



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: February 15, 2022

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 11 present.

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Michael Smith and Rual Cardona Oquendo.

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. Drinkwater, seconded by C. Jenness. So voted.

2.2. Citation - Raul Cardona Oquendo.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Rourke. So voted. C. Robinson commented on the life of Mr. Oquendo. Sharon Oquendo spoke on behalf of the family. M. Chau read and presented the Citation.



2.3. Citation - Lee Furusa (Dwelling House Of Hope).

In City Council, **Motion** “To accept and place on file” by C. Scott, seconded by C. Jenness. So voted. C. Mercier read and presented the Citation. Ms. Furusa and members of the organization thanked the body. C. Rourke noted the address to which donations to help the cause may be sent.

3. CITY CLERK

3.1. Minutes Of Auditor/Clerk Oversight And Personnel SC February 8th; City Council Regular Meeting February 8th; Finance SC Joint With Neighborhoods SC February 9th, For Acceptance.

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

Motion by C. Robinson, seconded by C. Mercier to take Items #9.5 and #9.6 out of order. So voted.

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses.

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

A) Motion Response - Vacant Positions – C. Gitschier noted the need to fill the many open positions and the need to recruit people to come work for the City. C. Gitschier questioned if money budgeted for vacant positions can be used for other needs. Conor Baldwin (CFO) noted the City would have clearer picture of that possibility at the end of the third fiscal quarter. C. Gitschier questioned if there ever was a wage study done by the City to assess their position in the market. Manager Donoghue noted there was one done many years prior but a need does exist. C. Scott noted all positions should be posted at MassHire as well. **Motion** to refer matter to Auditor/Clerk Oversight & Personnel SC by C. Scott, seconded by C. Robinson. So voted. C. Mercier commented on the openings and the need to fill them. C. Mercier requested that Manager inform Council before upper level employees are brought on board. Manager Donoghue noted that request may run counter to Plan E form of government. City Solicitor O’Connor noted that such a procedure would violate the Plan E form of government. C. Mercier requested that internships with the City should be explored with the Greater Lowell Vocational Schools. C. Robinson questioned if hiring could be held until upper level management are trained in the hiring process. Solicitor O’Connor noted that such a stipulation is counter to Plan E and the role of the Council would include classifying and setting salaries of hires. C. Drinkwater noted there is no need to freeze hiring as there is a need and there are resources to hire.

B) Motion Response - Catch Basin Cleaning – C. Gitschier commented on the report



and the cleaning cycle for catch basins. Aaron Fox (Waste Water) commented on the procedure and the manner in which they would attempt to reach targets. C. Gitschier agreed with the need to use data as a tool for proper maintenance. C. Gitschier commented on current consent permits with the City. Mr. Fox commented on the permits noting that there have been appeals with them. Manager Donoghue noted that ARPA funding is available for these projects. C. Mercier questioned status of the equipment in the department. Mr. Fox outlined the equipment in the department noting that they older so not as efficient as they used to be. C. Mercier noted the need for added sweepers so that if cleaned from street would be less going into basins. C. Leahy noted that a costs analysis must be done to see if more beneficial to have this work outsourced. C. Robinson commented on work being done in house. Mr. Fox noted that new sweeper would assist with the efforts. M. Chau informed Mr. Fox of flooding issues during high rain output.

C) Motion Response - Training by Police Officers – C. Nuon commented on the training performed within the department. Superintendent Richardson (LPD) noted it is done yearly and in house and at the academy. C. Nuon commented on the engagement training. Supt. Richardson noted this was a new training beginning in the Gang Unit to be carried forward department wide.

D) Motion Response - Officer Retirements and Staffing Issues – C. Nuon recognized the proactive plan before replacement. Supt. Richardson noted full hiring is done in about a four month period. C. Gitschier lauded the LPD for their recruitment efforts to hire from City.

E) Motion Response - LETF Funds – C. Nuon noted the use of funds going to so many good causes.

F) Motion Response - Stop Markings – C. Yem noted is was his motion regarding markings due to the number of crashes at dangerous intersections. C. Yem questioned the use of grant money to assist with these types of projects. Christine McCall (DPD) noted that State grants cover such projects. C. Gitschier questioned why the DPD is responsible to respond to this report and noted an engineer should be involved with the process. C. Gitschier noted costs are much higher than he has seen in his experience. Ms. McCall noted the numbers are preliminary as the RFP has not be finalized and that other departments are involved in the process. C. Gitschier noted the markings are needed to enhance safety and the overages in the budget can cover some costs. Manager Donoghue noted costs were not finalized and that free cash could be used to cover some costs.

