



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** February 7, 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).

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Carol McCarthy and Mary Bolduc. C. Rourke requested moment of silence in darkened chamber for Wanda Cooper. C. Leahy requested moment of silence in darkened chamber for Philip O'Brien.

M. Chau introduced his hometown friend visiting from Cambodia, Chhoudeth Var.

### 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](mailto: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. Gitschier. So voted.

#### 2.2. Citation - Black History Month.

In City Council, **Motion** "To accept and place on file" by C. Robinson, seconded by C. Mercier. So voted. M. Chau presented citation to Mona Tyree. C. Robinson noted the accomplishments of Ms. Tyree. Ms. Tyree thanked the Council.



### **2.3. Informational - Cultural Exchange - Montreal, Canada.**

In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Rourke. So voted. Registered speaker, Dannielle McFadden, addressed the Council. M. Chau commented on the exchange and outlined the program. C. Robinson noted it was a good opportunity to learn.

### **3. CITY CLERK**

#### **3.1. Minutes Of Veterans SC January 31st; City Council Regular Meeting January 31st, For Acceptance.**

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

**Motion** by C. Drinkwater, seconded by C. Jenness to take Item #7.3 out of order. So voted.

### **4. GENERAL PUBLIC HEARINGS**

#### **4.1. Ordinance - Create Position Digital Evidence Specialist – LPD.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Nuon, seconded by C. Jenness. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted.

### **5. UTILITY PUBLIC HEARING**

#### **5.1. Boston Gas D/B/A National Grid - Request Moving Gas Main At Meadowcroft St. And Exchange PI. To Enable Work By The City.**

In City Council, Given second reading, hearing held, no remonstrants. Speaking (Via Zoom) in favor of the petition was Diane Cudy from Boston Gas. **Motion** to refer to Wire Inspector for report and recommendation by C. Yem, seconded by C. Rourke. So voted.

#### **5.2. National Grid/Verizon NE - Request Installation Of (1) JO Pole At 114 Burnside.**

In City Council. M. Chau withdrew the petition.

### **6. COMMUNICATIONS FROM CITY MANAGER**

#### **6.1. Motion Responses.**

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

**A) Motion Response - Menorah Lighting** – C. Jenness noted the effort of all.

**B) Motion Response - Hale Street Paving - Meadowcroft Sink Hole** – M. Chau



commented on the progress. C. Leahy noted sealing being done. C. Gitschier requested paving construction contracts for upcoming year. Manager Golden, Jr. noted they would be provided for next meeting. C. Gitschier commented on website information regarding construction projects. Manager Golden, Jr. noted there will be updates to the site.

**C) Motion Response - Reilly School Playground Repair** – C. Mercier noted the positive results. C. Leahy noted the repairs and requested fence repair so that playground is separated from the school.

**D) Motion Response - Rourke Bridge Repairs - Support Letter with Attachments** – C. Nuon noted letters were sent regarding project. C. Yem noted the letters were sent to many different departments. C. Gitschier questioned when there would be responses. Manager Golden, Jr. noted there may be some added time as the State administration is new.

**E) Motion Response - SafetyNet System Program** – C. Mercier commented on the report. Supt. Golner (LPD) outlined the full report and indicated that the department was set to move forward on the program and will begin with high risk users. C. Mercier noted many groups would benefit. C. Robinson questioned if software could be upgraded. Supt. Golner indicated that it would be able to upgrade as the program develops.

**F) Motion Response - Fines and Tows Snow Event Jan 23** – C. Gitschier noted he did not know the baseline but requested the number of calls placed during that event. Supt. Golner noted there are spotters from the DPW that are in the field and that parking bans can be helpful and problem some. Supt. Golner recommended adjusting the procedures some through ordinance. **Motion** by C. Gitschier, seconded by C. Nuon to refer matter to Transportation SC. So voted. C. Nuon requested breakdown of calls per district.

**G) Motion Response - Comprehensive Emergency Management Plan Update** – **Motion** by C. Nuon, seconded by C. Rourke to refer to Public Safety SC. So voted. C. Nuon commented on the report and various updates. C. Rourke indicated that there will be a subcommittee meeting on February 14, 2023. C. Gitschier questioned number of meetings held regarding plan. Chief Charon (LFD) noted there were monthly meetings.

