



# Lowell City Council

## Regular Meeting Minutes

Michael Q. Geary  
City Clerk

**Date:** August 25, 2020  
**Time:** 6:30 PM  
**Location:** Zoom / Remote Participation

### 1. ROLL CALL

Roll Call showed 8 present, 1 absent (C. Chau).

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

C. Chau requested moment of silence in darkened chamber for Jim Callahan. M. Leahy requested moment of silence in darkened chamber for Wayne White, Jr. and Lach Malay (mother of C. Nuon).

### 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 may view the meeting via LTC and those wishing to speak regarding a specific agenda item shall register to speak in advance of the meeting by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be tele-conferenced in to the meeting. Email address is [mgeary@lowellma.gov](mailto:mgeary@lowellma.gov). If no access to email you may contact City Clerk at 978-674-4161.

For Zoom - <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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

### 3. CITY CLERK

#### 3.1. Minutes of Rules SC August 10th; City Council Meeting August 11th, for acceptance.

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



#### 4. GENERAL PUBLIC HEARINGS

##### 4.1. **Vote-Approve One-Twelfth Budget for the City of Lowell for September of FY21.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt 1/12<sup>th</sup> budget of \$41,909,381 by C. Chau, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. Manager Donoghue noted that remaining FY21 Budget will be voted on in September.

#### 5. UTILITY PUBLIC HEARING

##### 5.1. **National Grid - Request installation of 375 feet of gas main for infrastructure reinforcement from 1500 to 1524 Gorham Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Samaras. So voted.

##### 5.2. **National Grid - Request installation of 700 feet of gas main for infrastructure reinforcement along Gorham Street (Saratoga St. to Rivers Edge Rd.).**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Chris Maher from National Grid. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Elliott. So voted.

##### 5.3. **National Grid - Request to reconstruct gas pressure regulator and add SCADA system at the intersection of Carlisle and Gorham Streets.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Chris Maher from National Grid. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Mercier. So voted.

#### 6. COMMUNICATIONS FROM CITY MANAGER

##### 6.1. **Motion Responses.**

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

**A) Motion Response - Demand Fees** – C. Elliott commented on the report and noted that citizens are requesting information on the matter. C. Elliott noted possible Home Rule Petition to lessen the fees. C. Mercier commented that you should be able to reduce the fees during a pandemic and there is a need for a Home Rule Petition. Conor Baldwin (CFO) noted that there is a process to ensure that people in need are able to have fees waived. **Motion** by C. Elliott, seconded by C. Mercier to request Law Department prepare Home Rule Petition regarding waiver of certain demand fees. So



voted. M. Leahy questioned how the need would be identified. Mr. Baldwin noted the criteria used to identify need.

**B) Motion Response - Marijuana Social Equity Issues** – C. Drinkwater commented on the regulations and that the City was moving in the right direction.

**C) Motion Response - Human Resources Audit** – C. Drinkwater noted the RFP issued calling for a comprehensive audit and noted possible changes to scope to decrease costs as well as searching for outside funding. Manager Donoghue commented on possible outside funding sources from grants or public donations. Manager Donoghue noted that change of scope or phased approach would reduce costs of the audit. C. Elliott noted the scope should be developed. C. Elliott noted that the school side should be audited as well. C. Chau noted there should be a community approach.

## 6.2. Informational Reports

**D) Informational - Construction Update – Motion** by C. Elliott, seconded by C. Samaras to refer matter to Transportation SC. So voted. C. Elliott questioned if lighting at the Lord Overpass could be adjusted. Natasha Vance (Transportation Engineer) noted that the City owns the lights and that there could be adjustments made.

## 6.3. Communication-Appoint Candace Lawrence to Sustainability Council.

In City Council, **Motion** to adopt by C. Drinkwater, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 absent (C. Nuon). So voted.

## 7. VOTES FROM THE CITY MANAGER

### 7.1. Vote-Accept Expend \$40,244.36 AFG Award.

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

### 7.2. Vote-Accept Gift from Greater Lowell Technical High School (truck).

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (C. Nuon). So voted. Manager Donoghue made note of the truck.