G) Motion Response - Durkin Crosswalk – C. Mercier noted the report.

4.2. Informational Reports

H) Informational - To Go Parking Program – Manager Donoghue commented on the program noting it would be extended because it has assisted business with takeout service. C. Yem noted the businesses would be in favor of the extension and enforcement of the regulation must be part of the program. C. Robinson noted the



importance of the program and that it should be extended into the neighborhoods beyond downtown. Manager Donoghue noted it would be a City wide effort. **Motion** by C. Mercier, seconded by C. Jenness to approve the extension of the program. So voted. C. Leahy questioned the length of time of the extension. Ms. McCall noted it would end before summer to allow for outside seating.

I) Informational - MBTA Zoning – Manager Donoghue noted City was considered to be within the MBTA community and subject to regulations. Ms. McCall commented that the City must respond regarding zoning around the parameter. **Motion** by C. Jenness, seconded by C. Robinson to refer matter to Housing SC. So voted. C. Gitschier noted that being part of community opens up City to many grant opportunities.

J) Informational - Master Plan – Registered speaker, Bobby Tugbiyele, addressed the Council via Zoom. Manager Donoghue noted it was just an informational update for the Council. Ms. McCall outlined future path. C. Yem noted it was an update of existing plan. Ms. McCall noted that a consultant would be hired to assist with the process.

K) Informational - Gallagher Station TOD Plan – Manager Donoghue updated the plan and the grants received.

Motion to bundle and waive second reading for Items #5.1 to #5.6, inclusive; #5.8, #5.9, #5.11 and #5.12. So voted. Clerk noted though votes would be bundled each vote would be recorded separately.

Motion by C. Mercier, seconded by C. Leahy to take Item #7.1 out of order to discuss before votes. So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote - A Place To Live CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

In City Council, general discussion regarding votes on CPC recommendations, C. Mercier noted that many applications involved housing with many established partners in the City. C. Nuon noted the committee and the petitioners for their efforts and commented that the use of these funds are important to the City. C. Robinson noted the effort on the first round and that there would be improvements moving forward. C. Scott noted some concern with length of deed restrictions but was pleased with effort of all parties. C. Drinkwater noted his support of the entire slate commenting on the number of organizations involved and the leverage the program provides for private investment in the City. C. Gitschier commented on the petitions noting the change for the City and that moving forward the whole process will evolve and improve. C. Yem had question regarding "Place to Live" program. Karen Frederick (CTI) provided information on the program. C. Mercier noted residents voted the program and it will be successful. M. Chau noted the work of the committee, subcommittee and the Manager for impressive results and gave registered speakers an opportunity to address body.



5.2. Vote - Acre Crossing CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.3. Vote - Church St_99 CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.4. Vote - Clemente Park CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.5. Vote - Downtown Lowell Building Restoration CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.6. Vote - Gorham St_80 CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.7. Vote - Merrimack St_375 CPC Funding Recommendation.

In City Council, **Motion** by C. Mercier, seconded by C. Yem to continue matter to March 1, 2022 meeting. So voted.

5.8. Vote - Merrimack St_555 CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.9. Vote - OnePlusLowell CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.10. Vote - Varnum Ave_1413 1415 CPC Funding Recommendation.

In City Council, **Motion** by C. Mercier, seconded by C. Yem to continue matter to March 1, 2022 meeting. So voted.



5.11. Vote - Worthen St_243 CPC Funding Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5.12. Vote - Submit For Reimbursement FY21 Foster Care Expenses.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

6. ORDERS FROM THE CITY MANAGER

6.1. Loan Order - Historic Preservation Bonds.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on March 1, 2022 at 7 PM by C. Leahy, seconded by C. Drinkwater. So voted.

6.2. Loan Order - Open Space And Recreation Bonds.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on March 1, 2022 at 7 PM by C. Yem, seconded by C. Scott. So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Finance SC Joint With Neighborhoods SC February 9, 2022.

In City Council, C. Mercier provided report noting the attendance of all applicants and commission who provided presentations regarding open space, community housing and historic preservation. C. Mercier noted support of proposed loan order for some projects. C. Jenness lauded the efforts of commission and applicants. C. Yem noted approval of Acre Crossing project. **Motion** to accept the report as a report of progress by C. Rourke, seconded by C. Scott. So voted.

