



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: January 22, 2019

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.

2. CITY CLERK

2.1. Minutes of Zoning SC January 15th; City Council Meeting January 15th, for acceptance.

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

Motion by C. Mercier, seconded by C. Cirillo to take Item #9.1 out of order. So voted. C. Elliott requested that Item #7.1 be taken out of order under suspension. No objections. So voted.

3. AUDITOR BUSINESS

3.1. Communication - FY19 YTD Budget Report - December.

In City Council, **Motion** "To accept and place on file" by C. Milinazzo, seconded by C. Elliott. So voted. C. Milinazzo questioned Election Department expenses. City Solicitor O'Connor noted added expenses were result of recounts. C. Milinazzo questioned school side accounting. Auditor Perry noted that the data does not indicate any area of concerns. C. Kennedy questioned if school personnel are provided the same report. Auditor Perry indicated all parties receive the information and noted he was available for questions from any party.



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. Milinazzo. So voted.

A) Paris Accord – C. Cirillo noted the report. Kathleen Moses (DPD) outlined the report and noted City has reduced its carbon footprint substantially.

B) Energy Savings Performance Contract – None.

C) CTI Presentation – C. Mercier noted presentation will be before Council and it would be informative in terms of youth homelessness.

D) HCID Parking Judicial Center – C. Nuon commented on the report as it relates to short and long term parking solutions. Joe Giniewicz (DPD) identified temporary lots. C. Nuon questioned the use of private parking garage. Mr. Giniewicz noted that the City owns parcels of land which could be used as a private parking garage. C. Nuon questioned the use of public transportation to ease parking restraints. Mr. Giniewicz recognized significant parking issues in the area and that all means to alleviate the situation should be utilized. C. Mercier questioned status of land use for parking on National Park site. Manager Donoghue noted construction on court house is behind schedule. C. Mercier commented on the use of Cawley Stadium as a transportation area to bus individuals downtown and noted that such an increase in traffic for that area was not acceptable during high school discussions. C. Mercier noted that if the Lowell Charter School were to make any money on parking then the City should share in that revenue. C. Elliott noted that private parking would be beneficial to the development as it eases costs on the taxpayers. Manager Donoghue noted forthcoming report regarding private parking. C. Milinazzo questioned if developers were including parking as part of their plans. Mr. Giniewicz noted that Winn Development design did not include parking and that the City would provide 200 spaces for them. C. Milinazzo noted recent discussions surrounding the possibility of parking garages not being needed in 10 to 15 years.

4.2. Informational

E) LHS Project Update- Manager Donoghue outlined progress and future of the project and introduced the consultants Perkins/Eastman and Skanska to present PowerPoint entitled “City Council – Lowell HS Project”. The presentation reviewed the process; outlined the plans; reviewed site and building design; outlined time frame of project; and tabulated cost estimates. The consultants noted the Inspector General application process and the process to name construction manager of the project. The educational



element of the project was reviewed and presented with the use of images and discussion of natural light into the design. There was a review of the landscape plan and safety design for the buildings. C. Mercier questioned construction of Freshmen Academy in terms of square footage costs for new versus rehab construction. C. Mercier questioned if new heating systems would be installed. C. Leahy questioned replacement of roofs for project and currently in terms of reimbursement. C. Leahy questioned size of light wells and rehabbing of Kirk Street entrances. C. Milinazzo thanked the presenters and commented on selection of construction manager and phased construction schedule. C. Conway noted need to stay within historic design scheme and aesthetic input from the community. C. Conway questioned type of warranty on the building. C. Cirillo questioned phasing stages of the construction. M. Samaras questioned pedestrian bridges connecting the schools. Manager Donoghue noted that body would be updated every step of the process and noted that the rehabilitation is a gut down to frame.

4.3. Communication-Reappoint JoAnn Howell-CTI to Hunger Homeless Commission.

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

4.4. Communication-Appoint Helen Littlefield to Pollard Memorial Library Board of Trustees.

In City Council, read, **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted. Ms. Littlefield was present and thanked the Council. C. Conway recognized the appointment.

