



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: December 21, 2021

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA/Zoom (Hybrid)

1. ROLL CALL

Roll Call showed 9 present. (C. Nuon – Zoom)

M. Leahy presiding.

C. Mercier requested moment of silence in darkened chamber for Frederick Riley and Garrett Sheehan (LPD). C. Rourke commented on life of Mr. Sheehan. C. Conway requested moment of silence in darkened chamber for Philip Dancause. C. Samaras commented on the contributions of Mr. Dancause.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). 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 Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom -

[HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

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

2.2. Recognition:

1. Emily Manning (1st female secretary to 1st female Mayor Ellen Sampson) – M. Leahy presented citation to Ms. Manning. Ms. Manning addressed and thanked the Council.

2. Deceased Veteran Sergeant Kennedy Santiago – M. Leahy noted presentation would be made at a later date when family members can be present.



3. Majestic Barbershop 100th Anniversary – M. Leahy presented citation to current owner of the Majestic Barbershop who thanked the Council.

4. Lowell High Football team – M. Leahy recognized the team as well as Athletic Director Dave Lezinski; Cheerleading Coach Allison Luna; and head coach Rob Pike who addressed the body. C. Rourke noted the efforts of the team and his familiarity with them through youth football. C. Mercier noted it was an honor to recognize them and their families and further noted the slight of media coverage for the Thanksgiving Day Game. C. Samaras noted the proud history of Lowell High football. C. Chau congratulated the team on the Thanksgiving Day victory.

5. Gary Sepe and John Chemaly - Honorary Citizens of Lowell – M. Leahy presented Honorary Citizen placards to Chris Dick; Mr. Sepe; and Mr. Chemlay who each addressed the Council and thanked them as well. C. Elliott commented on each of the recipients. C. Samaras commented on the support and philanthropy of Trinity Ambulance to the community.

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

3. CITY CLERK

3.1. Minutes Of Municipal Facilities SC December 14th; City Council Regular Meeting December 14th, For Acceptance.

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

4. UTILITY PUBLIC HEARING

4.1. Boston Gas D/B/A National Grid - Request Installation Of New Low Pressure Gas Main On Gold Street To The End Of School Street.

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

4.2. Boston Gas D/B/A National Grid - Request Installation Of New Plastic Gas Main At 43 Dancause Road.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Drinkwater. So voted.



4.3. Comcast - Request Installation Of PVC Conduit To Existing Pole At Howe And Davidson Streets.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Dave Flewelling from Comcast. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Samaras, seconded by C. Drinkwater. So voted. Steve Ramirez raised concern regarding Rizzo Pizza parking lot and was informed there would be no interruption with operations.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Citywide Traffic Campaign – C. Conway thanked the DPD for the work done and that it was an important endeavor to ensure safety to all and is for everyone's benefit.

6. VOTES FROM THE CITY MANAGER

6.1. Vote - Approve Amendment Housing Dev (HD) Plan.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned the objective of the vote. Manager Donoghue noted it was to increase support of development for housing on existing properties.

6.2. Vote - Auth City Participate In PACE Massachusetts.

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

6.3. Vote -Accept And Expend FY22 Earmarked Funds - Callery Park Playground.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier noted the importance of the earmark and also noted the work of the Allied Construction Company in restoring the veteran memorial at the park and that there would be a rededication.

6.4. Vote-Accept Gift Of 11,948.75 From GLHA.

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



7. ORDINANCES FROM THE CITY MANAGER

7.1. Ordinance- Create Position And Salary For Bilingual Human Services Coordinator-Council On Aging.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on January 11, 2022 at 7PM by C. Drinkwater, seconded by C. Rourke. So voted.

7.2. Ordinance-Create Position And Salary For Bilingual Human Services Coordinator-Council On Aging.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on January 11, 2022 at 7PM by C. Drinkwater, seconded by C. Chau. So voted.

7.3. Ordinance-Create Position And Salary For Human Services Coordinator-Council On Aging

In City Council, Given 1st Reading, **Motion** to refer to public hearing on January 11, 2022 at 7PM by C. Rourke, seconded by C. Mercier. So voted.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. Wire Inspector Reports:

1. Boston Gas - Request Installation Of Replacement Of Existing Cast Iron Gas Main With 6 Inch Plastic Gas Main On Rivercliff Road From Geana Lane To Andover Street. (Surrey Lane)

2. Boston Gas - Request Installation Of Of Two And Four Inch Low Pressure Gas Mains Along Nicole Drive, Stewart Street, Montview Avenue, Monadnock Avenue, Pine Street, Alyssa Drive And Raynor Street.

In City Council, **Motion** to accept and adopt accompanying orders by C. Rourke, seconded by C. Samaras. So voted

9. PETITIONS

9.1. Misc. - Christos Bletsis (Brothers Pizza) Request Installation Of "15 Minute Parking" Sign At Establishment At 688 Merrimack Street.