8. PETITIONS

8.1. Claims - (4) Property Damage.

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

8.2. Misc. - Soeung Suon Request Installation Of Handicap Parking Sign At 374 Walker Street.

In City Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Jenness, seconded by C. Leahy. So voted.

9. CITY COUNCIL - MOTIONS

9.1. C. Gitschier - Req. City Mgr. Have The Engineering Department Look Into Adding Grass Strips Between The Road And Sidewalks On Highland Avenue During The Upcoming Paving Project.



In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Gitschier noted motion was self-explanatory.

9.2. C. Gitschier - Req. City Mgr. Report On The Payroll Direct Deposit Issues For City And School Employees.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Gitschier requested procedure for funding. Manager Donoghue noted that Auditor could provide that report. Auditor Oakes noted she would provide report and commented that procedures are time sensitive and she needs information from departments to finalize her work product. C. Leahy questioned who gets direct deposit. Auditor Oakes noted that there are still some with hard checks.

9.3. C. Gitschier - Req. City Mgr. Send A Letter To The State Delegation And The Governor Respectfully Requesting An Increase In The State Chapter 90 Funding From 200 Million To 300 Million State Wide.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Gitschier noted there should be a higher request and that should be done if Manager sees fit. Manager Donoghue noted that there would be higher request for funding as the need is always present and the financial situation warrants it.

9.4. C. Robinson/C. Gitschier - Req. City Mgr. Provide Council With Policy On Appointing, Replacing, Backfilling And Filling Vacant Seats On The Lowell High School Building Committee.

In City Council, no second needed, referred to City Manager. C. Robinson noted the need to refresh the committee. C. Mercier commented on prior Council members who were on committee. Manager Donoghue commented she would review makeup and make needed additions. C. Gitschier noted if members were not attending then it may be time to move away from them. C. Rourke questioned the Council makeup on the committee. Manager Donoghue noted there is criteria concerning membership on the committee.

9.5. C. Robinson - Req. City Mgr. Work With Proper Department And/Or Community Organization To Identify And Roll Out A Pilot Project Utilizing Moss As A Medium For Mural And Art Installations.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Quinn Dillon, addressed the Council. C. Robinson recognized the speaker and that it should be this should be explored to assist the art community and enhance the City.

9.6. C. Robinson - Req. City Mgr. Work With Proper Department On The Feasibility Of Installing A Street Light On Burrell Place.



In City Council, seconded by C. Jenness, referred to City Manager. So voted. Registered speaker, Laura Woods, addressed the Council. C. Robinson recognized the speaker and noted that it is ongoing issue that needs to be resolved.

9.7. C. Robinson - Req. City Mgr. Work With Proper Department To Establish A Logo Or Button On The City Of Lowell's Website That Takes Users Directly To All Youth Programming Opportunities.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Robinson noted it should be made easier for residents.

9.8. C. Mercier - Req. City Mgr. Have Proper Department Repair/Replace Roof On City Property At 77 Arch Street.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Mercier noted the building was the police garage and is in awful condition. Manager Donoghue commented that there will be a report and that the work is currently out to bid.

9.9. C. Leahy - Req. City Mgr. Explore The Feasibility Of Allowing Volunteer Groups To Assist With Maintenance Issues At Local Firehouses.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Leahy noted the request from neighborhoods to assist with the many issues that need attention.

9.10. C. Leahy - Req. City Mgr. Report To City Council Regarding Municipal Broadband Plan Throughout The City.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Leahy noted the need to open it up so to be more competitive. C. Nuon noted that internet use grows rapidly and cost rise. C. Jenness noted that the University may be able to assist regarding access.

9.11. C. Leahy - Req. City Mgr. Provide Update Regarding Sidewalk Plan Throughout The City For Summer Of 2022.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Leahy noted motion was self-explanatory.

9.12. C. Leahy - Req. City Mgr. Have Proper Department Report On The Status Of The Veteran's Park On Douglas Road.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Leahy requested update on project.