**H) Motion Response - Fire Vehicles ARPA 2023** – C. Rourke requested overview of the report. Chief Charon commented on the procedures and status with consultants regarding purchase of vehicles. C. Gitschier questioned number vehicles requested originally. Chief Charon noted number of vehicles were increased after further review. Manager Golden, Jr. indicated number increased when allotment increased. C. Gitschier noted it will not cure issue of older vehicles in the department and indicated prior Councils dropped the ball regarding replacement. C. Rourke noted there were ten new trucks coming. C. Gitschier noted need to protect future tax payer money and Council should realize that. M. Chau noted that discussions should not turn personal.



**I) Motion Response - IRA and Infrastructure – Motion** by C. Robinson, seconded by C. Drinkwater to refer matter to Finance/Technology and Utilities SC. So voted. C. Drinkwater noted the report and the impressive work regarding use of grant money and other funding sources. Katherine Moses (DPD) commented on the opportunities with the IRA (Inflation Reduction Act). C. Gitschier questioned solar possibilities under the act. Ms. Moses noted the need for infrastructure to be in place to have a successful solar program and that the City was not at that point as of yet. C. Gitschier noted buildings need to be adjusted accordingly. Ms. Moses noted such build outs should begin promptly. Manager Golden, Jr. noted challenges with infrastructure regarding solar panels. C. Robinson noted that Lowell High School has the necessary infrastructure. C. Yem noted the benefits of having an electric or hybrid fleet for city vehicles. Ms. Moses noted there would be some benefits. C. Jenness noted the detail of the report.

**J) Motion Response - Central Street** – C. Jenness noted report and that there needs to be further review regarding left onto Market Street. C. Nuon noted the lack of a left turn onto Market Street makes area less safe.

**K) Motion Response - Signal Changes** – C. Robinson noted report and looks forward to more adjustments made by MassDOT in that area.

**L) Motion Response - Stop Signs** – C. Rourke noted C. Scott was pleased with the report.

## **6.2. Informational Reports**

**Informational Report - ARPA with Attachments** – Brendan Flynn (ARPA Mgr.) outlined the report noting the projects and spending as of end of year. C. Jenness noted the report was informative. Mr. Flynn outlined larger projects in the City. C. Gitschier noted it was an important reports as it depicts savings as well. C. Nuon noted descriptions of projects were present and important. Mr. Flynn outlined expenditures. C. Robinson questioned use of funding for pest control. Mr. Flynn noted it must fit criteria set by US Treasury. C. Yem noted it all projects need approval. Mr. Flynn noted there is a submission to government entity along with affidavit to properly follow procedure. C. Yem made note of the sewer upgrades.

**Informational Report - Social Media** – Miran Fernandez (VIA Zoom) (MIS) commented on the report and noted the best practices to keep residents informed. C. Robinson noted the amount of personnel to run a large social media outlet and that the City should begin process slowly. C. Jenness noted City was moving in the right direction towards having a communications department in the City. Manager Golden, Jr. noted slow approach was best. C. Rourke commented on recent hires to assist with communications coming from the City.

Manager Golden, Jr. introduced new Director of Inspectional Services, Lloyd De Jesus.



### **6.3. Communication - City Manager Request Out Of State Travel (1) DPD.**

In City Council, **Motion** to adopt by C. Mercier, seconded by C. Leahy. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted. C. Leahy questioned if stipend for meals could be increased.

**Motion** by C. Mercier, seconded by C. Nuon to bundle and waive second reading of Items #7.1; 7.2; 7.4; and 7.5. So voted.

## **7. VOTES FROM THE CITY MANAGER**

### **7.1. Vote - Accept Gift Of \$15,000 From Hartford Foundation - Career Center.**

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

### **7.2. Vote - Accept Gift Of \$3,000 From Lowell Five.**

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

### **7.3. Vote - Accept/Expend FY23 Earmarked Funds - Shedd Park.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted. Registered speaker, Brian Durkin, addressed the Council. C. Robinson noted that a unified league is important. C. Gitschier noted the need for a top facility. C. Leahy commented on the efforts of volunteers. C. Drinkwater noted the need for the facility.

