



Michael Q. Geary
City Clerk

Angela M. Gitschier
Assistant City Clerk

CITY COUNCIL MINUTES

Date: August 22, 2023

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 10 present, 1 absent (C. Scott), 1 via Zoom (C. Drinkwater).

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Robert Malavich (former DPD director) and Arthur Pestana. M. Chau requested moment of silence in darkened chamber for Kim Le Lim.

2. MAYOR'S BUSINESS

2.1. Communication Remote/Zoom Participation.

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

2.2. Proclamation - Opioid Awareness Day - August 31, 2023.

In City Council, **Motion** "To accept and place on file" by C. Yem, seconded by C. Nuon. So voted. M. Chau read the proclamation.

2.3. Citation - Megan House Foundation.

In City Council, **Motion** "To accept and place on file" by C. Yem, seconded by C. Nuon. So voted. M. Chau presented the citation to Robert Gignac and Pam Huntley of the foundation who addressed the Council. C. Leahy recognized the effort of the organization. C. Yem noted the effort of the foundation and the work of Trinity Ambulance in the community.

2.4. Introduction - Selepak Khmer And Angkor Dance Troupe.



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In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Nuon. So voted. The Director of the Troupe recognized the Selepak Khmer from France as well as upcoming events in the area. The Director introduced master teachers in the organization and thanked the City for various grants afforded to them.

3. CITY CLERK

3.1. Minutes Of City Council Meeting July 25th Continued To August 8th; City Council Finance SC August 9th, For Acceptance.

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

4. COMMUNICATIONS FROM CITY MANAGER

4.1. MOTION RESPONSES

Motion Responses.

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

C. Robinson requested point of personal privilege which was recognized the the Mayor. C. Robinson commented on the possible influx of migrants to be housed at the UML Inn and Conference Center (ICC). **Motion** by C. Robinson, seconded by C. Mercier to request City Manager express written concern regarding impact of migrants entering the City to the Governor and all other governmental leaders involve with the placement of migrants in the City. Adopted per Roll Call vote 10 yeas, 1 absent (C. Scott). So voted. C. Gitschier questioned information that the City Manager had. Manager Golden, Jr. noted recent discussions regarding ICC and prior discussions regarding Jeanne D’Arc School. C. Gitschier insisted that the University should have been in communication with the City regarding this issue. Manager Golden, Jr. noted the directive is from the Governor’s Office. C. Gitschier noted that the migrants pose a burden for those who are currently in need of assistance. C. Jenness noted the need to discuss with Governor the logistics of the situation in terms of numbers and types of migrants and that the City would need much added resources to make such an endeavor successful. C. Leahy noted the need for communication and assistance from the Governor and others. C. Nuon commented that the City needs information. C. Drinkwater noted concern



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with the possible influx but action needs to be taken. C. Rourke supported the motion and questioned the number of migrants currently in the City and further noted that the influx would be unfair to students and residents currently in need of housing. Manager Golden, Jr. requested further information to develop the letter to Governor and others. C. Yem noted arrival of refugees must come with assistance. C. Mercier noted that there must be an organized and supported move. C. Robinson commented on the need for better lines of communication. C. Drinkwater noted City must assist with the crisis and that better communication would answer many questions and concerns. C. Gitschier noted the arrogance of government. M. Chau noted the need for information and open lines of communication. C. Gitschier requested the City Manager provide statistical information regarding migrants entering the Commonwealth in terms of location and numbers and the effect on the school systems. Manager Golden, Jr. noted that the request would be added into letter.

Motion by C. Mercier, seconded by C. Nuon to bundle and take Items #9.8 and #9.23 out of order. So voted.

Motion Response - City Real Estate Portfolio and Surplus Properties (WITH ATTACHMENT) - C. Robinson noted the list and the need to expand inventory. C. Gitschier questioned where funds are kept and how they are used from sales of assets and that there should be reinvestment of them. Conor Baldwin (CFO) commented on the funds and the surplus process. Allison Carter (DPD) commented on inventory and current open matter. C. Yem commented on parcels sold by the City in relation to the list. C. Leahy questioned procedure for selling inventory. Manager Golden, Jr. noted the process for sale of City property. Yovani Baez-Rose (DPD) commented on the RFP process for large parcels.

Motion Response - Superior Courthouse and Restorative Center – Motion by C. Robinson, seconded by C. Gitschier to refer matter to Ad-Hoc subcommittee being established for property restoration. So voted. C. Gitschier commented that the Smith-Baker Center should be torn down as no other use is possible for the site.