### 7.3. Vote-Accept.Expend \$12,500 Municipal Energy Technical Assist. Grant.

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

### 7.4. Vote-Apply Accept Expend \$28,935 JAG FY 2020 Grant.



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

#### **7.5. Vote-Authorize City Manager Execute Temporary Access Agmt 44 and 71 YMCA Dr.**

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

#### **7.6. Vote-Authorize City Manager to issue Proprietary specs.**

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

### **8. ORDERS FROM THE CITY MANAGER**

#### **8.1. 60 Day Trials.**

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

### **9. ORDINANCES FROM THE CITY MANAGER**

#### **9.1. Ordinance-Amend Ch 150 Fees.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on September 8, 2020 at 7PM by C. Samaras, seconded by C. Conway. So voted.

### **10. REPORTS (SUB/COMMITTEE, IF ANY)**

#### **10.1. Zoning SC August 25, 2020.**

In City Council, C. Elliott noted attendance and discussion of zoning and increasing housing stock within the City. C. Elliott noted information would be gathered and further meeting will be held to develop comprehensive form. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Rourke. So voted.

### **11. PETITIONS**

#### **11.1. Claim - (1) Property Damage.**

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

#### **11.2. Misc. - Kaushik Patel request installation of street light on pole at the beginning of Cheryl Lee Lane.**



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

**11.3. Misc. - Bryan Cowell request continued trash removal service at 24 Nesmith Street.**

In City Council, **Motion** to refer to City Manager and DPW for report and recommendation by C. Conway, seconded by C. Chau. So voted. Manager Donoghue noted that they have discussed the issue and working on solution.

**11.4. Misc. - The Markley Group, LLC request to amend flammable materials license for additional 15,100 gallons of Diesel Fuel II (AST) at 2 Prince Avenue.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Mercier, seconded by C. Drinkwater. So voted.

**11.5. Misc. - Michael Deangelis request installation of a handicap parking sign at 33 Jordon Street.**

In City Council, **Motion** to refer to Transportation Engineer to draft ordinance by C. Rourke, seconded by C. Conway. So voted.

**Motion** to suspend rules to update body regarding preparation of school buildings by C. Conway, seconded by C. Chau. So voted. Manager Donoghue noted the City was following State guidelines and beyond as they are expecting 25% capacity. Manager Donoghue outlined the use of space and the purchase of air purifiers as well as the hiring of an outside consultant to review the buildings. Manager Donoghue noted that roof fans were operational and that they were upgrading all windows that needed attention. C. Conway commented on the efforts and questioned financial assistance from the State. Manager Donoghue noted that the Cares Act money is distributed through the State. C. Rourke noted the work and suggested all concerns had been addressed and children and staff should be in the schools.

**12. CITY COUNCIL - MOTIONS**

**12.1. C. Conway - Req. City Mgr. provide an update regarding hiring of our retired police officers for uncovered special details.**

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Conway noted that seasoned veterans of the force would be on the details and noted that there were some obstacles present thus far. Manager Donoghue noted that a Home Rule Petition has been approved and that some union language needs to be addressed. City Solicitor O'Connor noted there would be some language changes and it would be a quick resolution.



**12.2. C. Mercier - Req. City Mgr. find ways and means to extend the guard rail along Fisher Street to prevent vehicle cut through at 150 Aiken Avenue.**

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Mercier outlined the area and the need for relief for homeowners.

**12.3. C. Mercier - Req. City Mgr. have Law Department take appropriate steps necessary to address the abandoned home at 150 Fetherston Avenue.**

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Mercier noted it was a foreclosure issue and there was litigation and heirs involved. C. Mercier commented that the City should push the process and have the property cleaned.

**12.4. C. Mercier - Req. City Mgr. provide a report and explanation regarding what material is going into the jersey barrier containment structure at the National Park parking lot on Dutton Street.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier requested the information. M. Leahy noted it was a temporary situation for storage purposes.

