



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 29, 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 all veterans including Vietnam Veterans during National Vietnam Veterans Day. C. Jenness requested moment of silence in darkened chamber for Robert Demers.

M. Chau requested several firefighters take Council seats during recognition.

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

2.2. Communication - Laura Ortiz - Complaint.

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



2.3. Citations:

- 1. AG Hardware; and**
- 2. Gold Tea Café**

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Scott. So voted. M. Chau presented citation to Louis Gagnon of AG Hardware who thanked the Council for their recognition. C. Robinson recognized the many years the business has helped the citizens of Lowell. C. Yem presented citation to Gold Tea Café to its owner who thanked the body as well.

2.4. Recognition - Heroic Rescue Efforts By The LFD At The Maude Street Fire On March 3, 2022.

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Scott. So voted. M. Chau presented the citation to the LFD especially Engine and Ladder #2. M. Chau recognized C. Rourke for his assistance with arranging the event for the firefighters. C. Mercier commented on the effort of the department and noted they were all heroes. C. Yem commented on the department dedication to the City in terms of safety and noted upcoming program to produce banners recognizing the efforts of public safety personnel. C. Scott recognized the department for their ongoing dedication to safety, bravery and sacrifice. C. Drinkwater commented on the difficulty of the job and that the job is well done by the department. C. Gitschier commented on the effort done every day by the department. C. Jenness noted the commitment to the City. C. Robinson noted the need for Council to support their work and recognized the sacrifices made by them. C. Rourke noted that LFD is best in State and they show that each day through their efforts. LFD Chief Charron addressed the body, noting the personnel of the department. Lt. David Keene (LFD) thanked the body and described scene of fire and noted the unity of the department in handling public safety issues.

3. CITY CLERK

3.1. Minutes Of Housing SC March 22nd; City Council Meeting March 22nd, For Acceptance.

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

4. GENERAL PUBLIC HEARINGS

4.1. Amending Loan Order - \$38,568,011 For High School Project.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Allison Lamey (Lowell Plan). No Remonstrants. **Motion** to adopt and refer to the Clerk's Office for 20 days by C. Leahy, seconded by C. Yem. Adopted per Roll Call vote 11 yeas. So voted. C. Gitschier noted support of loan but indicated that money going to entities involved with overruns should be reported. **Motion** by C. Gitschier, seconded by C. Mercier to have City Manager provide a report regarding the distribution of 6.2 million dollars



payable to construction entities hired by City due to increase in costs of the LHS project. So voted. C. Mercier apologized to the taxpayers for the increase in such a quick manner and noted that eminent domain issues still remain unresolved. C. Mercier noted need to move forward for students in the City. C. Drinkwater noted support of the amendment as it was critical to project and to students. C. Drinkwater commented that most of costs were associated with the bidding process in accordance with State law. C. Scott noted vote to support for benefit of students. C. Scott noted that the 6.2 million dollars should be accounted for as it was a gamble that those entities loss. C. Rourke noted approval as delays would be costly and that students should be put first throughout project which has not always been the case. C. Nuon noted it was a touch decision but it must be supported to benefit City and that impact of Covid was not unique to the City. C. Jenness noted the need to find best path forward and to give students what they were promised. C. Robinson supported the vote and noted there should be no extra profits and also be aware of future cost increases. Manager Donoghue outlined recent meeting with State and Federal delegation regarding use of ARPA funding for the project indicating that possibility exists and could be available if Council chooses to use it that way. Manager Donoghue noted loan order is just authority to borrow and may borrow less than voted. Manager Donoghue noted that once GMP is established on the project no more additions would be accepted. C. Scott questioned when that amount would be set. C. Gitschier commented on effort to get ARPA funds. M. Chau recognized the Manager's efforts to secure funding. C. Jenness lauded the administration in securing possible funding.

Motion by C. Yem, seconded by C. Nuon to take Item #8.1 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. Yem, seconded by C. Drinkwater. So voted.

A) Motion Response - Hot Pot Restaurant – C. Robinson commented on the report.

B) Motion Response - HVAC Grants for School Buildings – C. Drinkwater noted that all grants assisting with school infrastructure should be monitored and applied for and that all funding sources should be explored.

