



Michael Q. Geary
City Clerk

Angela M. Gitschier
Assistant City Clerk

CITY COUNCIL MINUTES

Date: July 9, 2024

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. (C. Robinson via Zoom)

M. Rourke presiding.

C. Mercier requested moment of silence in darkened chamber for Harold Waterhouse, Sr. C. Leahy requested moment of silence in darkened chamber for Mark Maille.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation.

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

3. CITY CLERK

3.1. Minutes Of Transportation SC June 25th; Senior Citizen SC June 27th; City Council Regular Meeting June 25th For Acceptance.

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

M. Rourke presented citation to Olivia Morales for her act of heroism in regard to saving a drowning person. Ms. Morales thanked the body.



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4. UTILITY PUBLIC HEARING

4.1. TC Systems D/B/A AT&T - Request Installation Of Conduit To Extend Small Cell Network On Gorham Street.

In City Council, Given second reading, Hearing held. **Motion** to refer to Wire Inspector for report and recommendation by C. Gitschier, seconded by C. Jenness.

4.2. National Grid - Request Installation Of Handhole With Crushed Stone At 155 Middlesex St.

In City Council, Given second reading, Hearing held. Michael Meneades (Zoom) (National Grid) commented on the petition. **Motion** to refer to Wire Inspector for report and recommendation by C. Jenness, seconded by C. Yem.

5. CITY COUNCIL - MOTIONS

5.1. C. Mercier - Req. City Mgr. And Mayor, Declare August 4th As "BAPS DAY" In The City Of Lowell, With A Resolution If So, Voted On The Meeting Of July 23rd.

In City Council, seconded by C. Leahy, referred to City Manager/Mayor. Adopted by Roll Call vote 11 yeas. So voted. C. Mercier noted the organization and the numerous charitable contributions to the community and that resolution should be before the Council at the next meeting, July 23rd.

5.2. C. Gitschier - Req. The City Mgr. Explore The Feasibility Of Making Middle Managers In The DPW Salaried Employees.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Gitschier noted it was worth a review and that the wage study could assist with the evaluation and that it could be a benefit to the employee. C. Descoteaux indicated that the wage study should be part of the evaluation.



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Manager Golden, Jr. commented on the wage study and the involvement of unions regarding evaluation.

5.3. C. Gitschier - Req. The City Mgr. Update The City Council On The High School Project, The Budget, And If Any Change Orders Have Been Authorized.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Gitschier noted the need to keep an eye on the project regarding overruns and to have periodic updates regarding construction and budgets. Manager Golden, Jr. noted project managers would be having a presentation in August regarding the updates. C. Gitschier indicated that any report should include all possible overruns. Conor Baldwin (CFO) noted the current status of the budget and construction contingency funds.

5.4. C. Gitschier/C. Mercier - Req. The City Mgr. Have The Proper Department Add 4 Handicap Parking Spots To The East Side (Adams St. Side) Of The Senior Center.

In City Council, no second needed, referred to City Manager. So voted. C. Mercier requested that she provide the Senior Citizen SC report under this item (See Item #8.1). C. Mercier stated that any additional parking would be beneficial.

5.5. C. Scott - Req. The City Council Facilities Subcommittee Meet To Solicit Public Input Into The Process Of Replacing Lowell's Public Safety Buildings And To Develop A Plan Based On Needs.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Scott noted that funding plans should be explored, and functionality assessments should be made of City buildings.

5.6. C. Scott - Req. The City Mgr. Have The Traffic Engineer Review And Report On The Process To Add Traffic Signalization At The 495/Woburn St. Off And On Ramps, A 3-Way Stop Or Signalization To The Boylston St./Lawrence St. Intersection, And Speed Bumps On Andrews, Billerica, Main, Bowden, And Stromquist St.



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In City Council, seconded by C. Yem, referred to City Manager. So voted. Registered speaker, Jeff Thomas, addressed the Council. C. Scott commented on the need for signals and speed bumps due to an abundance of traffic using the many cut throughs in the neighborhood. C. Descoteaux noted it was a dangerous area as it is crowded with cars and people.

5.7. C. Jenness - Req. City Mgr. Have Proper Department Prepare A Presentation For The Council To Summarize This Term's Supreme Court Decisions And Their Potential Impacts On The City Of Lowell.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Jenness noted the need to understand the decisions and the effect on the City.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

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

A) Motion Response - CDL Provider – C. Robinson noted the need to explore options and make recommendation. Manager Golden, Jr. Indicated that there needs to be a cost/benefit analysis and to understand all the liabilities involved. C. Jenness noted the opportunity for revenue and jobs. C. Gitschier noted it was a simple operation that should be done as there is a need for it in the City. C. Nuon noted the need and that they should explore the possibilities.