Motion Response - Plan for Enforcement of Chapter 176-2 (WITH ATTACHMENT) - **Motion** by C. Gitschier, seconded by C. Jenness to refer matter to next meeting so that C. Scott can provide input. So voted.



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Motion Response - Non-Union Contracts on City Website – None.

Motion Response - Bookmobile Launch Update – M. Chau referred matter to next meeting so that C. Scott can provide input.

Motion Response - Boards and Commissions Associate Membership – C. Nuon commented on the number of vacancies and the need to fill them.

Motion Response - Letter of Support for the Veterans Equal Access Act – C. Yem commented on the support for the letters.

Motion Response - Financial Status Update on the Residential Trash Program – **Motion** by C. Jenness, seconded by C. Gitschier to refer matter to Finance SC. So voted. C. Jenness noted new contracts were coming due. Mr. Baldwin noted that there were two contracts involved with trash program. C. Jenness requested projections for costs under new contract. Gunther Wellenstein (DPW) noted that industry wide there will be a 10-15% increase. C. Jenness noted need to look at fees to cover increased costs. C. Gitschier questioned pick up at Lowell Housing Authority (LHA). Mr. Baldwin noted costs for contaminated recycling has risen greatly, especially at the LHA. C. Gitschier noted taxpayers should not be subsidizing the LHA costs. C. Rourke noted that contaminated recycling is a problem throughout the City.

4.2. INFORMATIONAL REPORTS

Informational Reports

Informational Report - Lowell Forward Housing Production Plan Update (NMCOG) - Francesca Cigliano (Insp. Services) introduced Chris Hayes (NMCOG) to provide presentation entitled “Lowell Housing Production Plan” and submit a memorandum regarding the same. C. Jenness commented on partnership to develop plans and that all communities must be involved in order to keep moving forward. Mr. Hayes noted parties working together on the crisis. Manager Golden, Jr. noted use of City social media to promote survey by NMCOG. C. Gitschier commented on interaction with City Master Plan. Ms. Baez-Rose noted the roll out process on the Master Plan.



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Informational Report - LRWWU Sewer System Smoke Testing Program – Aaron Fox (Wastewater) provided presentation entitled “LRWWU Sewer System Smoke Testing Program”. C. Yem noted the need for fire department to be informed of testing. Mr. Fox noted their involvement. C. Robinson noted that the program was properly posted throughout the system. C. Jenness requested more detail in the maps so that residents can identify their property. C. Gitschier questioned how areas are selected.

Motion by C. Mercier, seconded by C. Nuon to bundle and waive the second reading of Items #5.2 to #5.5, inclusive. So voted.

4.3. PETITION RESPONSES

Petition Responses:

Petition Response from DPD - Business Request for Exclusive Parking Rights - Petition dtd. 5-9-2023 – Ms. Baez-Rose noted that no such rights exist in the City. C. Mercier questioned issues with the traffic calming measure and Havilah Street. Manager Golden, Jr. noted it was temporary.

4.4. Communication - Reappointment Of Kerry Jenness To Historic Board.

In City Council, **Motion** to adopt by C. Yem, seconded by C. Rourke. Adopted by Roll Call vote 9 yeas, 1 absent (C. Scott). So voted. C. Jenness recused self from vote and discussion.

4.5. Communication - City Manager Request Out Of State Travel (2) LPD.

In City Council, **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted.

Motion by C. Leahy, seconded by C. Gitschier to take Item #4.4 out of order. So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote - Accept/Expend \$75,000 MCC Grant – LMA.



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In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Yem. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted.

Motion by C. Leahy, seconded by C. Jenness to take Items #8.1; #8.3; #8.4; and #8.6 out of order. So voted.

5.2. Vote - Authorize CM Confirm A 3 Year 4 Month Contact With UpNext LLC.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Leahy. Adopted by Roll Call vote 9 yeas, 1 nay (C. Gitschier), 1 absent (C. Scott). So voted.

5.3. Vote - Authorize CM To File Special Legislation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Leahy. Adopted by Roll Call vote 9 yeas, 1 nay (C. Gitschier), 1 absent (C. Scott). So voted.

5.4. Vote - Transfer \$102,000 – Elections.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Leahy. Adopted by Roll Call vote 9 yeas, 1 nay (C. Gitschier), 1 absent (C. Scott). So voted. C. Gitschier commented on request and the number of positions. Manager Golden, Jr. outlined the process. Gregg Pappas (Elections) commented on time frame for positions. C. Gitschier noted that these positions should have been in this year's budget and not funded by a transfer. Manager Golden, Jr. noted funding was anticipated by administration.