### **7.4. Vote - Amend FY19-20 Annual Action Plan - ESG-CV.**

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

### **7.5. Vote - Amend FY21-22 Annual Action Plan – CDBG.**

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



## **8. ORDERS FROM THE CITY MANAGER**

### **8.1. Order - 60 Day Trial.**

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

## **9. ORDINANCES FROM THE CITY MANAGER**

### **9.1. Ordinance - Amend Chapter 9 By Creating Sister City Committee.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on February 21, 2023 at 7 PM by C. Rourke, seconded by C. Robinson. So voted. C. Jenness noted Sister City Program needed updates and noted the membership appointments. Manager Golden, Jr. noted it was open as to manner of appointment and they should be extended beyond terms of elected offices. C. Yem commented on membership of the commission. M. Chau note the importance of program for the City.

### **9.2. Ordinance - Amend Zoning – Marijuana.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer Planning Board for report and recommendation and to Public Hearing on March 28, 2023 at 7 PM by C. Robinson, seconded by C. Jenness. So voted.

## **10. REPORTS (SUB/COMMITTEE, IF ANY)**

### **10.1. Neighborhoods SC February 7, 2023.**

In City Council, C. Mercier provided report outlining attendance and discussion of recycling and repair/replace of trash bins. C. Mercier commented on the status of the department and on having recycling information programs in schools. **Motion** to adopt motion and report as a report of progress by C. Leahy, seconded by C. Jenness. So voted.

### **10.2. Wire Insp. - Verizon New England Inc. - Place One New (4") Conduit Approximately 46' In A Southwesterly Direction From Existing Pole Lakeview Ave.**

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

## **11. PETITIONS**

### **11.1. Claims - (4) Property Damage.**

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



**11.2. Misc. - Wings Of Lowell (Hartford Sign & Design) Req. Installation Of Overhanging Sign @ 26A Market St.**

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

**11.3. Boston Gas D/B/A National Grid - Request Installation Of 12 Inch Plastic Gas Main On Chelmsford Street To Gas Regulator Station At 83 Doane Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on February 21, 2023 at 7 PM by C. Jenness, seconded by C. Drinkwater. So voted.

**11.4. National Grid - Request Revision Of Previously Approved Petition For Added Installation Of 75 Feet Of Underground Electric Conduit Along Boulevard Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on February 21, 2023 at 7 PM by C. Gitschier, seconded by C. Leahy. So voted.

**12. CITY COUNCIL - MOTIONS**

**12.1. C. Gitschier - Req. The City Mgr. Report On All Unpaid Invoices For Parks And Facility Rentals, The Group Who Owes The Funds, The Date Of Rentals, And The Policy For Renting City Parks And Facilities.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Gitschier commented on outstanding bills due to the Board of Parks and that there is a need to review the fee structure. C. Rourke noted the need to look at all organizations payment schedule.

**12.2. C. Gitschier - Req. City Mgr. Provide The City Council With A Legal Opinion As To Why The City And Not The School Department Is Financially Responsible For School Department Law Suits.**

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Gitschier noted the Council has no input regarding lawsuits generated on the school administration side even though they fund it. Helene Tomlison (City Solicitor) commented on relationship with school administration. C. Gitschier commented on recent request for outside counsel and the lack of need for it. Atty. Tomlinson noted that the department has no paper trail regarding any claims against the school administration. C. Robinson noted the decision is being made by others as City pays the price. C. Rourke noted that there is no discernable issue in the Law Department regarding possible claims. C. Nuon noted City is responsible to look into allegations at outset and move from there. C. Robinson noted the number of past union actions where City had no say. C. Rourke noted City has every right to know how much is being spent.



**12.3. C. Gitschier - Req. City Mgr. Provide An Update On The Water And Wastewater Enterprise Accounts Current Revenue For FY23 And Where They Are With Respect To The Projections For FY23.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Gitschier noted the need for revenue.

**12.4. C. Nuon - Req. The City Mgr. Provide City Council With An Update Regarding The 2023 Spring Sweeping Program, Including Additional Equipment Purchases With ARPA Funds.**

In City Council, seconded by C. Yem, referred to City Manager. So voted.

**12.5. C. Nuon - Req. The City Mgr. Have Superintendent Of Police Make Presentation In The Executive Session Regarding The Body Camera Program's Implementation And Training.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted the need for soft roll out to ensure police accountability. C. Jenness noted importance of information and questioned if Executive Session is proper. Atty. Tomlison noted Executive Session may be best approach.