9.13. C. Rourke - Req. City Mgr. Remove Mask Mandate In City Buildings.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Rourke commented on request. C. Scott questioned policy in the schools. Manager Donoghue noted work with Health Department and CPC regarding guidelines as was done during pandemic. C. Mercier request Health Department be involved with decision. C. Mercier noted that she wished Zoom to end and that Rules SC could be called to work out logistics regarding when it could be used. Manager Donoghue noted Zoom issues were sent to Rules SC and noted legislation being put forward to make it permanent part of public hearings. C. Gitschier noted Governor extended emergency order to continue use of Zoom.

9.14. C. Yem - Req. City Mgr. Develop A One Stop Shop For Licensing And Permits.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Yem noted applications should be available to all contractors and streamline the effort with technology. C. Nuon noted use of smart apps allows a lot of users to be involved. C. Rourke noted the need to make it easier for citizens and businesses.

9.15. C. Yem - Req. City Mgr. Have Proper Department Report On A Process To Change Voting System To Elect The Mayor.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Yem noted the results of the referendum regarding issue. C. Robinson noted the referendum as well. **Motion** by C. Robinson, seconded by C. Scott to refer to Election Laws and Redistricting SC. So voted.

9.16. C. Drinkwater/C. Nuon - Req. City Mgr. Provide An Update On The Lowell Equity And Inclusion Fund; Including The Amount Of Money Raised To Date And The Process For Allocating Funds.

In City Council, no second needed, referred to City Manager. So voted. C. Drinkwater provided background of the fund and requested update and plan to disburse.

M. Chau requested he be allowed to speak from Chair regarding motions with no objections.

9.17. M. Chau - Req. City Council Refer To Auditor/Clerk Oversight And Personnel SC To Report And Establish Procedure And Timeline For Search And Appointment Of A New City Manager.

In City Council, seconded by C. Robinson, referred to Auditor/Clerk Oversight & Personnel SC. So voted. M. Chau noted motion was self-explanatory. C. Nuon noted referral to subcommittee was proper but at one point the whole Council should be involved in the decision. C. Gitschier noted the need to develop policy and the



subcommittee was the proper place to begin. C. Jenness commented on the Council involvement back in the 2018 hiring process. C. Mercier noted the expense and time involved with the process and that it appears there is discussion surrounding possible candidates and as such they should just go to candidate and explore from there. C. Nuon commented on the expense of advertising and noted that it should be limited and targeted. C. Robinson noted the subcommittee should start the process and then before Council. C. Drinkwater noted need for subcommittee to start the process and bring it before Council to add to process if needed. M. Chau noted subcommittee would not be acting on their own but Council would be involved.

9.18. M. Chau - Req. City Mgr. Direct Appropriate Department To Develop A “Pothole Rapid Response” Team And Plan For Responding To The Complaints Of Damage To The City Streets.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Chau noted there is a lot of work needed to stay ahead of the issue and that this type of team would assist with that. C. Robinson noted budget overages from vacant positions could be used to assist with this effort. Mr. Baldwin noted best procedure would be through the free cash resolution as surpluses cannot be valued at this point. C. Gitschier questioned if use of a hot box was used to fill holes. C. Leahy noted there was a hot box used in the operation. C. Nuon noted need to repair on Sheldon Street. C. Drinkwater commented on use of free cash. Mr. Baldwin commented on loss of revenue reporting regarding free cash reconciliation. C. Yem noted pothole issues on School Street.

9.19. M. Chau - Req. City Mgr. Direct The Proper Department To Replace The Lights On The Telephone Poles At The Public Parking Lot At Cupples Square Bordered By Coral, Leroy And Loring Streets To Promote Safety For Residents And Business Owners.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Chau described area.

10. CITY COUNCIL - EXECUTIVE SESSION

10.1. Executive Session - Regarding Litigation Update, Public Discussion Of Which Could Have A Detrimental Effect On The City's Position.

In City Council, M. Chau stated reason for Executive Session, **Motion** by C. Gitschier, seconded by C. Yem to enter Executive Session for stated purpose and to adjourn from Executive Session (9:56 PM). Adopted per Roll Call vote 11 yeas. So voted. M. Chau stated that body would adjourn from the Executive Session.

11. ANNOUNCEMENTS

In City Council, C. Gitschier wished Manager Donoghue a happy birthday. **Motion** by C. Mercier, seconded by C. Nuon to cancel meeting of February 22, 2022. Adopted per Roll Call vote 11 yeas. So voted.



12. ADJOURNMENT

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

Meeting adjourned in Executive Session at 10:25 PM.

Michael Q. Geary, City Clerk