of item until meeting on October 1, 2019. So voted.

B) Motion Response - Efficient City Operations – C. Leahy commented on the report. Manager Donoghue noted the relocation of various departments within the City and the reasoning for such changes.

6.2. Informational Reports

C) Informational - Election System Panel Flyer – Manager Donoghue noted the educational events scheduled for decree options resulting from Voting Rights litigation. Manager Donoghue noted events would be covered by LTC as well so that all may have opportunity to view. Manager Donoghue noted there would be three ballot questions on the November 3rd ballot and that they are exploring ways to inform the public. C. Elliott noted it would be helpful to send information to the voters and suggested that plaintiffs in the litigation should assist with the costs of same. C. Nuon noted the educational seminars for the options and that the goal should be to get as many involved as possible. C. Leahy suggested that Lowell Sun provide information regarding election and choices to be made.

D) Informational - DLS Cover Memo – Manager Donoghue provided update regarding repairs in schools and that the matter has been closed by the agency.

6.3. Communication-Appoint Stephanie Call to Lowell Cultural Council.

In City Council, **Motion** “To accept and place on file” by C. Nuon, seconded by C. Conway. So voted. Ms. Call was present and thanked the Council.

6.4. Communication-Reappoint Richard Lockhart to Planning Board.

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



6.5. Communication - City Manager request Out of State Travel (2) LPD.

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

Motion by C. Conway, seconded by C. Elliott to bundle Items #7.1 to #7.3. So voted.

Motion by C. Elliott seconded by C. Mercier to adopt Items #7.1 to #7.3. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote-Accept gift of 7,500 from Digital Federal Credit Union to Fire Department.

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

7.2. Vote-Accept gift of coffee brewer from The Friends of Lowell Council on Aging for the Council on Aging.

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

7.3. Vote-Accept gift of scale from The Greater Lowell Health Alliance for use by Council on Aging.

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

7.4. Vote-Authorize City Council approve Amendment to the Consent Decree.

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 8 yeas, 1 absent (C. Cirillo). So voted. C. Mercier noted the importance of residing in the District and she recognized the Law Department for acting on her request.



7.5. Vote-Place non-binding ballot questions on 11.5.19 municipal election ballot.

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

Motion by C. Conway, seconded by C. Mercier to bundle and adopt Items #7.6 to #7.7. So voted. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted.

7.6. Vote-Transfer 110,000 to cover easements and right-of-way acquisitions for two MassDOT projects-Engineering.

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

7.7. Vote-Transfer 45,000 to fund maintenance contracts for new capital equipment-Police Dept.

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

8. ORDERS FROM THE CITY MANAGER

8.1. Order-60 Day Trial-various.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt as amended by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. **Motion** by C. Mercier, seconded by C. Conway to withdraw Sections 266-45 and 266-57 from order and place on agenda on meeting of October 1, 2019. So voted.

8.2. Order-Vacate, Discontinue and Abandon portion of Father Morissette Blvd.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on October 8, 2019 at 7 PM by C. Nuon, seconded by C. Conway. So voted.



9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Rules SC September 17, 2019.

In City Council, C. Elliott provided report regarding Council rules with respect to protest areas within the Chamber as well as placement of motions on the agenda. C. Elliott noted he requested Law Department to develop a policy for protest areas as well as formulating regulations for protected speech within the Chamber. Solicitor O'Connor noted they were developing policy and were speaking to other communities for assistance. C. Elliott noted that there was no action taken by the subcommittee regarding placement of motions on the agenda. C. Leahy questioned putting motions with motion responses on the agenda. C. Elliott agreed with assessment but noted there are other methods to move motions during meeting. **Motion** to accept the report as report of progress by C. Mercier, seconded by C. Leahy. So voted.

10. PETITIONS

10.1. Claim - (1) Property Damage.

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

Motion to bundle and adopt Items #10.2 to #10.6 by C. Conway, seconded by C. Milinazzo. So voted.

10.2. Misc. - Germain Amezquita (for the benefit of Marilyn Figueroa) request installation of handicap parking sign at 56 Butterfield Street.

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

10.3. Misc. - Valerie Kind request installation of handicap parking sign at 2 Lewis Street from its current location across the street.

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

10.4. Misc. - Michael Califano request City Council review traffic safety at the corner of Moore and Whidden Streets.

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



10.5. Misc. - Richard Galyon request installation of Stop Sign at River Place on Auxiliary Road.

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

10.6. Misc. - Nilo Cunha (Minas Lunch Corporation) request installation of "Customer Only" parking signs at 191 Appleton Street.

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

11. CITY COUNCIL - MOTIONS

11.1. C. Nuon - Req. City Mgr. schedule a minimum of three educational sessions regarding the two election choice options that will appear on the November 2019 ballot.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Nuon commented on scheduling by the City Manager regarding sessions.

11.2. C. Nuon - Req. City Mgr. have City Solicitor work with appropriate parties to amend the Consent Decree requiring that district candidates reside in district for which they run.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Nuon noted prior vote requesting same.

11.3. C. Nuon - Req. City Council specify the vote counting method to be used with the at-large ranked choice option.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon questioned voting manner for ranked choice. C. Kennedy commented it was important to have and understand the information. C. Elliott noted that there is confusion on the matter and it should be cleared up with the voters. Manager Donoghue noted they would gather information and provide it to the experts who would analyze options. Solicitor O'Connor noted all methods would be vetted.



11.4. C. Nuon - Req. City Mgr. name Henri Marchand the City magician.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Nuon noted the number of performances he has done for the City.

11.5. C. Kennedy - Req. City Mgr. resume the practice of providing City Council with quarterly reports regarding status of City Council motions.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Kennedy noted motion was self-explanatory. C. Elliott requested information regarding number of motions being filed and the resources needed to address them.

11.6. C. Kennedy - Req. City Mgr. instruct LPD to enforce traffic restrictions on Maryl Drive.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Kennedy noted it was a request from neighborhood and that there are three issues needed to be addressed: speed; narrow street; and commercial vehicle use.

11.7. M. Samaras - Req. City Mgr. provide a report on the impact of EEE virus in the Lowell area and the response by the City to any threats posed by mosquito-borne illnesses.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Samaras noted he had a number of inquiries regarding the threats. Manager Donoghue commented on combatting EEE in the City. Kerran Vigroux (Health Dept.) updated the Council regarding current status of spraying and combatting mosquitos in the area. C. Elliott commented on EEE threat in the City.

12. ANNOUNCEMENTS

In City Council, C. Elliott noted the number of activities in the City. C. Nuon commented on the LPD volleyball tournament. C. Mercier thanked community for the new Senior Center bus. Clerk Geary noted that Item #8.1 public hearing would be scheduled for October 8, 2019.



13. ADJOURNMENT

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

Meeting adjourned at 7:41 PM.

Michael Q. Geary, City Clerk