



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: April 10, 2018

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 9 present.

M. Samaras presiding.

C. Mercier requested a moment of silence in darkened chamber for Robert C. Maguire former Mayor and Lowell City Councilor and for all those who have passed away since the last City Council Meeting.

C. Milinazzo requested a moment of silence in darkened chamber for Rodger F. Martin father of former Mayor Brian Martin.

M. Samaras then recognized Veterans Commission who honored four Veterans of the Month: Harold Moshovetis, George Anthes, George Zaharoolis and Kevin Richardson. M. Samaras thanked the Veterans for their service.

2. MAYOR'S BUSINESS

2.1. Vote - To execute the employment agreement between the City of Lowell and incoming City Manager Eileen M. Donoghue.

In City Council. **Motion** "To release contract from Executive Session" by C. Milinazzo, seconded by C. Mercier. Adopted on roll call vote 9 yeas. So Voted.

M. Samaras then asked City Solicitor O'Connor to walk the Council through the essential terms and conditions of the agreement. City Solicitor O'Connor explained the City of Lowell has had employment agreements of which this current employment agreement is modeled. City Solicitor O'Connor said this is a 4 year agreement, mirrors current salary of former City Manager at \$196,000. City Solicitor O'Connor also said there are provisions, the incoming City Manager will be exclusive employ of the City of Lowell, also a notice if City Manager is to leave prior to end of contract. City Solicitor



also explained the differences in the agreement from others, no sick leave buy back, no guarantee COLA or merit increases as have been in previous employment agreements. C. Milinazzo thanked the Mayor and City Solicitor O'Connor for working on this agreement and asked that the City Solicitor highlight the changes that were made to agreement. City Solicitor O'Connor said in addition to items she already mentioned, long and short term disability has also been withdrawn, no severance clause, no sick leave buyback, as well as no defined merit increases, and no guarantee COLA increases. C. Elliott said he voted for Eileen Donoghue and has utmost respect for Senator Donoghue and all confidence in the world in her but he would like to be consistent and would not vote for a contract. M. Samaras said he has always supported employment agreements for certain positions as they provide some stability to the community. C. Nuon said Senator Donoghue gave up a lot and that he would support it and we should all be proud of the fact that she will be the first woman City Manager in the history of this City. Prior to roll call C. Elliott questioned the change in agreement that C. Cirillo brought forward in Executive Session regarding the vehicle the City Manager will use to be electric. C. Cirillo asked the City Solicitor to verify that this would be in agreement. City Solicitor O'Connor said the discussion did take place and that this would be discussed as part of a policy matter.

In City Council, Read twice, full reading waived with no objection, **Motion** "To adopt and vote to execute the Employment Agreement between The City of Lowell and incoming City Manager Eileen M. Donoghue" by C. Mercier, seconded by C. Nuon. Adopted on roll call vote 8 yeas, 1 nay (C. Elliott). So Voted.

C. Leahy thanked Acting City Manager Geary for his services and asked when the new City Manager would be starting and City Solicitor O'Connor stated she would be starting tomorrow morning and be sworn in at that time.

Acting City Manager Geary thanked everyone as well.

2.2 Discussion - Update regarding Gas Leak Lowell High School.

In City Council, update provided by the Fire Chief Winward and Rick Underwood, Supervisor School Maintenance. Councilors questioned how the leaks were handled and also the plan that is in place when students are evacuated. Councilors also expressed that the parents and the children need to know that they are safe. M. Samaras said the children were safe at all times. Councilors also questioned why the Superintendent and the Head of Schools was not present at the meeting tonight and M. Samaras said that he told them it was not necessary as he would have the Fire Chief and Mr. Underwood, Acting City Manager and Asst. City Manager present. Councilors also expressed frustrations over whether there would be school in the morning or not and notifications etc. C. Elliott then moved seconded by C. Mercier "That the new City Manager reach out to the School Building Authority and see if they will approve finances



for fixes". So Voted. After further discussion, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Cirillo. So Voted.