B) Motion Response - Portal Installation – C. Robinson noted the funding challenges but it was a good opportunity and requested next steps. Manager Golden, Jr. Noted it was very expensive and perhaps it could be vetted through a subcommittee. M. Rourke noted it was too expensive and should not be pursued.

C) Motion Response - Western Ave – C. Robinson commented on



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upcoming meeting to address concerns of the residents in the area. Peter Crewe (Cultural Affairs) noted areas of discussions to be had. C. Nuon requested updates.

D) Motion Response - Central Street – C. Jenness commented on the plan and the need to do more with the opportunity. C. Leahy noted that the whole downtown should be included.

E) Motion Response - Adie Way LHA – C. Scott requested further action to get lighting in the area. C. Nuon requested update on the construction project. Yovani Baez-Rose (DPD) noted the developer is hoping for funding for lights in the final phase of the project.

F) Motion Response - Safe Routes To School – C. Descoteaux noted the report indicating that the programs in place will benefit safety in the areas. C. Gitschier commented on the process of applying for the grant and if it was used prior. Elizabeth Oltman (Transportation Engineer) commented on the application process. C. Yem noted the programs and the importance to safety. Ms. Oltman noted the process to construct will be slower, but it will be no costs to the City. C. Leahy questioned the status of the Pyne Arts School in the program. Ms. Oltman noted that it was not an active school in the program.

G) Motion Response - River Road at Andover Street – C. Leahy commented on the report.

H) Motion Response - Campbell Sidewalks – C. Gitschier commented on the scope of the project. Ms. Oltman noted the entire area was flagged. C. Descoteaux noted further discussion to expand the sidewalk project.

I) Motion Response - Fletcher Street – C. Yem noted the dangerous area that will need attention before next school year. Ms. Oltman noted the plan to enable cars to be more aware of crossings.

J) Motion Response - Warming and Cooling Station – C. Robinson noted options should be continuously explored and updated. C. Jenness



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noted the increase in effectiveness and the need to keep options open.

K) Motion Response – Syringe – C. Robinson recognized efforts of City partner, PrideStar.

L) Motion Response - Restructuring Election Department – C. Mercier noted restructuring makes sense and has spoken to different parties in the matter. C. Mercier noted Law Department suggested changes. **Motion** by C. Mercier, seconded by C. Descoteaux to refer to Law Department to prepare proper ordinance to restructure Election Department. Adopted per Roll Call vote 10 yeas, 1 recuse (C. Gitschier). So voted.

M) Motion Response - Crosswalk Rogers Hall – C. Mercier commented on the report.

N) Motion Response - Increase Police Patrol – C. Gitschier requested information. Maura Fitzpatrick (Homeless Coordinator) outlined the services provided. Supt. Hudon (LPD) noted enforcement and services in the area. C. Gitschier noted that there are services available that are not working so some changes may be needed. C. Gitschier noted that the shelter is becoming a problem in that area as parking is interfering with open space for residents. Lisa Golden (HHS) commented on the capacity of the shelter. C. Descoteaux noted the the North and South Common areas are being overrun.

O) Motion Response - Golden Gloves – C. Scott noted all the partners involved in pursuing the goal. C. Jenness commented on the great opportunity and that a hotel in area would have boosted the application. C. Chau commented on the organization and its commitment to process. M. Rourke noted the City is ready for this and it is positive news.

Motion to Suspend Rules by C. Gitschier, seconded by C. Nuon to discuss status of Home Rule Petition regarding vacancies in elected bodies. So voted. C. Gitschier wished to discuss recent email from Sen. Kennedy regarding the filed home rule petition regarding filling of elected vacancies noting a special election should be held to fill Council seat and not be done by way of appointment. C. Descoteaux requested opinion from City



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Solicitor. City Solicitor Williams commented on Massachusetts law and the possible restrictions on the City by way of the Consent Decree. **Motion** by C. Mercier, seconded by C. Descoteaux to fill the vacancy of City Council by way of appointment by body; in which candidates may submit their name to the City Clerk if they have lived in the district for one year and that from the list of names provided the Council will select the vacant seat as anticipated by the resignation of a sitting Councilor. Adopted per Roll Call vote 7 yeas, 3 nays (C. Gitschier, C. Nuon, C. Robinson), 1 present (C. Leahy). So voted. C. Nuon noted the home rule petition can be easily modified to meet the concerns of the Senator and has the support of the delegation; noting residents should be able to select the candidate. C. Jenness noted his frustration with the home rule process and the work of Council has done on this was not acted upon by delegation and questioned the what the State law would cover. City Solicitor Williams noted that Massachusetts law clearly stated that the Council has the power to appoint to fill a vacancy and that would not be violative of the current Consent Decree. C. Robinson noted that the home rule petition is ready to move forward and should be done to enable voters to elect. M. Rourke noted the path to follow home rule petition is clouded. C. Gitschier noted that there can be special meeting to ensure home rule petition is acted upon in the legislature. C. Descoteaux noted that appointing someone is in line with Massachusetts law. C. Leahy noted his final meeting will be July 23rd as he is taking a new position with City.