C) Motion Response - Cawley Memorial Stadium Project Funding – C. Rourke indicated his displeasure with response of School Superintendent. C. Nuon hoped that the Superintendent would agree to assist. C. Leahy noted Superintendent was not a team player and was disappointed with response by him but not surprised. C. Mercier noted the City owns the buildings so they must care for same. Manager Donoghue noted that it is not a common landlord/tenant situation as the tenants (schools) do not pay rent. Manager Donoghue noted the decision was their prerogative but reminded Council that thousands of LHS students use the facility. C. Leahy commented that the decision could be put before the School Committee. City Solicitor O'Connor indicated that jurisdiction does lie with the School Committee. C. Gitschier noted that you should



not question the Superintendent of Schools as his priority is the children and he can spend the money as he chooses. Manager Donoghue noted prior vote of School Committee regarding HVAC funds which was not followed up on with no notice to the City. C. Drinkwater noted that school ESSER funds should be used to repair school infrastructure. C. Robinson noted that schools may have purchased modules for Cawley and that there must be willingness to work together. C. Rourke noted it was a constant problem which needs attention as it is a park that all children use on a daily basis. **Motion** by C. Rourke, seconded by C. Leahy to request M. Chau bring before School Committee a discussion regarding upgrade of Cawley. So voted.

D) Motion Response - Separated Areas – C. Gitschier noted the extensive and proper report which indicates the importance of ARPA funding. Aaron Fox (Wastewater) commented on the separation process in different parts of the City. C. Gitschier commented that some of these projects are significant according to their scope of work and need to begin. Manager Donoghue recognized the efforts of Mr. Fox and that the information is available on website. C. Rourke questioned how work is prioritized. Mr. Fox commented on indicators used to prioritize projects. C. Robinson commented on problem areas and how they would be resolved. Mr. Fox noted all areas are assessed before work is done.

E) Motion Response - Wireless Emergency Alerts – C. Yem noted input of Supt. Golner for the report. **Motion** by C. Yem, seconded by C. Rourke to request City Mgr. provide a report regarding process of applying for wireless emergency alerts. So voted. C. Scott noted there should be a discussion regarding costs associated with them. C. Yem indicated that there are no cost associated with application and that the alerts would be helpful in the City as they are tied to cell phones of residents and visitors.

F) Motion Response - Marijuana Delivery Status – C. Nuon commented on the requirements needed for delivery. Eric Slagle (Inspectional Services) outlined the requirements regarding delivery of recreational marijuana. C. Nuon noted that there would be zoning changes required within the City. Mr. Slagle noted zoning would have to be amended which warrants further discussion. **Motion** by C. Nuon, seconded by C. Robinson to refer matter to Cannabis Control SC. So voted.

G) Motion Response - St Louis School – C. Robinson requested Council be kept informed if project scheduled should fall through.

H) Motion Response - Open Space Prioritization and Funding – C. Scott noted parks are hard to categorize as there may be some with a big area and less amenities. Christine McCall (DPD) noted federal and state funding programs as well as earmarks from legislature. **Motion** by C. Scott, seconded by C. Jenness to refer to Parks and Recreation SC. So voted. C. Jenness noted the areas around downtown and lower Belvidere as where there could be funding for projects. C. Nuon questioned time frame for placement of lights at ball field. Ms. McCall notified the group regarding progress. C. Nuon requested information be placed on website for public review.

I) Motion Response - Rourke Freedom Way – C. Rourke noted the homeowner was



pleased with response. C. Gitschier noted the issue with the drainage/swale area and its removal. Manager Donoghue noted that City did not remove the swale and Law Department was exploring issues. City Solicitor O'Connor noted the issue was in her department and the removal affected many properties.

J) Motion Response - City and School Finance Collaboration – C. Mercier noted the meetings were going as scheduled.

K) Motion Response - Bookmobile Partnerships – C. Jenness questioned which steps were next in the process. Conor Baldwin (CFO) noted there must be procurement and delivery and the library was developing programs for it.

5.2. Informational Reports

L) Informational - NSS Compliance and FY23 School Spending – Manager Donoghue noted the City exceeded Net School Spending again. Mr. Baldwin noted report is done annually at budget time and City exceeded requested amount by 6.5 million dollars. C. Drinkwater noted the need for school infrastructure funding as well as Charter School reimbursement funding. Manager Donoghue noted there would be a larger DPW budget to address infrastructure issues in this coming fiscal year. C. Scott recognized that Net School Spending is always rising each budget. **Motion** by C. Scott, seconded by C. Gitschier to refer matter to Finance SC joint with School Finance SC. So voted.

6. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

7. PETITIONS

7.1. Claims - (5) Property Damage; (1) Personal Injury.

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

8. CITY COUNCIL - MOTIONS

8.1. C. Yem - Req. City Mgr. Have The Appropriate Department Provide An Update On The Status Of The Collapsed Retaining Wall Of CityPoint Condominiums At The Corner Of Middlesex And School Streets.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Yem commented on prior updates and noted the urgent need for action. Mr. Slagle noted the process is moving and is permitted and work is close to starting. Motion by C. Yem, seconded by C. Scott to allow speaker on matter. Sidney Liang addressed the body and provide package to be part of the record. C. Gitschier questioned if City could do work and lien property if safety issue. Mr. Slagle noted that could be done in some circumstances and with this property it would involve great expense. City Solicitor O'Connor outlined procedure to lien property. C. Nuon noted concern for student safety. C. Leahy questioned how a substandard wall was placed at the outset and that



it should not happen in future. Mr. Slagle noted it was part of condominium construction.

8.2. C. Mercier - Req. City Mgr. Find Ways And Means To Televis The Meetings Of The Lowell Sustainability Council.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted public wanted to see more of the committee and she was informed that the meetings were televised by LTC. C. Mercier questioned who was responsible for content on website.

8.3. C. Gitschier - Req. City Mgr. Look Into Purchasing Handheld Decibel (DB) Meters For All Police Cruisers To Enforce The City's Noise Ordinance (Chapter 204).

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Gitschier commented this was a quality of life issue and that ordinance may need amending and that police must be given proper tools to enforce the ordinance. C. Yem noted the need to enforce in the neighborhoods and identified the St. James Street area. C. Scott noted issue with loud cars and construction sites.

8.4. C. Gitschier - Req. City Mgr. Provide The City Council With A List Of City Board Members Serving With An Expired Term.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Gitschier commented the motion speaks for itself.

8.5. C. Robinson - Req. City Mgr. Have DPW Provide A List Of All Monuments The City Is Responsible To Maintain And What The Detailed Maintenance Schedule As To Ready These Sites For Memorial Day; Including Re-Mulching Of Locations.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Robinson noted areas need to be cleaned before holiday. C. Leahy commented that Kazanjian monument needs attention. C Gitschier noted Glacial Avenue area needs attention as well. M. Chau noted that Eric LaMarche (Veterans Dept.) will be a next meeting to provide update regarding parade.

8.6. C. Robinson - Req. City Mgr. Have DPW Provide The Council With A Detailed Weekly Cleaning Schedule Including All Locations For City Business Districts In Regards To The Tennant Vacuum That Comes Out Of DPW Parks.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Robinson noted the business district needs to be cleaned and are note given the same attention as other neighborhoods. C. Robinson noted the Parks Department is not operating efficiently. C. Leahy noted there are serious staffing issues in these departments and Council needs to address them. C. Gitschier noted Parks Department must prioritize better and that in there is preventative maintenance additional staff would



not be needed and there must be proper management. C. Mercier noted the amount of free cash and the fact that there are 82 open positions in the City. Manager Donoghue noted that people are not taking jobs and salary is a factor of that. C. Scott noted there must be equal availability of services across the City. C. Drinkwater noted that every City Councilor should raise concerns no matter where they live. C. Leahy disputed that there was preferential treatment and noted that the City is filling major potholes on major streets. C. Robinson noted management issue is indicated if Parks Department personnel are not in the parks at this time of year. C. Gitschier observed that he has never seen anyone mark a pothole before filing it.

8.7. C. Jenness - Req. City Mgr. Provide An Update On The Current Status Of The Beaver Street Bridge Project.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Jenness noted the motion speaks for itself. Manager Donoghue noted that the bids are going out on this project in April.

8.8. C. Drinkwater - Req. City Mgr. Work With The HR Department To Identify Any Positions In Need Of A Wage Adjustment To Keep Pace With The Current State Minimum Wage, Or The Scheduled State Minimum Wage Increase To \$15 Per Hour In 2023.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Drinkwater commented that this request applies to non-bargaining positions as well and that report could be prepared with ease. C. Drinkwater noted the need to be ahead of curve and that employees should be at State minimum if not more. C. Yem requested a surrounding town/city analysis. Manager Donoghue noted that such information would be part of current wage assessment being done by the City.

9. ANNOUNCEMENTS

In City Council, C. Gitschier commented on Council attendance at many events conflict with work schedules. C. Yem wished C. Gitschier a happy birthday. M. Chau read a post by veteran James Gaffney regarding Vietnam Veteran Day.

10. ADJOURNMENT

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

Meeting adjourned at 9:40 PM.

Michael Q. Geary, City Clerk