5.5. Vote - Transfer \$60,000 – Cemetery.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Leahy. Adopted by Roll Call vote 9 yeas, 1 nay (C. Gitschier), 1 absent (C. Scott). So voted.

Motion by C. Mercier, seconded by C. Robinson to take Item#8.5 out of order. So voted.

6. CONSTABLE BONDS



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6.1. Communication - City Mgr. Request Approval Of Constable Bond For Jason Burke.

In City Council, **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

8. PETITIONS

8.1. Claims - (3) Property Damage; (1) Personal Injury.

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

8.2. Misc. - Norma Von Fricken Request Discussion Regarding Model City.

In City Council, **Motion** "To accept and place on file" by C. Yem, seconded by C. Nuon. So voted. Ms. Von Fricken addressed the Council.

8.3. Misc. - Michael Tembo (Lady Maria Hair Design) Request Removal Of "15 Minute" Parking Sign At 688 Merrimack Street (Brothers Pizza).

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

8.4. Misc. - A.G. Hutchinson Request Discussion Regarding Soliciting, City Buildings And Police Response.

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

8.5. Misc. - Ken Harkins Request Discussion Regarding Budget, Cemetery, Mark One And Homelessness.

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Jenness. So voted. Mr. Harkins addressed the Council.

Motion by C. Rourke, seconded by C. Nuon to take Item #4.5 out of order. So voted.



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8.6. Misc. - Elizabeth Patino Request Installation Of A Handicap Parking Sign At 239 School Street (Apt. 2).

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

8.7. National Grid - Request Installation Of Handhole And Underground Conduit At Appleton And Gorham Streets.

In City Council, Given 1st Reading, Motion to refer to Public Hearing on September 12, 2023 at 7 PM by C. Rourke, seconded by C. Leahy. So voted.

8.8. Boston Gas D/B/A National Grid - Request Installation Of Concrete Pad (Support SCADA Box) And Conduit At Intersection Of Bradley Street And 1st Street.

In City Council, Petitioner informed Clerk's Office that matter had been heard already and no action is needed.

Motion to Waive Rule 5 by C. Mercier, seconded by C. Leahy. Defeated in Roll Call with 2 nay votes (C. Mercier, C. Nuon). So voted.

The following motions except for Items #9.1; #9.8; and #9.23 as per defeat of Motion to Waive Rule 5 will be placed on agenda for September 12, 2023 City Council Meeting.

9. CITY COUNCIL – MOTIONS

9.1. C. Gitschier - Req. City Mgr. Provide The City Council With The Police Department Policy On Driving To Endanger Unregistered, Off-Road Vehicles And Bicycles In The Roadways.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Speaker, Paul Early, addressed the Council C. Gitschier noted the need for a policy and further review.

Motion by C. Rourke, seconded by C. Nuon to take Item #5.1 out of order. So voted.

Motion by C. Yem, seconded by C. Nuon to take Item #8.2 out of order. So voted.



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9.2. C. Gitschier - Req. City Mgr. Update The City Council On The Status Of The Computers In Police Vehicles And Precincts Since The Cyber-Attack.

9.3. C. Rourke - Req. City Mgr. Contact The State Delegation And MassDOT Concerning Landscaping Along Riverside Street; Varnum Avenue; And Pawtucket Boulevard (Rt. 113 Highway).

9.4. C. Rourke/C. Yem - Req. City Mgr. Look Into Free Parking For Veterans With Noted Indicator On Vehicle License Plate.

9.5. C. Scott - Req. City Mgr. Provide A Report Form Appropriate Department Regarding Improvements That Can Be Made To Improve Flooding Issues Around South Lowell.

9.6. C. Scott - Req. City Mgr. Work With Appropriate Department To Develop Regulations Around Health And Cleanliness Of Feeding Programs For The Homeless.

9.7. C. Scott - Req. City Mgr. Provide The Plan And Timeline For Replacing The Drain Line Under Lawrence Street From The Cemetery.

9.8. C. Jenness/C. Scott - Req. City Mgr. Provide A Report On Any Plans By The LRTA To Provide Bus Services On Sundays And To Keep The Full Lowell Senior Center Weekend Foodservice Available.

In City Council, no second needed, referred to City Manager. So voted. C. Jenness noted the importance of the service.

