



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: August 13, 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.

C. Mercier requested moment of silence in darkened chamber for Atty. Thomas Wirtanen and Thomas P. "Muggsy" Mulligan. C. Milinazzo requested moment of silence in darkened chamber for Theresa Harkins.

M. Samaras recognized the work being done by the interns in his office.

2. MAYOR'S BUSINESS

2.1. Selection - City Auditor.

In City Council, M. Samaras noted that there were issues with one interview as the SKYPE was not operating correctly. **Motion** by C. Mercier, seconded by C. Kennedy to interview Kara McSwiggin in person due to SKYPE difficulties. So voted. C. Nuon noted the difficulties. Mary Callery (HR) noted the candidate would come to Lowell.

2.2. Lowell Sustainability Commission Green Awards.

In City Council, M. Samaras recognized Jay Mason (Sustainability Commission) who presented three awards to recipients who were present.

2.3. Proclamation - Mandela Day of Service.

In City Council, M. Samaras issued proclamation to the African American Alliance recognizing Mandela Day. C. Mercier commented on fundraiser by the group to raise funds to erect a statute in honor of Dr. Mandela.



Motion by C. Mercier, seconded by C. Cirillo to take Item #9.1 out of order. So voted.

Manager Donoghue recognized new Recycling Coordinator, Chris Haley who was present and thanked the body.

3. CITY CLERK

3.1. Minutes of Housing SC April 30th, May 28th and July 23rd; City Council Meeting July 23, for acceptance.

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

4. UNFINISHED BUSINESS

4.1. Order - Vacate, Discontinue and Abandon Lequin Avenue.

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

4.2. Order - Vacate, Discontinue and Abandon portion of Middlesex St. and portion of Thorndike St.

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

5. GENERAL PUBLIC HEARINGS

5.1. Loan Order - Repairs to Various School Buildings \$305,425.00.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Ty Chumm. No remonstrants. **Motion** to adopt and to refer Clerk's Office for 20 days by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote, 9 yeas. So voted.

5.2. Ordinance - Create one Director of Homelessness Initiatives position and salary in the Department of Planning and Development.

In City Council, Given 2nd Reading, hearing held. Speaking in favor were Jay Linnehan, Jim Cook, Alison Lamey, Susan Gentile, Susan Levine, Ty Chumm, Sue Beaton and Chief Winward (LFD). No remonstrants. **Motion** to adopt by C. Elliott, seconded by C. Cirillo. Adopted per Roll Call vote, 9 yeas. So voted.



6. UTILITY PUBLIC HEARING

6.1. Siena Engineering (TC Systems/AT&T) - Request installation of underground telecommunications conduit on Andover Street from Dancause Road to Tewksbury line.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Adam Miller (Siena). No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Cirillo, seconded by C. Conway. So voted. C. Mercier questioned start date of the project. C. Milinazzo noted the work that needed to be done in the area. Christine Clancy (City Engineer) commented on the road work that is part of the project.

Motion by C. Cirillo, second by C. Conway to take Item #12.9 out of order. So voted.

7. COMMUNICATIONS FROM CITY MANAGER

7.1. Motion Responses.

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

A) Motion Response - Concrete at Leo Roy Garage – None.

B) Motion Response - Farley and Whalen Memorials – None.

C) Motion Response – Bicentennial – Manager Donoghue noted the lead time needed to plan such an even. Henri Marchand (Special Events) outlined the plan and the committee for the event noting there will be several smaller events scheduled as well.

D) Motion Response - Hovey Street Sidewalks – None.

E) Motion Response - Newhall St. Bridge Over River Meadow Brook – C. Milinazzo commented on the scope of work and the upcoming estimate of costs.

F) Motion Response - Central St. Bridge – Manager Donoghue commented on the challenges currently with the project and the small window of opportunity to correct them which caused the project to demobilize and redesign. C. Leahy commented going forward issued should be corrected.

G) Motion Response - VeoRide Bike Program – Manager Donoghue commented on police reports regarding program noting the VeoRide does not report minor damages.



C. Cirillo read statement of VeoRide. C. Elliott noted concern with vandalism and the effect on the program. C. Kennedy noted it was a worthwhile program and hope vandalism will decrease.

H) Motion Response - Perkins and Aiken Safety – None.

I) Motion Response - Tanner Street – C. Elliott commented on the extensive infrastructure work and approvals needed. Manager Donoghue noted grant vote concerning project was on the agenda. **Motion** by C. Kennedy, seconded by C. Cirillo to take Item #8.7 out of order. So voted.