3. CITY CLERK

3.1. Minutes of Zoning SC April 3rd; City Council Meeting April 3rd, for acceptance.

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

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses

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

A) Front Porches – C. Kennedy moved seconded by C. Nuon "To refer back to the Zoning Sub/Committee for further review". C. Elliott questioned the need to refer back to Zoning Sub/Committee if the Director of Development Services Mr. Slagle thinks that it strikes the right balance. C. Elliott said the zoning is in place and if people want to do their porch they can apply for variance. C. Mercier again questioned why we would be referring this back after we have already received a response. C. Kennedy explained that the sub/committee will only meet on this if there is a proposal referred. C. Leahy agrees that we have a decision and if someone wants to put a porch on legally they can. C. Leahy said we have to prioritize here and does not see the need for more meetings when it has already been discussed. Mr. Slagle, Director of Development Services said he believes what is in place strikes the right balance. C. Kennedy then requested a roll call on his motion. Adopted on roll call vote 5 yeas, 4 nays (C. Mercier, C. Conway, C. Elliott and C. Leahy. So Voted.

B) UTEC Mattress Recycling Facility - C. Nuon commended Director Tradd for working with UTEC to find a new home for them in Lowell.

C) Facility Assessment Study – C. Cirillo was hoping for a schedule of maintenance in the report.

D) Boards and Commissions – C. Nuon asked that the City Manager reach out to the non-profits when there is vacancy.

E) Spring Cleaning Update and Summer Jobs – C. Leahy thanked the City Manager for report but was looking for a little bit more information regarding park clean up.

F) Add Phoenix Ave. to Paving List – C. Mercier would like to see road fixed.

G) National Grid Gas Pipeline Replacement – C. Cirillo moved seconded by C. Elliott "To refer to the Environment & Flood Issues Sub/Committee for further review, discussion and presentation". So Voted.



H) Downtown Window Displays

4.2. Informational Responses

Energy Efficiency – No comments.

4.3. Communication-Accept Resignation of Killian Minch from Sustainability Council.

In City Council, **Motion** “To accept and place on file” by C. Cirillo, seconded by C. Mercier. So Voted.

5. ORDERS FROM THE CITY MANAGER

5.1. Order-60 day trial (various)

In City Council, Read twice, full reading waived with no objections, **Motion** “To adopt by C. Milinazzo, seconded by C.Nuon. Adopted on roll call vote 9 yeas. So Voted.

6. ORDINANCES FROM THE CITY MANAGER

6.1. Ordinance-Amend Zoning Ch. 290 by amending various sections regarding Marijuana.

In City Council, Given 1st Reading, **Motion** “To refer to Planning Board for report and recommendation (May 7, 2018) and to Public Hearing at 7PM on May 15, 2018 by C. Cirillo, seconded by C. Milinazzo. So Voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Environment & Flood Issues SC April 10, 2018.

C. Cirillo said the meeting was very exciting and that they had a lot of speakers and they had two motions that would be put on at the following meeting. C. Elliott said he is a member of the committee and is not sure why the motions are not coming forward tonight. C. Elliott said one of the motions was to adopt a resolution to support a bill that is moving through the legislature to create a state wide law. C. Cirillo said that everyone that spoke was in favor of banning plastic bags. C. Cirillo said that is why C. Kennedy brought forward a motion to ban plastic bags in the City of Lowell. C. Kennedy sometimes the sub/committee reports the same night sometimes it is better to hold off. C. Kennedy said the motion passed 2 to 1 was to request the City Manager have the Law Department draw up an Ordinance that would ban in the City of Lowell beginning on January 1, 2019. C. Kennedy said the reason it is not being done tonight was so that everyone had time to digest and that is why next week matter would be before us along with the resolution that is before legislature right now. C. Mercier said the state is working on this right now so to put and Ordinance together right now is premature and that she is willing to wait for decision from the State House and operate under one set of



universal rules. C. Leahy asked if this would include all bags and C. Kennedy said that would be discussion for full Council. C. Conway would like to get more clarification and concerned that we will be consistent with the state. C. Kennedy said there are already 61 communities that have already begun to ban plastic bags we can in 2 weeks decide to do nothing and wait for state. After further discussion C. Elliot moved, seconded by C. Nuon "To accept the report as a report of progress". So Voted.

