



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: April 28, 2020

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC and recorded due to Covid-19 pandemic.

2. MAYOR'S BUSINESS

2.1. Communication - Remote Participation.

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members of the public wishing to speak regarding a specific agenda item shall register to speak in advance by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be conferenced in to the meeting. Email address is mgeary@lowellma.gov. If no access to email you may contact City Clerk at 978-674-4161.

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

C. Conway requested moment of silence in darkened chamber for Theresa Townsend and Patrick O'Brien. C. Chau requested moment of silence in darkened chamber for Prak Ajahn David Chutiko. C. Elliott requested moment of silence in darkened chamber for Katelyn Biedron. M. Leahy requested moment of silence in darkened chamber for Eugene Welch.

3. CITY CLERK

3.1. Minutes of City Council Meeting April 14th, for acceptance.

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



Motion to bundle Items #4.1 to #4.5 by C. Rourke, seconded by C. Samaras. So voted.

4. UTILITY PUBLIC HEARING

4.1. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 319 Market Street.

In City Council, Given 2nd Reading. Hearing held. Atty. Ed Pare representing the petitioner was present on call to respond to any inquiries. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

4.2. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 405 Lawrence Street.

In City Council, Given 2nd Reading. Hearing held. Atty. Ed Pare representing the petitioner was present on call to respond to any inquiries. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

4.3. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 56 Oak Street.

In City Council, Given 2nd Reading. Hearing held. Atty. Ed Pare representing the petitioner was present on call to respond to any inquiries. Mark Bogus noted objection to the petition. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

4.4. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 60 Lafayette Street.

In City Council, Given 2nd Reading. Hearing held. Atty. Ed Pare representing the petitioner was present on call to respond to any inquiries. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

4.5. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 878 Lakeview Avenue.

In City Council, Given 2nd Reading. Hearing held. Atty. Ed Pare representing the petitioner was present on call to respond to any inquiries. No Remonstrants. **Motion** to



refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

C. Mercier questioned revenue stream for these small cell facilities. City Solicitor noted they would forward report regarding revenues.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Reduced ISP Fees and Charges – C. Chau noted it was an important benefit for low income families and students and outlined those benefits.

B) Motion Response - Appeals Period for Fines and Tickets – C. Nuon commented that City should request State waive regulations for this time period. Manager Donoghue noted City would contact delegation regarding future legislation regarding Covid-19 relief.

C) Motion Response - Appleton Mills Handicapped Resident Parking – C. Mercier noted that Umass-Lowell granted additional handicap spaces for the area and in addition questioned the number of available handicap spaces in the new garage. Terry Ryan (Parking Director) noted that there was a total of twenty spaces available throughout the garage.

D) Motion Response - Tax Relief and Parking Relief During COVID Crisis – Registered speaker, Brian Dorrington, addressed the body. C. Mercier commented on State legislation waiving fees during this period of time indicating that they should assist those with hardships. C. Mercier noted it was just giving citizens more time and not forgiving the obligations. Manager Donoghue commented on the applicable law and that it was in the purview of the Council if they choose to follow it. Motion by C. Rourke, seconded by C. Elliott to extend payment of real and personal tax to June 1, 2020. Adopted per Roll Call vote, 9 yeas. Conor Baldwin (CFO) noted that payment of excise taxes have been adjusted as well and follows the model of Springfield. C. Elliott noted the need was high as the number of people losing jobs has increased. C. Elliott noted that there must be a balanced approach regarding parking regulations. Manager Donoghue commented on policies of the various escrow companies that pay the real estate taxes to the City. Mr. Baldwin commented on the process to inform the public regarding payments to the City during this pandemic. C. Conway noted that there is a health and financial panic in the community and that City should be focused on those



two aspects. C. Samaras noted time to reach out during hard times. C. Rourke commented on parking regulations to assist downtown restaurant businesses. Mr. Ryan noted success of the program.

E) Motion Response - Pavement Markings and Striping – None.

F) Motion Response - Mayoral Portrait Policy – C. Samaras noted it was a clear policy. **Motion** by C. Samaras, seconded by C. Mercier to refer to Rules SC. So voted.