**12.6. C. Nuon - Req. The City Mgr. Update City Council On Status Of Adopting An Affordable Housing Trust Fund, Pursuant To MGL C. 44 S. 55C.**

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Nuon noted the use of funds for local initiatives and that report should be sent to Housing SC when completed.

**12.7. C. Robinson - Req. City Mgr. Facilitate A Meeting With The LTLC (Lowell Transitional Living Center) And The City Council, As Well As, Provide Copies Of All Policies, Procedures, That Are Relevant To City Contracts.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson requested that Item #12.12 being discussed here.

**Motion** to bundle Items #12.8 and 12.9 by C. Robinson, seconded by C. Nuon. So voted.

**12.8. C. Robinson - Req. City Mgr. Provide An Update On What The Administration's Summer Youth Employment Hiring Goals Are.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. **Motion** to refer to Youth Services SC by C. Robinson, seconded by C. Yem. So voted.





**12.9. C. Robinson - Req. City Mgr. Work With Proper Department And The Public To Identify Potential Improvements To Youth Transportation To Bolster Programming Similar To The LPD Lowell Youth Service Program.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. **Motion** to refer to Youth Services SC by C. Robinson, seconded by C. Yem. So voted.

**12.10. C. Robinson - Req. City Mgr. Work With The Proper Department To Evaluate And Adjust Existing Parking Ban Policy To Ensure It Is Fair And Equitable Citywide.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. **Motion** by C. Robinson, seconded by C. Jenness to refer to Transportation SC. So voted.

**12.11. C. Robinson - Req. City Mgr. Explore Alternative Parking Options, As Well As, Potential Transportation Programs In Areas Of The City Without Garages During Winter Parking Bans.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. **Motion** by C. Robinson, seconded by C. Yem to refer to Transportation SC. So voted.

**12.12. C. Robinson - Req. City Mgr. Work With Proper Departments And The LTLC (Lowell Transitional Living Center) To Provide A Report On IPM (Integrated Pest Management) Programs, As Well As, What Routine Maintenance Practices Are In Place.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted.

**12.13. C. Robinson - Req. City Mgr. Work With The Community Stakeholders To Consider Replicating A Program Similar To "Bugs And Scrub" That Has Been Implemented In Toronto's Unhoused Shelters.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Robinson described the procedure noting it was a nationwide problem. C. Gitschier noted it needed to be an ongoing program.

**12.14. C. Rourke - Req. City Mgr. Have The Appropriate City Department Meet With The Merrimack Valley Housing Partnership To Explore Current Homebuyer Assistance Programs Offered Through MVHP To See If There Can Be An Increase In Access An Opportunities For Potential First-Time Home Buyers In The City.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Rourke noted it was a good time to review programs and reach out for funds. **Motion** by C. Jenness, seconded by C. Nuon to have presentation before Housing SC. So voted. C. Nuon noted need for assistance. C. Robinson noted the need exists in City.



**12.15. C. Rourke - Req. City Mgr. Review That All City Owned Buildings, Schools, Parks And Gyms Have Updated AED Defibrillators On Site.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Rourke commented on the Health Department recommendation. C. Gitschier noted there was a long lead time to obtain units.

**12.16. C. Rourke - Req. City Mgr. Have DPD Present Plan/Timeline For Upgrades To Father Maguire Park.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Rourke noted work was close to being done.

**12.17. C. Yem - Req. City Mgr. Have The Appropriate Department Along With Utile Design Incorporate Smart City Concepts In Lowell Forward Master Plan.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Yem noted prior DPD community presentation.

**12.18. C. Leahy - Req. City Mgr. Look Into All Archdiocese Property In The City For Possible Municipal Or School Use.**

In City Council, seconded by C. Gitschier, referred to City Manager. So voted.

**13. ANNOUNCEMENTS**

In City Council, C. Gitschier wished Tim Coughlin (Clerk's Office) a happy birthday. C. Yem wished C. Drinkwater a happy birthday on behalf of the Council. Manager Golden, Jr. lauded the efforts of all to keep homeless safe during cold spell. C. Jenness commented on the effort as well.

**14. ADJOURNMENT**

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

Meeting adjourned at 9:40 PM.

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Michael Q. Geary, City Clerk