8. PETITIONS

8.1. Claims - (1) Property Damage.

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

9. CITY COUNCIL – MOTIONS

9.1. C. Mercier - Req. City Mgr. find ways and means to create a children's neighborhood playground next to 517 Moody St. on City property in the Acre section of the City.

In City Council, seconded by C. Conway, referred to the City Manager. So Voted.

9.2. C. Nuon - Req. City Mgr. install civilian camera's in the Treasurer's/Collectors Office.

In City Council, seconded by C. Mercier, referred to the City Manager. So Voted. C. Leahy said we should be fair across the board and not single out one office and maybe there are other offices. C. Milinazzo thought it is a good motion and may require signage and brought before bargaining units.

9.3. C. Nuon - Req. City Mgr. direct the Parks Department to install swings and slides on City Park located next to St. Joseph's Apartments @ 511 Moody St.

In City Council, seconded by C. Conway, referred to the City Manager. So Voted.

9.4. C. Cirillo - Req. City Mgr. provide the City Council with a report on the potential installation of "Short Story Dispensers" at strategic locations.

In City Council, seconded by C. Kennedy. referred to the City Manager. So Voted. Councilors debated motion and Motion was adopted on roll call vote 7 yeas, 2 nays (C. Mercier, C. Elliott). So Voted.



9.5. C. Cirillo - Req. City Mgr. instruct the proper department provide a report of any broken streetlights that are in need of replacement and in the report have protective options for the lights, for example a grate placed underneath.

In City Council, seconded by C. Kennedy, referred to the City Manager. So Voted.

9.6. C. Cirillo - Req. City Mgr. instruct the Division of Planning and Development to compile an updated inventory of vacant upper story downtown office/business spaces, including how long they have been vacant.

In City Council, seconded by C. Kennedy, referred to the City Manager. So Voted.

9.7. C. Kennedy - Request City Manager to initiate a plan to upgrade and improve the public park on Moody St.

In City Council, seconded by C. Conway, referred to the City Manager. So Voted.

9.8. C. Kennedy - Req. City Mgr. add Glenellyn Road to the repaving list and take immediate steps to repair the potholes on Glenellyn Road.

In City Council, seconded by C. Milinazzo, referred to the City Manager. So Voted.

9.9. C. Kennedy - Request the LTC consider installing the apparatus necessary to televise the sub/committee meetings and other appropriate events in the Mayor's Reception Room.

In City Council, seconded by C. Mercier, referred to the City Manager. So Voted.

10. ANNOUNCEMENTS

M. Samaras reminded everyone that the City Council Meeting of April 17, 2018 has been cancelled by vote of the City Council.

Acting City Manager Geary-Lowell High School Community Meeting at Lowell High School Cafeteria will be held Thursday April 12, 2018 @ 6PM and there will be translators at the meeting.

Mr. McGovern- May 9th Skanska will submit the new revised PSR to the MSBA to keep us on schedule. MSBA informed Skanska their schedule is going to be full both May date and early June date however they did ask if Perkins and Eastman could have everything packaged up and ready to go for May 9th so that they can have a separate Facilities Sub/Committee for the City of Lowell on May 9th.



11. ADJOURNMENT

In City Council, **Motion** "To adjourn" by C. Kennedy, seconded by C. Nuon. So Voted.

Meeting adjourned at 9:34PM.

Angela Gitschier, Acting City Clerk