Motion to suspend rules for Covid-19 update by C. Samaras, seconded by C. Nuon. So voted. Manager Donoghue provided the update covering Governor’s timeline; data reports; hospital partnerships; tracing; nursing homes; Stoklosa School; testing sites; and new resource coordinator. C. Samaras commented on possible enforcement to have citizens wear masks while in public. Manager Donoghue noted that the Board of Health had jurisdiction over the matter and that there have been guidelines established for it and currently there are no State mandated fines for not wearing a mask. C. Conway commented on CVS testing sites. Manager Donoghue commented on the testing and objectives being met. C. Chau noted update is important and should be done each meeting. C. Chau noted different groups being tested. Manager Donoghue commented of requirements needed to be tested and also noted current status of antibody testing. C. Elliott commented on contact tracing procedures and the use of nurses for those procedures. Manager Donoghue commented on partnerships doing the tracing and that it is important information. **Motion** by C. Elliott, seconded by C. Mercier to refer financial implications due to Covid-19 to Finance SC. So voted. Manager Donoghue commented on Cares Act and FEMA relief. C. Elliott questioned staff of the Transitional Living Center being used at the Stoklosa School. C. Rourke questioned what staffing is being used at the school. Manager Donoghue outlined staffing at various facilities and the requirement of staying at the facilities. C. Nuon commented on testing being done at Lowell Community Health Center.

5.2. Petition Responses

G) Petition Response - Residential Parking Program – None.

5.3. Informational Reports

H) Informational - Mass DOT Rourke Bridge Presentation – C. Mercier commented on the fact that there was a study done some time ago reviewing the same information and further commented on the costs of the bridge due to delay in construction. Steve McLaughlin and members of MassDOT provided presentation entitled “‘Rourke Bridge Replacement Project’ Project Briefing April 28, 2020.” The presentation covered the following topics: design stage; team involved; project limits; needs; history; scope; different types of bridges; traffic; safety; public outreach; and schedule. C. Nuon noted



the need for project to keep moving forward and continue to inform the public. C. Rourke noted prior NMCOG report and questioned how it differed from current presentation and questioned time frame for completion. C. Rourke commented on funding and the funding sources for the project. Manager Donoghue commented on potential funding sources.

5.4. Communication - Reappoint Beverly Gonzalez to the Council on Aging.

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

6. VOTES FROM THE CITY MANAGER

6.1. Vote - Auth CM Remove Restriction from Deed 39 First St Blvd.

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

7. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

8. PETITIONS

8.1. Claims - (1) Property Damage; (1) Property Damage/Personal Injury.

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

8.2. National Grid - Request installation of underground electric conduit for pedestrian lighting at 199 Pawtucket Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on May 12, 2020 at 7PM by C. Elliott, seconded by C. Samaras. So voted.

8.3. National Grid - Request installation of underground electric conduit for power at 70 Fox Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on May 12, 2020 at 7PM by C. Chau, seconded by C. Conway. So voted.



9. CITY COUNCIL - MOTIONS

9.1. C. Elliott - Req. City Mgr. provide a report regarding the number of health inspections/violations of health codes in all City nursing homes.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott commented on the fact that nursing home issues were brought to light during the pandemic and that the state agencies should be supported at the local level. C. Elliott noted that the segment of the population deserves out utmost protection.

9.2. C. Elliott - Req. City Mgr. provide a report regarding the number of health and safety complaints filed at the State Department of Public Health in the last year for the City's nine nursing homes.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott noted the need for local level contributions for equipment and other services. Manager Donoghue noted they were tracking all state initiatives. C. Samaras noted State control but should be monitored locally.

9.3. C. Elliott - Req. City Mgr. report on status of City finances and consider hiring freezes and spending limits on only essential items.

In City Council, seconded by C. Conway, referred to City Manager/Finance SC. So voted. C. Elliott noted the economic effect on the City due to the pandemic and that fiscal controls are vital and should be adhered to on the school side as well; as the budget will change drastically next year on the State and local level. Manager Donoghue noted the financial impact will be extensive for the City so there are hiring freezes and spending limits. M. Leahy noted that there are ongoing discussions on the school level as well.