**12.5. C. Mercier - Req. City Mgr. provide a report regarding the installation of a walkway along the river behind the Lowell Memorial Auditorium and how it will affect the monuments there.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier noted construction in the area and Veterans' groups want to ensure safety of monuments and trees along the walkway.

**12.6. C. Rourke - Req. City Mgr. have proper department implement that all rental properties in the City have publicly posted information consisting of who the property owner is, along with phone and email contacts; information to be posted on the property in a manner which follow proper guidelines.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Rourke noted it allows residents to get information regarding problem properties. C. Mercier noted the need for local contacts to address any concerns. C. Mercier questioned problem property on Andover Street. C. Chau noted the responsibility of owning property. C. Rourke commented that any fines and fees should be strictly enforced.

**12.7. C. Chau - Req. City Council support the enhancement of the USPS through November 2020 elections for the successful outreach and tabulation of the Vote-By-Mail program within the City; and request City Mgr. immediately notify our representatives in Congress (House and Senate) of the Council action and urge their immediate support.**



In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Chau commented on the need of the post office to operate at full capacity during election. C. Rourke noted opposition to motion has it speaks to a national issue and not an appropriate local agenda item.

**12.8. C. Chau - Req. appropriate Council subcommittee hold a hearing to discuss measures for prevention of illegal dumping within the City of Lowell; and request City Mgr. invite representatives from Inspectional Services Department, Code Enforcement, Police, Fire and DPW, as well as other relevant and interested parties to attend.**

In City Council, seconded by C. Rourke referred to City Manager. So voted. C. Chau noted the issue with illegal dumping all over the City and that it would be best discussed in a Neighborhoods SC along with City inspectors. C. Elliott requested list of areas where it happens frequently. C. Mercier noted further issue of people using outdoors as bathrooms. M. Leahy noted that downtown needs to be addressed in terms of trash pickup.

**12.9. M. Leahy - Req. City Mgr. provide a report regarding large truck traffic on and around Olive Street; report to include possible solutions to lessen such traffic throughout that neighborhood.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. M. Leahy noted that large trucks are congesting the area.

**12.10. M. Leahy - Req. City Mgr. provide a report regarding traffic flow around Boylston and Laurel Streets; report to include increase in traffic flow on side streets and through parking lot at Store 38.**

In City Council, seconded by C. Samaras, referred to City Manager. So voted. M. Leahy noted speeding in parking lots and side streets.

### **13. CITY COUNCIL - EXECUTIVE SESSION**

**13.1. Executive Session - To consider and discuss the possible purchase or sale of properties (Hurd Street site and the Hamilton Canal District), public discussions of which may have detrimental effect on negotiating position of the City; and further, to discuss matters of litigation (Huot; open meeting complaints), public discussions of which may have a detrimental effect on the City's position.**

In City Council, M. Leahy stated reason for Executive Session, **Motion** by C. Rourke, seconded by C. Chau to enter Executive Session for stated purpose and to adjourn from Executive Session (8:25 PM). Adopted per Roll Call vote 8 yeas, 1 absent (C. Nuon). So voted. M. Leahy stated that body would adjourn from the Executive Session.



#### 14. ANNOUNCEMENTS

In City Council, Manager Donoghue note continued Covid testing under the Stop Spread Campaign. C. Mercier questioned when body would return to Council Chamber. C. Samaras noted that there should be a Health Department report regarding issue. C. Rourke noted public should attend meetings. Manager Donoghue noted State directive regarding large gatherings and that there could be some hybrid approach to hosting meetings. C. Rourke noted School Committee meetings are not running smoothly with technology. C. Samaras noted they should wait for Health Department directive. M. Leahy noted gifts of face masks received by the City.

#### 15. ADJOURNMENT

In City Council, **Motion** to Adjourn in Executive Session by C. Elliott, seconded by C. Mercier. So voted.

Meeting adjourned at 10:30 PM.

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Michael Geary, City Clerk