4.5. Communication - City Manager request Out of State Travel (1) LPD.

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

5. VOTES FROM THE CITY MANAGER

5.1. Vote-Authorize City Manager Ex. License Agreement Enterprise Bank and Trust Co.-overhanging signs.

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



5.2. Vote-Authorize Mgr. Ex. MOU Traffic Supervisors 7.1.18-6.30.21.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted. C. Leahy requested information on the vote. Manager Donoghue outlined contract and noted that the pay was in line with surrounding communities and that it would allow for more applicants for the positions.

5.3. Vote-Transfer funding for DPW for Public Building, Schools and Fleet.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Milinazzo. Adopted per Roll Call vote 9 yeas. So voted. C. Milinazzo noted the transfer and planning for employment in the future. Manager Donoghue noted the immediate needs of the schools. Conor Baldwin (CFO) noted transfer was possible due to departure of some department heads. C. Leahy lauded the efforts of school custodians over last cold spell. Manager Donoghue commented on issues developed over last weekend.

6. RESOLUTIONS

6.1. Resolution-City Council Support Massachusetts Senate Docket 101, the Education Promise Act.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Cirillo, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Kennedy requested copies of resolution and requested copies on school side resolution as well.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Animal Advisory Commission Report.

In City Council, C. Elliott provided the report commenting on attendance and discussion regarding action of the Commission which included oversight of pitbulls and other services provided to community. Michael Hearly (MSPCA), member of the Commission, commented on regulations to improve community and noted the development of Lowell Partnership for Pets Program. Mr. Hearly noted it was grant funded and identified all of the partners involved. C. Elliott noted it was a pro-active approach. Allison Reverend (MSPCA) outlined the services and resources available through the program. **Motion** to accept the report as a report of progress by C. Conway, seconded by C. Kennedy. So voted.

Motion by C. Kennedy, seconded by C. Cirillo to take Item #4.4 out of order. So voted.



7.2. Environment & Flood Issues SC January 22, 2019.

In City Council, C. Cirillo provided the report commenting on attendance and discussion regarding gage placement on the river and freezing of bladder dam. The following motions were adopted by the subcommittee: **Motion** by C. Elliott, seconded by C. Cirillo to request Representative Trahan provide letter to USGS or any other regulatory agency and to Enel relative to relocating the existing measuring gage on the river and to have City Council request City Manager designate personnel to oversee the resolution of existing issues with Enel and the use of the dam; and **Motion** by C. Kennedy, seconded by C. Elliott to request City Manager inform Enel of possible freezing at the dam and outline process when such an even may happen and in addition have City Manager research costs of new gages and/or relocation of existing gages. **Motion** to accept the report as a report of progress and adopt motion supported by the subcommittee by C. Kennedy, seconded by C. Mercier. So voted.

7.3. Wire Insp. - Verizon NE - Request installation of underground conduit to replace overhead services at 165 Thorndike Street and Highland Street.

In City Council, **Motion** to accept and adopt accompanying report and recommendation by C. Kennedy, seconded by C. Elliott. So voted.

8. PETITIONS

8.1. Misc. - David St. Hilaire, Jr. request amendment of City ordinances to allow residents to keep miniature pigs as pets.

In Council, **Motion** to refer to Animal Advisory Commission for report and recommendation by C. Kennedy, seconded by C. Mercier. So voted. C. Mercier noted petitioner was present earlier and had to leave. C. Kennedy noted prior discussion of the issue.

9. CITY COUNCIL - MOTIONS

9.1. C. Mercier - Req. State Senator and State Representatives revisit the State's bullying policy, Chapter 71, Section 370, to amend the section which does not allow the perpetrators fate to be disclosed to the victims' parents.

In City Council, seconded by C. Cirillo, referred to City Manager, Education Partnerships SC and Youth Services SC. So voted. Registered speaker, Summer Graham, addressed the body and provided handout entitled "No Bully Zone Kidz". C. Mercier commented on the need to revisit policy regarding transparency for the victims and their parents so that their rights are protected and that a message is sent that



bullying will not be tolerated. C. Cirillo questioned if teachers were trained on these matter. M. Samaras noted there were programs and that they would be presented before the body. **Motion** by M. Samaras, seconded by C. Mercier to refer matter to Education Partnerships SC to present bullying program. So voted. C. Conway commented on the program and steps that were done during his tenure at the high school. C. Conway invited the registered speaker, Ms. Graham, to appear before Youth Services SC. C. Nuon noted the need to enforce and enhance the policy. C. Milinazzo commented on article in the local paper which was informative. C. Elliott noted the need for continued discussions and that there are several positive recommendations that would be helpful and it is important to remain diligent on this matter. C. Leahy noted the need to stay on top of the problem and never give up dealing with these issues. C. Kennedy recognized the need to update the legislation. C. Kennedy recommended a subcommittee be established to assist with developing programs to prevent bullying and to strengthen current policies. M. Samaras noted he would be establishing a mayor's commission for that reason and that members of Council and School Committee would be place on it. C. Conway noted the increase in cyber bullying throughout the years and that school resource officers should be part of any discussion regarding these policies.