Motion by C. Mercier, seconded by C. Nuon to bundle Items #6,2 to #6.7, inclusive. So voted.

6.2. Communication - Appointment Of Lloyd Dejesus To Commission On Disability.

In City Council, **Motion** to adopt by C. Mercier, seconded by C. Leahy. Adopted by Roll Call vote 11 yeas. So voted.

6.3. Communication - Appointment Of Paul Paradise To Veterans Commission.



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In City Council, **Motion** to adopt by C. Mercier, seconded by C. Leahy.
Adopted by Roll Call vote 11 yeas. So voted.

6.4. Communication - Appointment Of Sothea Chiemruom To DEIB Committee.

In City Council, **Motion** to adopt by C. Mercier, seconded by C. Leahy.
Adopted by Roll Call vote 11 yeas. So voted.

6.5. Communication - Resignation Of Andeth Vann From Veterans Commission.

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

6.6. Communication - Resignation Of Rafael Cotto From DEIB Committee.

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

6.7. Communication - City Manager Request Out Of State Travel (1) LPD And (1) MassHire.

In City Council, **Motion** to adopt by C. Mercier, seconded by C. Leahy.
Adopted by Roll Call vote 11 yeas. So voted.

Motion by C. Mercier, seconded by C. Descoteaux to bundle and waive
second reading of Items #7.1 to #7.9, inclusive. So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Accept/Expend \$120,000 Department Of Mental Health Jail/Arrest Diversion Program Grants.



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In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.2. Vote - Accept/Expend \$196,706 MassCall3 Grant.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.3. Vote - Accept/Expend \$35,000 Department Of Public Health Sexual Assault And Domestic Violence Grant.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.4. Vote - Accept/Expend \$97,000 Tobacco Control Program Grant.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.5. Vote - Transfer \$1,125,000.00 For Year-End Payroll And Taxes.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.6. Vote – Transfer \$100,000 For Bicentennial Fund.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.7. Vote - Transfer \$148,611.61 To Fund Retiree LifeLock Expenses.



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In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.8. Vote - Transfer \$176,700.00 For Gas.Electricity Closeout.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

7.9. Vote - Transfer \$380,000.00 For FY2024 Snow And Ice Closeout.

In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Jenness, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. Subcommittee Reports: 1) Senior Citizen SC June 27, 2024.

In City Council, C. Mercier provided report outlining the attendance and discussion regarding issues effecting seniors, including parking, sidewalks, garage parking, Douglas Road project and bus driver. **Motion** by C. Mercier, seconded by C. Gitschier to accept the report as a report of progress. So voted.

8.2. Wire Insp. - National Grid - Request To Install 1 JO Pole Boston Road.

In City Council, **Motion** to accept and adopt the accompanying order by C. Scott, seconded by C. Nuon. So voted.

8.3. Wire Insp. - National Grid - Request To Install Underground Facilities Intersection Of Boston Road And Foundry Street.



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In City Council, **Motion** to accept and adopt the accompanying order by C. Descoteaux, seconded by C. Yem. So voted.

9. PETITIONS

9.1. Claims - (1) Property Damage.

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

9.2. Misc. - Aaron Tavares Request To Address Council Regarding Speed Limit, Lack Of Lighting, Lack Of Crosswalks And A Sharp Turn At Homestead.

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

9.3. Misc. - Norma Von Fricken Request To Address Council Re: Homeless Kids At Half-Way House.

In City Council, petitioner provide written communication to Council in lieu of speaking before body.

9.4. Misc. - Sheila Toppi Request Installation Of Handicap Parking Sign At 49 Jewett St.

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

10. CITY COUNCIL - EXECUTIVE SESSION

10.1. Executive Session - To Consider And Discuss The Disposition Of Parcels Within The Hamilton Canal District, Public Discussions Of Which May Have Detrimental Effect On The Negotiating Position Of The City.

In City Council, M. Rourke stated purpose of the session, **Motion** to enter executive session and adjourn from that session by C. Descoteaux,



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seconded by C. Mercier. (8:40 PM) Adopted per Roll Call vote 10 yeas, 1 absent (C. Robinson). So voted.

11. ANNOUNCEMENTS

In City Council, C. Jenness recognized the opening of the Beaver Street Bridge. C. Yem wished C. Robinson a happy birthday on behalf of the Council. Ms. Baez-Rose noted ribbon cutting at Douglas Road Veterans Park. Manager Golden, Jr. commented on Aide Way lighting funding.

12. ADJOURNMENT

In City Council, **Motion** to Adjourn from Executive Session by C. Jenness, seconded by C. Leahy. So voted.

Meeting adjourned from Executive Session at 9:05 PM.

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