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

9.2. Misc. - Linda Theriault Request Installation Of A Handicap Parking Sign In Front Of 5 Ellis Avenue.

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



10. CITY COUNCIL - MOTIONS

10.1. C. Samaras - Req. City Mgr. Have Proper Department Conduct A Safety Study Along Church Street To Establish Proper Crosswalks And Other Pedestrian Safety Elements.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Samaras noted prior motion and problems in the area.

10.2. C. Rourke - Req. City Council Approve Step Increase Based On Evaluation For Ordinance Employees On Grid Who Are Directly Responsible To Council. (Clerk And Auditor)

In City Council, seconded, as amended by, C. Conway, referred to City Manager as amended. So voted. C. Rourke noted amendment to motion to add City Manager to listed employees. C. Rourke noted the need for body to evaluate the employees by years end. C. Elliott noted the process is to evaluate and then they would be eligible to move on grid with no other process. City Solicitor O'Connor noted an evaluation would entitle them movement on salary grid. C. Samaras noted the process is to evaluate by the end of the year. C. Mercier noted she would need paperwork to evaluate. C. Nuon questioned if there was sufficient time in which to evaluate the new Auditor.

10.3. C. Rourke - Req. City Council Assign Special Municipal Employee Status To The Position Of School Committee Under MGL Ch. 268A, Sect. 1(N).

In City Council, seconded by C. Mercier. Registered speaker, Michael Dillion, addressed the body. So voted. **Motion** by C. Rourke, seconded by C. Mercier to amend motion and designate Mr. Dillion a special municipal employee subject to a favorable Massachusetts Ethics Opinion. Adopted per Roll Call vote 8 yeas, 1 nay (C. Elliott). So voted. Solicitor O'Connor provided comments regarding Mr. Dillon's remarks indicating they were not accurate as a designation would have to be done for every member of the School Committee and come before Council. C. Mercier was informed by Mr. Dillon that he would expect retroactive pay along with the designation indicating he had ethics opinion to support his position. Solicitor O'Connor indicated that Massachusetts General Laws are quite clear on this issue. C. Mercier notes they could only do what the law allows. Solicitor O'Connor noted that rules are different for elected officials and the vote would run contrary to that. C. Mercier noted it had been done in the past. Solicitor O'Connor noted that vote would not be specific for Mr. Dillon. C. Conway noted prior experience with conflict of elected official and job. C. Conway stated that there was a lot of information with this that needs to be organized and examined and should be interaction with the Ethics Commission. C. Drinkwater requested further information regarding Solicitor's opinion. Solicitor O'Connor noted how elected position are treated differently and further noted that this request comes in the last week of the year. C. Chau noted he would be supportive of case by case but has issue with providing such status to the whole body. C. Chau noted there should be a look back at prior instance of payment. C. Samaras noted that conflicts is the issue and that Mr. Dillon did not have to recuse himself from any votes throughout term.



Solicitor O'Connor noted if any such vote is taken, it should be subject to a supportive ethics opinion. C. Nuon noted that vote would mean that future school committee members would be before the Council and that they should be able to make distinctions. Solicitor O'Connor raised issues with retroactive pay element of the vote. C. Nuon stated that any move should be subject Ethics Commission decision. M. Leahy noted that the distinction between elected and non-elected positions is not logical to him. C. Rourke noted that Ethics Commission opinion could be made part of vote. C. Elliott noted that the character of the motion has changed dramatically and there may be issues regarding Open Meeting Law as to change of the floor. C. Elliott was concerned with timing of the request and how payment could be made within current budget. C. Mercier noted vote could be subject to ethics opinion. **Motion** by C. Mercier, seconded by C. Chau to suspend rules to allow Mr. Dillon a second opportunity to speak. So voted.

11. ANNOUNCEMENTS

In City Council, C. Mercier noted a successful food and toy drive in the community. M. Leahy thanked the outgoing Council members (C. Conway, C. Elliott and C. Samaras) for their service. C. Samaras noted his service and hoped to be able to continue to help community. C. Samaras noted the reason he committed to this job was to do good and he hoped he has done that. C. Chau thanked the outgoing Council members. C. Mercier commented on the wisdom leaving the floor with the outgoing members and that they represented Lowell well. C. Mercier noted efforts of the Mayor and Clerk during the term and presented Mayor with commemorative gavel. C. Rourke paid tribute to the outgoing members. C. Drinkwater recognized his colleagues for the wisdom they imparted on him and for their many years of service. C. Nuon commented on the Mayor's leadership as well as the accomplishments of his colleagues. Manager Donoghue recognized efforts of department heads and the Mayor for success during a trying year. C. Conway provided final remarks recognizing the historic efforts of his colleagues as well as all of the assistance they had from City employees. C. Conway recognized his family for their support. C. Elliott provided final remarks thanking his colleagues and the Mayor for their support as well as past colleagues who served with him. C. Elliott noted his long relationship with C. Mercier and the five mayors who served during his terms. C. Elliott recognized his family and the voters for their support spanning twenty plus years.

12. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Rourke, seconded by C. Mercier. So voted.

Meeting adjourned at 9:07 PM.

Michael Q. Geary, City Clerk