



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: September 10, 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.

2. CITY CLERK

2.1. Minutes of Transportation SC August 26th; City Council Meeting August 27th, for acceptance.

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

3. UNFINISHED BUSINESS

3.1. 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, C. Kennedy requested matter be continued until September 24, 2019. No objections.

Motion by C. Conway, seconded by C. Mercier to take Item #6.1 out of order. So voted.

4. GENERAL PUBLIC HEARINGS

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

In City Council, Given 2nd Reading, hearing held. No remonstrants. **Motion** to refer Clerk's Office for 7 days by C. Kennedy, seconded by C. Mercier. So voted.



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

In City Council, Given 2nd Reading, hearing held. No remonstrants. **Motion** to refer Clerk's Office for 7 days by C. Conway, seconded by C. Mercier. So voted.

Motion by C. Conway, seconded by C. Kennedy to take Item #9.2 out of order. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Resource Recovery Center – None.

B) Motion Response - Maintenance & Custodial School Work Items that Could Potentially be Completed by an Outside Contractor – C. Milinazzo noted the break down and that the schools looked good on opening day.

C) Motion Response - Line Striping – C. Leahy questioned status of second contract. Natasha Vance (Transportation Engineer) outlined the future progress of the striping program. C. Leahy questioned budget for the program. Ms. Vance commented that different types of streets would generate different costs.

D) Motion Response - Hannafords Plaza Left Turn – C. Milinazzo commented that violation notice was sent to owner and requested update when issue was addressed.

E) Motion Response - Crosswalk Repainting – C. Nuon questioned the amount work being done and the progress being made. Ms. Vance commented on how the work is scheduled. C. Nuon noted the need in the Back Central neighborhood. C. Conway noted the importance of getting school zone crosswalks painted. Ms. Vance indicated that all school crosswalks were completed.

F) Motion Response - Police Retiree Details – C. Conway commented on the need to move the traffic along, especially from the middle of intersections. Manager Donoghue noted the legislation had passed both houses and was signed by Governor Baker and that now language would have to be drafted to appease union concerns. M. Samaras noted the need to control traffic during construction periods.



G) Motion Response - Dog Park – C. Kennedy requested matters be referred to next agenda on September 24, 2019. No objections.

H) Motion Response – Hopscotch – C. Kennedy requested matters be referred to next agenda on September 24, 2019. No objections.

5.2. Petition Responses

I) Petition Response - 4 Way Stop High and Rogers St. – Manager Donoghue provided update regarding this private petition.

M. Samaras, under suspension, introduced discussion regarding appointment of City Auditor. **Motion** by C. Kennedy, seconded by C. Nuon to re-post the position for City Auditor. FAILED per Roll Call vote 4 yeas, 4 nays (C. Conway, C. Elliott, C. Leahy, C. Mercier), 1 absent (C. Cirillo). So voted. C. Leahy noted that position should be offered to last candidate before moving forward. C. Elliott commented going out for a third time is not favorable and that all candidates were good. C. Milinazzo supported re-posting the position. C. Conway questioned time element for new search and that business needs to get done in the office. Manager Donoghue commented on Acting Auditor and that certain time constraints will require a consultant be retained to ensure timely DOR filings regardless of hiring a new auditor or re-posting the position. Conor Baldwin (CFO) outlined the use of consultant to prepare proper filings. C. Conway noted that re-posting would not enhance results and that positions should be filled. C. Nuon favored re-posting position as consultants would handle pressing matters in the interim. C. Conway questioned costs for use of consultant. C. Milinazzo noted consultant would be retained as it is needed. C. Mercier noted third candidate is qualified and that fairness dictates offering her the position. C. Elliott noted that there has not been a department head for some time and that it is time to begin next tenure. C. Leahy questioned legal responsibility to next candidate. Solicitor O'Connor noted that Council has discretion in hiring. C. Kennedy stated that the position should be filled with a CPA. M. Samaras noted the need for a CPA. **Motion** by C. Elliott, seconded by C. Mercier to move forward with vote to appoint new auditor. FAILED per Roll Call vote 4 yeas, 4 nays (C. Kennedy, C. Milinazzo, C. Nuon, M. Samaras), 1 absent (C. Cirillo). So voted. **Motion** by C. Kennedy, seconded by C. Nuon to move matter before full Council. So voted. **Motion** by C. Conway, seconded by C. Nuon to retain consultant to assist with filings from Auditor's Office. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted.

5.3. Communication-Appoint Richard A. Cote and D. Matthew Elkins to Veterans Commission.



In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. Mr. Cote and Mr. Elkins were present and thanked the Council.

5.4. Communication-Accept resignation of Joseph Mullen from Election Commission.

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

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept and Expend Grant from MassTrails Program.