Motion by C. Nuon, seconded by C. Gitschier to take Item #9.1 out of order. So voted.

9.9. C. Jenness/C. Scott - Req. City Mgr. Have The Proper Department Report On Traffic Safety Improvement Options And Implementation Plan For The Intersection Of Elm & Chapel Streets To Combat The Recent Rise In Traffic Accidents At This Location.



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9.10. C. Jenness/C. Gitschier - Req. City Mgr. Have The Proper Department Explore The Possibility Of Developing A Program To Partner With Local Artists To Utilize Utility Boxes On City Property Around The City As Locations For Public Art As Is Done In Other Communities.

9.11. C. Jenness - Req. City Mgr. Have The Proper Department Develop And Implement An Outreach And Education Campaign To Address Bicycles Being Ridden On City Sidewalks.

9.12. C. Jenness - Req. City Mgr. Have The Proper Department Develop And Implement Signage Along The Riverwalk Noting Prohibition Of Motorized Vehicles.

9.13. C. Jenness - Req. City Mgr. Provide Detailed Report (Address, Permit Issue Date, Permit Closed Date, HERS Rating) On Residential Building Permits Issued Since January 1, 2023; Including Those Issued In Accordance With The Stretch Regulations In 225 CMR 22 & 23 As Promulgated 12/9/2022; And For Permits That Have Been Closed Out, Provide List Of HERS Ratings Obtained.

9.14. C. Jenness - Req. City Mgr. Provide Update On The Bruce Freeman Rail Trail Extension Project.

9.15. C. Robinson/C. Scott - Req. City Mgr. Have The Proper Department Provide The Council With A Report On What Options We Have To Regulate Harm Reduction Services In Our Community.

9.16. C. Robinson - Req. City Mgr. Explore The Creation Of A Voluntary DPW/Public Health Department Syringe Response Team To Enhance Current City Efforts.

9.17. C. Robinson - Req. City Mgr. Explore The Feasibility Of Creating A Pot Of "Soft Money" Aimed At Attracting An Increase Of Housing Production.

9.18. C. Robinson - Req. City Mgr. Have Transportation Engineer Examine Grandview And 13th Streets To Prioritize Corrective Measures, If Possible.



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9.19. C. Robinson - Req. City Mgr. Provide The Council With A Detailed Report On Lowell's Allocations And Commitments From The Attorney General's Statewide Opioid Settlement Funding Stream.

9.20. C. Nuon - Req. City Mgr. Have Homelessness Coordinator Report On Lessons Learned And Next Steps Proposed From The Summit.

9.21. C. Nuon - Req. City Mgr. Provide An Update On Where Garden Road Is On The Re-Paving List.

9.22. C. Nuon/C. Drinkwater - Req. City Mgr. Work With DEI Officer To Clearly Define The Role And Goals Of The New Position; Look At City Hiring Practices With DEI Lense; Assure DEI Education And Awareness Are Brought To All Employees In All Departments; And Assess DEI Work In Other Cities And Towns And Adopt As Appropriate For Lowell.

9.23. C. Mercier - Req. City Mgr. Find Ways And Means To Keep The Senior Center Open On The Weekends.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Ned Tarmey, addressed the body. C. Mercier noted concern for seniors who are being neglected and need to be recognized. C. Gitschier noted the need for a back-up plan to keep center open as often as possible. C. Gitschier offered amendment to motion to have procedures provided to Council regarding Senior Center. C. Mercier accepted the amendment. Lisa Golden (HHS) commented on the procedures at center and the number of workers. C. Nuon noted the solution should be simple. C. Jenness commented on the need to do better for the seniors. M. Chau noted the need for weekend openings at the center.

9.24. C. Leahy - Req. City Mgr. Have Law Department Provide An Opinion Regarding As To Why An Elected Official Can Not Receive Their Stipend If They Work For A Local Municipality. Reveive



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9.25. M. Chau - Req. City Mgr. Have Proper Department Investigate Having More Lighting In Cambodia Town.

9.26. M. Chau - Req. City Mgr. Have The Proper Department Explore Use Of Reduction Tracks (Speed Bumps) On Waite Street At The Beginning Of Powell Street.

10. ANNOUNCEMENTS

In City Council, none.

11. ADJOURNMENT

In City Council, Motion to Adjourn by C. Robinson seconded by C. Yem. So voted.

Meeting adjourned at 10:00 PM.

Michael Q. Geary, City Clerk