J) Motion Response - Western Avenue – Claire Ricker (DPD) commented on response and feasibility study. C. Nuon noted importance of connecting the areas. C. Leahy noted the best solution in opening the road and that should still be pursued. Dianne Tradd (DPD) noted railroad company would not allow that proposal. M. Samaras noted it was an important gateway to the City.

7.2. Informational Reports

K) Informational - Energy Aggregation Update – Manager Donoghue provided the report.

L) Informational - Homelessness Task Force Action Plan and Recommendations – Manager Donoghue commented on prior reports and the new position added as well as recognizing the efforts of the task force. Motion by C. Kennedy, seconded by C. Elliott to adopt and accept the Task Force Action Plan. Adopted per roll call vote, 9 yeas. So voted.

7.3. Communication - Your Lowell-Your Vote - Community Engagement Meeting - Tuesday, August 20th at 6:00 PM at Lowell Catholic, hosted by the Highlands Neighborhood Association. The City of Lowell is hosting a Community Engagement Meeting on Tuesday, August 20th at 6:00 PM at Lowell Catholic, hosted by Highlands Neighborhood Group. The City will have Law Department staff members available, as well as an independent elections expert, on hand to give a presentation and have a questions/answers session with anyone in attendance. All residents of the City are encouraged to attend and ask any questions you may have.

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



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

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

7.5. Communication-Reappoint James Gaffney III to the Veterans Commission.

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

8. VOTES FROM THE CITY MANAGER

8.1. VOTE - AUTH CM EX LICENSE AGREEMENT LD HOLDINGS LLC-76 MERRIMACK ST-SIDEWALK SEATING.

In City Council, Read twice, full reading waived with no objections. **Motion** to **DENY** by C. Milinazzo, seconded by C. Elliott. **DENIED** per Roll Call vote 9 yeas. So voted. Solicitor O'Connor (Law Dept.) commented on hearing before License Commission and that the ruling was under appeal by the petitioner. C. Mercier commented on appeal and needed to know outcome.

8.2. License Commission Report - Bar 74 License Commission Report - Bar 74 .

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

8.3. Vote-Accept Gift of 7,500 from Digital Federal Credit Union to Police Dept for Lowell Student Summer Police Academy and Community Engagement Activities.

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 9 yeas. So voted.

8.4. Vote-Accept Gift of 7,500.00 from Digital Federal Credit Union to Pollard Memorial Library to replace equipment and for various new programs in 2019.

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



8.5. Vote-Accept Gift of refurbishing a World War I cannon.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Cirillo. Adopted per Roll Call vote 9 yeas. So voted. Registered speaker, Richard Howe, addressed the body.

8.6. Vote-Accept provisions of MGL c.44B ss 3-7 known as Community Preservation Act.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 27, 2019 at 7 PM by C. Kennedy, seconded by C. Conway. So voted.

8.7. Vote-Apply.Accept.Expend 12,000,000 MassWorks Infrastructure Grant-Realignment of Tanner Street.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott requested letter to delegation to support the grant. Manager Donoghue noted the support of the delegation. C. Elliott noted there was huge potential in this grant.

8.8. Vote-Apply.Accept.Expend Grant 39,600 from MEMA.

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

8.9. Vote-Auth Mgr Ex. License Agreement Eastern Bank-50 Central St-Prescott St side-overhanging sign.

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

8.10. Vote-Approve the exemption of Matthew Sandelli from MGL c. 268A, section 20.

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

8.11. Vote-Authorize Mgr. Execute MOU Local 853-Fire 7.1.18-6.30.21.

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



8.12. Vote-Transfer 450,000.00 to fund the MOU for IAFF Local 853.

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

8.13. Vote-Supplemental Appropriation of 2,954,280 Ch. 70 Funds and appropriate to Lowell Public Schools.

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

8.14. Vote-Transfer 80,000.00 to Fund Bicycle Master Plan Study.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Cirillo, seconded by C. Kennedy. Adopted per Roll Call vote 9 yeas. So voted. C. Leahy requested information. Natasha Vance (Transportation Engineer) outlined the funds and how they would be used for a limited purpose which included connecting different trails. C. Elliott noted it was an expensive endeavor. Ms. Vance commented on the study and funds coming into City. C. Conway commented on the use of the money. Ms. Vance commented on the use of money and additional funds will enable different uses of the money. C. Milinazzo noted good use of money to improve system and garner added federal funds. C. Mercier noted need to ensure safety for biking. C. Cirillo noted Master Plan and inclusion of biking. C. Nuon noted the importance of connecting the trails.