9.2. C. Conway - Req. City Council solicit the opinion, through a ballot question, of the voters of the City of Lowell on whether they want to maintain the City of Lowell's present municipal election representation or direct the City to develop a new municipal election representation for the City.

In City Council, seconded by C. Elliott, **Motion** to refer to Executive Session on January 22, 2019 by C. Milinazzo, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted. M. Samaras noted the motion concerns itself with current litigation and requested opinion regarding if matter should be discussed publically. City Solicitor O'Connor noted the matter should be discussed in Executive Session. C. Conway did not agree with the opinion and noted he wished to speak to inform voters of possible pending changes to the system. M. Samaras noted the need to go into Executive Session. **Motion** by C. Milinazzo, seconded by C. Kennedy to refer matter to Executive Session. Adopted per Roll Call vote 9 yeas. So voted. C. Kennedy noted that matter could go public after discussion in Executive Session. C. Conway questioned process to release minutes of the Executive Session. C. Kennedy noted that the Council had the authority to release minutes.

9.3. C. Cirillo - Req. City Mgr. work with the LRTA to incorporate a courtesy button program which will provide buttons for our elderly, disabled and pregnant riders, to allow them to have priority seating on the bus.



In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted other communities who have such a program. C. Mercier noted the seniors were confused regarding motion as they did not see it as an issue and further noted that there is a policy in the LRTA that supports the program and that drivers are trained on it as well. C. Milinazzo noted that the LRTA could use the program as a marketing tool.

9.4. C. Cirillo - Req. City Mgr. have the proper department review the, "Age Friendly Boston Action Plan 2017" and provide a report to the City Council as to preparing an "Elderly Friendly Lowell Action Plan" for achieving a more elderly-friendly Lowell.

In City Council, seconded by C. Kennedy, referred to City Manager/Senior Citizens SC. So voted. C. Cirillo commented on the extensive Boston plan and that Lowell could use elements of it. **Motion** by C. Kennedy, seconded by C. Elliott to refer matter to Senior Citizens SC as well. So voted. C. Elliott noted that members of the Council of Ageing should be involved in the discussions before the subcommittee.

9.5. C. Leahy - Req. City Mgr. report to City Council regarding a plan to reorganize the DPW and the Parks Department.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy noted the need to reorganize the department to increase efficiency. C. Kennedy noted the restructuring of DPW with the custodians at the schools. Manager Donoghue noted that the review is taking place and will move quicker when new commissioner begins his employment with the City.

9.6. C. Kennedy - Req. City Mgr. instruct DPD to provide City Council with a report regarding all pending and potential economic development projects going on in the City currently.

In City Council, seconded by C. Cirillo, referred to City Manager/Economic Development SC. So voted. C. Kennedy commented on the need to identify businesses throughout the City. **Motion** to refer to Economic Development SC by C. Kennedy, seconded by C. Nuon. So voted.

9.7. M. Samaras - Req. City Mgr. have proper department look into the installation of a bus shelter at the LRTA stop on Broadway Street near the Lowell Senior Center.



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. M. Samaras noted the need. C. Mercier commented on issues present on prior attempts to install shelter. C. Kennedy noted that solution should be sought.

10. CITY COUNCIL - EXECUTIVE SESSION

10.1. 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. Milinazzo to enter Executive Session for stated purpose and adjourn from Executive Session (9:30 PM). Adopted per Roll Call vote 9 yeas. So voted. M. Samaras stated that body would adjourn from the Executive Session.

11. ANNOUNCEMENTS

None.

12. ADJOURNMENT

In City Council, Meeting was adjourned in Executive Session as to objections to waive Rule 5 of the City Council Rules stating no discussion of matters beyond 10 PM.

Meeting adjourned at 10:00 PM from Executive Session.

Michael Geary, City Clerk