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 7 yeas, 1 abstain (C. Elliott), 1 absent (C. Cirillo). So voted. Eric Slagle (Inspectional Services) spoke in favor of the vote noting the presence of Peter Gervais who assisted with the completion of the trail. Mr. Gervais addressed the body.

6.2. Vote-Accept gift of floor hockey equipment for the Recreation Department.

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

7. ORDERS FROM THE CITY MANAGER

7.1. Order-Dedicate Signature Bridge in HCID for Nicola S. Tsongas.

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.

8. RESOLUTIONS

8.1. Resolution-To support House Bill No. 1372, An Act relative to Constables.

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



9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Transportation SC August 26, 2019.

In City Council, C. Elliott provided report regarding updates traffic calming measures throughout the City as well as the installation of a roundabout at the new Market Basket facility. **Motion** to accept the report as report of progress by C. Kennedy, seconded by C. Conway. So voted.

9.2. Cannabis Control SC September 5, 2019.

In City Council, C. Elliott provided report noting attendance and discussion regarding applications and community meetings involved opening cannabis facilities. C. Elliott noted the Highland neighborhood concerns with traffic generated by these facilities and that there were a lot of potential sites being explored in that neighborhood. C. Elliott noted that motion was adopted in the subcommittee requesting Manager explore feasibility of placing moratorium on the number of applications being processed. C. Elliott commented on zoning requirements for these establishments. C. Conway commented on the traffic in the Highlands as well as the inefficiency of the community meetings. Manager Donoghue noted that these are not approvals just applications and that the sites are chosen by the applicants and not the City. The following registered speakers addressed the body: Geoffrey Feldman; Arthur Santos; Bhrooz Pour; Laura Zatta; and Edward Caulfield. Under suspension of the rules the following non-registered speakers addressed the body: Thomas Fuse; Cal Than; Joe Michaud; Melissa Coi; and Tom Bellegarde. C. Kennedy noted that all that is before the body is proposals and that these facilities need to be off of main streets. C. Mercier noted that the Highlands should not have some many possible sites and that care should be taken in site selection. M. Samaras commented on Patriot Care facility. C. Nuon stated that Patriot Care is operating a proper business in a commonsense location. C. Conway recognized the speakers and agreed with their position regarding traffic. C. Conway noted all applicants must follow the rules and regulations. Manager Donoghue commented that the process is governed by State law and that some community meetings are done without City knowledge. C. Conway questioned enforcement of the regulations. Manager Donoghue commented on site plan review of the Planning Board. Mr. Slagle noted that Host Agreement would need to be adhered to as well. **Motion** by C. Mercier, seconded by C. Leahy to require notice to the City Council regarding any Planning Board activity regarding licensing cannabis establishments. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. **Motion** to accept the report as report of progress and adopt motion of the subcommittee by C. Conway, seconded by C. Elliott. So voted.



Motion to bundle Items #9.3 to #9.5 and accept and adopt accompanying order by C. Kennedy, seconded by C. Nuon. So voted.

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

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

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

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

9.5. Wire Insp. - 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, **Motion** to accept and adopt the accompanying order by C. Kennedy, seconded by C. Nuon. So voted.

10. PETITIONS

10.1. Claim - (1) Personal Injury.

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

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

In City Council, Given 1st Reading. **Motion** to refer to Public Hearing on September 24, 2019 at 7 PM by C. Nuon, seconded by C. Milinazzo. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Conway - Req. City Mgr. meet with proper departments; partners; and other entities to develop Lowell's own historical walking/freedom trail.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Conway noted City would be a good location for such a trail with its rich history and it would involve many groups. C. Leahy noted discussion some years ago regarding



same. C. Milinazzo noted State highway signs need updated information concerning City.

11.2. C. Conway - Req. City Mgr. provide an update regarding the heating systems within City schools and other municipal buildings.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Conway commented on preventative maintenance and that systems should be checked before the need arises.

11.3. C. Mercier - Req. City Mgr. have Development Services and LPD investigate ways to stop trash build-up along the riverbank at the end of Burnham Road.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Mercier noted it was a neighborhood concern and it should be investigated. C. Kennedy noted that Lowell Police have resource to investigate.

11.4. C. Leahy - Req. City Mgr. provide an update regarding barrel ordinance.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Leahy requested action regarding senior discounts on bins regardless of size. Manager Donoghue noted process to amend the ordinance is in progress.

11.5. C. Leahy - Req. City Mgr. provide an update regarding school repairs done during this past summer.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy requested listing of what has been done to each facility.

12. ANNOUNCEMENTS

In City Council, C. Mercier noted upcoming Fall Fest for disable children as well as collaborative effort on Coat Drive. C. Kennedy commented on the Lowell Spinners championship run and that it was James Ostis last day as the Mayor's aide. C. Leahy noted there would be a 9/11 ceremony at Lowell High School.



13. ADJOURNMENT

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

Meeting adjourned at 8:45 PM.

Michael Q. Geary, City Clerk