8.15. Vote-Transfer 94,710.00 to fund Homelessness Coordinator Position.

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

M. Samaras noted re-interview of auditor candidate could be done this Thursday (8/15) at 5:00 PM and no objection from the body.

Motion by C. Mercier, seconded by C. Leahy to take Item #12.8 out of order. So voted.

9. ORDERS FROM THE CITY MANAGER

9.1. Order-60 day trial (various).

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 9 yeas. So voted. Ms.



Ronan (Asst. Principal Greenhedge School) commented on the need to improve traffic area. C. Elliott noted the Transportation Engineer reviewed the plan. Ms. Vance noted it was the best solution for the problem at the school and that it can be changed after 60 day trial if needed. C. Mercier noted need to increase residential parking in the area. John Descouteaux (School Transportation) noted support of the plan. C. Conway noted plan would increase safety. C. Leahy noted need to change snow removal in the area as well.

10. REPORTS (SUB/COMMITTEE, IF ANY)

10.1. Public Safety SC August 13, 2019.

In City Council, C. Nuon provided report regarding updates from LPD and LFD noting the attendance and discussion of recent crimes and fires throughout the City and the responses to them. C. Leahy questioned status of relocation of Fire Prevention Office. Manager Donoghue noted that bids were out and it was moving forward. C. Leahy commented on altering firehouse doors to adjust to new engines. **Motion** to accept the report as report of progress by C. Leahy, seconded by C. Cirillo. So voted.

10.2. Wire Insp. - National Grid - request installation of (1) SO Pole on Old Ferry Road.

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

Motion by C. Kennedy, seconded by C. Cirillo to bundle and refer Items #11.1 to #11.6 to Law Department and Transportation Engineer. So voted.

11. PETITIONS

11.1. Claim - (3) Property Damage.

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

11.2. Misc. - Frank LoNano request installation of handicap parking sign at 44 Lilley Avenue.

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

11.3. Misc. - Bridgewell, Rita McAteer request installation of handicap parking sign front of 35 Market Street.



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

11.4. Misc. - Hector Rodriguez address City Council re parking in front of their property @ 440 Central Street and reduce business parking for Beauty Salon.

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

11.5. Misc. - Kim's Beauty Salon Request one hour parking only sign in front of 264 Branch Street.

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

11.6. Misc. - Allison Soukseunchay Loyal Lounge Req. approval to install overhanging sign @ 177 Merrimack Street.

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

Motion by C. Kennedy, seconded by C. Cirillo to bundle and refer Items #11.7 to #11.9 to Public Hearing on August 27, 2019 at 7 PM. So voted.

11.7. National Grid - Req. installation of approximately 1500 ft of conduit under roadway East Meadow Lane.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 27, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

11.8. National Grid - Req. to install (1) SO Pole on Old Ferry Road.

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 27, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

11.9. National Grid and Verizon NE - To install 1 new pole (P3.50) on Nesmith St. and relocating (14) poles along Nesmith St., Andover St., E. Merrimack St. and Rogers St. for road widening.



In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on August 27, 2019 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

12. CITY COUNCIL - MOTIONS

12.1. C. Mercier - Req. City Mgr. forward request to name the basketball court at North Common in memory of Ramon “Chung” Rivera to the Board of Parks and any proper committees for support.

In City Council, seconded by C. Elliott, referred to Board of Parks. Adopted per Roll Call vote, 9 yeas. C. Mercier commented on the life of Mr. Revera. Registered speakers, Keith Rudy and Dennis Carney, addressed the body. C. Leahy spoke about Mr. Rivera.

12.2. C. Mercier - Req. Parks & Recreation SC discuss re-establishing the youth baseball tournaments in the City for next season.

In City Council, seconded by C. Cirillo, referred to Parks & Recreation SC. So voted. C. Mercier noted subcommittee would be meeting August 19th.

12.3. C. Nuon - Req. City Mgr. have proper department install “No Smoking” signs in public parks (specifically children’s playgrounds).

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

12.4. C. Nuon - Req. City Mgr. have proper department mark two lanes for traffic coming down Steadman Street at the intersection of Westford Street.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon commented it was a request from a resident. C. Leahy commented on the line striping being done in the City.