9.4. C. Rourke - Req. City Mgr. look into the availability of open spaces; such as Cawley Stadium and Lelacheur Park, for school graduations this Spring that would adhere to current social distancing measures.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Rourke noted the efforts of the students and the chance to celebrate. C. Conway noted that graduation was held at Cawley Stadium in prior years. C. Samaras noted that date could be extended as well.

9.5. C. Rourke - Req. City Mgr. update Council regarding the status of the Lowell Junior Police Academy and the City's Parks and Recreation summer programs.



In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Rourke requested status of summer programs for children. Manager Donoghue noted that State is reviewing plans for the summer months regarding camps and summer recreation.

9.6. C. Rourke - Req. City Mgr. contact the Massachusetts School Building Authority regarding the status on the money allotted to Lowell concerning the renovation of Lowell High School.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Rourke questioned if bills were being sent to MSBA. Manager Donoghue noted that all projects approved by the MSBA will be moving forward.

9.7. C. Conway - Req. City Mgr. conference with the appropriate department heads to explore the feasibility of offering certificates and other documents on-line; example birth, marriage and death certificates.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Conway commented on the possibility of providing the services. C. Mercier noted difficulties regarding vital records and certifications from the Clerk's Office.

9.8. C. Conway - Req. City Mgr. reach out to Lowell nursing home administrators and the Board of Health to discuss the "merits" of asking the National Guard to provide Covid-19 test kits to each nursing home in the Greater Lowell area for all their residents and staff.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Conway commented on the need to protect this segment of the population as they are very isolated during this time. C. Conway questioned the manner the data is collected regarding testing being done.

9.9. C. Conway - Req. City Mgr. meet with Law Department for the purpose of exploring and resolving the outstanding contractual issues regarding van/mini-bus transportation of special education students for the Lowell Public Schools.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Conway noted there would be an issue once the schools open and that all contract options should be explored.



9.10. C. Chau - Req. City Mgr. investigate the possible use of CDBG funds for emergency grants/loans to Lowell small businesses similar to programs in Worcester, Fitchburg and Cambridge.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Richard Healy, addressed the Council. C. Chau commented on the program and the use of the money. Manager Donoghue commented on the funding and possible uses of the funds.

9.11. C. Samaras - Req. City Mgr. develop a task force to create a strategy to assist downtown businesses in preparation of reopening.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Richard Healy, addressed the Council. C. Samaras noted the importance of outlining steps that would need to be taken for re-opening of small businesses in the community. Manager Donoghue noted the various partners working with the City to assist small businesses. C. Conway noted that owners should be notified regarding assistance. C. Rourke question involvement of Lowell Plan. M. Leahy noted all services should be organized.

9.12. C. Drinkwater - Req. City Mgr. direct appropriate departments to survey essential grocery, retail and pharmacy businesses to assess the availability and use of personal protective equipment including face coverings, gloves, hand sanitizer and plexiglass barriers at point of sale; and to make recommendations on any action needed to protect the safety and health of employees and customers.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Drinkwater noted the need in the community to keep customers and employees safe.

9.13. C. Drinkwater - Req. City Mgr. work with appropriate departments to determine the feasibility of restricting third party delivery services from charging restaurants a fee per online order of more than 10% of the purchase price, until such time that the restaurants are allowed to serve customers in their establishment at full capacity.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. Registered speaker, Richard Healy, addressed the Council. C. Drinkwater commented on the expenses to eating establishments due to this service and that it should be regulated. C. Rourke noted that State may provide assistance in this area. C. Chau noted importance to address the issue.



Motion to suspend rules to allow motion of M. Leahy which did not make agenda by C. Elliott, seconded by C. Rourke. So voted. **Motion** by M. Leahy, seconded by C. Elliott to support “Take out Thursday” for month of May to assist with eating establishments in the City. So voted.

10. ANNOUNCEMENTS

In City Council, M. Leahy noted the retirements of George Rose, Chief Jeff Winward and Joann Keegan.

11. ADJOURNMENT

In City Council, **Motion** to Adjourn C. Chau, seconded by C. Samaras. So voted.

Meeting adjourned at 9:45 PM.

Michael Q. Geary, City Clerk