12.5. C. Nuon - Req. City Mgr. have proper department report on possibility of restriping faded crosswalk lines in the City where necessary.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted report coming from Manager.

12.6. C. Nuon - Req. City Mgr. have proper departments formulate plan to slow speeding traffic at dangerous intersections throughout the City.



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Nuon noted efforts of the Transportation Engineer.

12.7. C. Conway - Req. the City Mgr. for an update on the Home Rule Petition allowing retired police officers to return for special duty; furthermore investigate the feasibility to utilize these officers at hot spot traffic intersections at peak times to mitigate the congestive traffic.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Conway noted upcoming traffic concerns and the need to mitigate them. C. Kennedy commented on the petition currently at the Legislature. C. Leahy noted need to ticket vehicles that are blocking intersections.

12.8. C. Kennedy - Req. the City Mgr. direct the Law Dept. to petition the court to amend the consent decree to include an additional option that would establish an 11 member City Council comprised of 6 City Councilors elected at large and 5 City Councilors elected from districts within the City.

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote, 9 yeas. C. Kennedy noted it was based on Worcester model which has worked well for them. C. Kennedy indicated that any change may result in changes being done to form of government concerning Mayor and City Manager. C. Kennedy noted the motion is just seeking an inquiry. C. Mercier noted that other party did not wish models be added. City Solicitor O'Connor indicated the Law Department would move forward as the Council request and indicated procedure to amend the Consent Decree. C. Elliott noted the more options the better noting this model may have been offered and rejected already. C. Milinazzo noted the need to work with other party to amend the Consent Decree. C. Conway questioned if information was forwarded already to opposing side. City Solicitor indicated that there were many models proposed during negotiations. C. Leahy questioned process to amend the Consent Decree. C. Noun indicated that proposal should be explored. City Solicitor indicated that any amendments must fit the time frame as indicated in the Consent Decree.

12.9. C. Cirillo - Req. the City Mgr. have the proper department look into having a Summer weekend of kayaking on our canals.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speakers, Bob Gagnon and Fred Faust, addressed the Council. C. Cirillo noted the need to start process as it may take some time. C. Kennedy noted the effort is warranted for innovative ideas such as this.



Motion by C. Mercier, seconded by C. Cirillo to take Items #12.9 and #8.5 out of order. So voted.

12.10. C. Cirillo - Req. the City Mgr. have the proper department organize a Lowell Dog Association to promote responsible dog ownership and educate dog owners and others.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted there are a lot of dog owners and the need for space.

M. Samaras relinquished Chair to Vice-Chair Nuon at 9:30 PM.

12.11. C. Cirillo - Req. the City Mgr. work with the Lowell Veterans Commission to look into the Gold Star for Myron Charles that is nailed to a tree at the end of Shaw Street.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Cirillo noted the need to honor Veterans.

12.12. C. Cirillo -Req. the City Mgr. have the proper department spearhead a project for construction of a dog park in South Lowell.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Cirillo commented on the need for the park.

12.13. C. Elliott - Req. the City Mgr. have Inspectional Services address illegal dumping at clothing bins.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Elliott noted the constant problem in the City and the bins are being used improperly. C. Leahy noted companies who own bins should have cameras on them. C. Mercier noted the negative impact it has on property.

12.14. M. Samaras - Req. the City Council file a resolution of support for pending legislation take away police power from constables and forward that correspondence to the state legislature.

In City Council, seconded by C. Cirillo, referred to Law Department. So voted. M. Samaras noted the concern regarding power given to constables and that it creates a dangerous situation. C. Milinazzo noted it was a disaster waiting to happen and puts police in a bad situation. C. Kennedy noted there is pending legislation to attempt to



remedy the matter. Manager Donoghue commented on the dangerous situation. M. Samaras noted the number of calls regarding this matter.

13. CITY COUNCIL - UNANSWERED/NON-RESPONSIVE MOTIONS

13.1. C. Mercier - Req. the City Mgr. provide a response to motion of 6/11/19 regarding having the Transportation Engineer look into safety on Laplume Ave. and Barbara St. for School Children.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Mercier noted Transportation Engineer will contact neighbors regarding study. Manager Donoghue noted that study needed to be done while school was in session.

14. ANNOUNCEMENTS

In City Council, Manager Donoghue commented on the Hamilton Garage groundbreaking.

15. ADJOURNMENT

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

Meeting adjourned at 9:45 PM.

Michael Q. Geary, City Clerk