



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: February 8, 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 Mark Goldman.

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. Leahy. So voted.

3. CITY CLERK

3.1. Minutes Of City Council Meeting February 1st, For Acceptance.

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

Motion to suspend rules to take Item # 8.15 out of order by C. Mercier, seconded by C. Nuon. So voted.



4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses.

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

A) Motion Response - Lowell High School Project Update – C. Gitschier noted the report and commented that financials should be made available to the School Building Committee. Kara Keefe-Mullin (Asst. City Mgr.) noted finances not provided to committee and outlined procedures regarding information. C. Gitschier questioned how numbers are calculated. Conor Baldwin (CFO) noted protocol for information getting to City Hall. C. Gitschier noted the date of the report was in August and based on calculations the project was already over budget. James Dowd, consultant, commented on invoices that were not yet fully in and that some run over estimates while some run under estimates. C. Gitschier noted that it is clear that more funding will be needed and that the use of ARPA funds is looming and should be explored. C. Drinkwater commented on the report and the numbers and questioned how they will be used moving forward with the project. Mr. Dowd commented on the process and what the projected costs they are looking to achieve. C. Drinkwater requested that City explore further reimbursement from the School Building Authority in light of Covid circumstances. **Motion** by C. Gitschier, second by C. Mercier request City Mgr. provide financial report of LHS project once per month to the Council. So voted. C. Rourke noted importance to be transparent and keep Council informed. Manager Donoghue noted reporting will not be an issue and there are currently weekly meetings held for the project.

B) Motion Response - Lowell High School Project VE and Procurement – C. Jenness questioned the possible elimination of the TV studio at the high school. Mr. Dowd noted it would be relocated during construction but not eliminated. Manager Donoghue noted it was temporary move. C. Gitschier requested the information be shared with the School Building Committee.

C) Motion Response - School Building Committee – C. Gitschier noted the body should be pushed for more involvement and provided information.

D) Motion Response - Parking Within 20 Feet of Intersections – C. Nuon commented on the report and the assistance of the Lowell Police Department. Terry Ryan (Parking) noted the effort of the LPD as well. C. Nuon noted that information must be put out to drivers regarding the law.

E) Motion Response - School St Retaining Wall – C. Yem noted the condo association being fined and corrective action must be taken with 70 days and that Council should be informed up until the matter is resolved. M. Chau requested status of cemetery wall in the same area. Christine Clancy (DPW) commented on the costs of the repairs and the plan moving forward.



F) Motion Response - Park Barrel Schedule – None.

G) Motion Response -McPherson Wall – None.

H) Motion Response -Splashpads and Pools – C. Scott noted closure for two seasons due to vendor is not acceptable. Manager Donoghue commented on prior closing. Ms. Clancy commented on the delays and looking to begin in spring. C. Scott noted the need to prioritize as it has been down for two seasons. C. Robinson commented on process to winterize machinery. Ms. Clancy noted work is done in-house with the exception of the electronics involved. C. Robinson noted the need to protect investments made by the City. **Motion** by C. Robinson, seconded by C. Mercier to request City Mgr. have DPW reach out to surrounding communities regarding upkeep and repair of splash pads and pools in the City. So voted. C. Gitschier noted that there could be a sharing of resources with surrounding communities. Ms. Clancy noted there was a maintenance contract. C. Mercier noted the need to keep public informed if these facilities are not open. C. Leahy noted issue is that equipment does not last long just like other consumer goods. C. Robinson noted someone could be trained on this issue. M. Chau questioned opening of splash pad at Armory Park.

Motion to bundle Items #4.2 to #4.6, inclusive, by C. Nuon, seconded by C. Robinson. So voted.

4.2. Communication - Appointments To The Veterans Commission.

In City Council, Read. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted. The following were appointed: Kenneth Wedge; Ali Zariv; and Walt Bayerle.

4.3. Communication - Reappointments To The Veterans Commission.

In City Council, Read. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted. The following was reappointed: Andeth Vann; Brian Gorman; and James Hall.

4.4. Communication - Resignation Of Matthew Elkins From Veterans Commission.

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Gitschier. So voted. C. Leahy questioned who would be a replacement.

4.5. Communication - Reappointment Of Kathleen Cullen-Lutter To Board Of Health.

In City Council, Read. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.



4.6. Communication - Reappointment Of Matthew Marr To Lowell Housing Authority.

In City Council, Read. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote-Authorize City Manager To Accept.Expend ReachLoWELL Grant

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

6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Auditor/Clerk Oversight And Personnel SC February 8, 2022.

In City Council, C. Gitschier provided report of subcommittee noting the review of the CLA Human Resource Assessment. **Motion** to accept the report as a report of progress and adopt motions by C. Rourke, seconded by C. Yem. So voted.

6.2. Wire Insp. - Boston Gas D/B/A National Grid - Request Replacement Of Low Pressure Gas Main Along Twelfth, Wachusett And July Streets.

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

7. PETITIONS

7.1. Boston Gas D/B/A National Grid - Request Installation Of New 2 Inch Gas Main From 73 Beech St. To 6th Street.

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

8. CITY COUNCIL - MOTIONS

8.1. C. Leahy - Req. City Auditor Report To City Council Regarding Lowell Public Schools Bottled Water Purchasing Issue; Including All Date And Timelines Applicable To Purchase Orders.

In City Council, seconded by C. Gitschier, Motion failed by Roll Call vote 5 yeas, 6 nays (C. Drinkwater, C. Gitschier, C. Mercier, C. Robinson, C. Rourke, C. Scott). So voted. C. Leahy noted another purchase order issue came up and he requesting information on it. C. Mercier commented on the need for water and noted there was simply a mistake by new employee in filling out paperwork. C. Mercier noted it was not a bad bill situation as in the past. C. Gitschier questioned purchase order procedures and noted that any issues are usually handled by the Inspector General's Office to rectify mistakes. Solicitor O'Connor noted school department reached out to her office and they never responded back to her on the City Auditor who made similar requests. C. Leahy outlined the reasons for motion. C. Rourke commented on the explanation. C.



Nuon noted the need for a report for clarity. C. Mercier noted as a City Councilor she has the right to call any employee and ask questions of them. C. Drinkwater commented if it is a bad bill it will be before them and he would discuss it then. C. Jenness posed questions of City Auditor regarding bad bill status. City Auditor noted the purchase order was for a prior and that she made simple inquiry to the school administration who failed to respond so she did not have sufficient information regarding matter. C. Jenness requested information if it became before Council as a bad bill.

8.2. C. Gitschier - Req. City Mgr. Provide The City Council With A Report On How Many Plow Contractors The City Hires During Snow Storms; The Type Of Equipment That Is Contracted; Is Equipment Inspected Prior To The Season; The Experience Of The Contracted Staff; Any Training Provided To The Contractors By The City On Plowing City Streets; And Expectations For Completion Of The Plowing Areas.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Gitschier noted matter speaks for itself.

8.3. C. Gitschier - Req. City Mgr. Update The City Council On Hiring A Permanent Executive Director Of The Water Utility.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Gitschier noted matter speaks for itself.

8.4. C. Gitschier - Req. City Mgr. Update The City Council On The Applicant Tracking System For Human Resources.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Gitschier noted matter speaks for itself.

8.5. C. Yem/C. Gitschier - Req. City Mgr. Have The City Solicitor Provide The City Council With The Annual Report As Outlined In The City Of Lowell's Code Of Ordinance 50-7(3) - City Solicitor.

In City Council, no second needed, City Manager. So voted. C. Yem noted upcoming Executive Session on the matter. Solicitor O'Connor the report would be presented next week.

8.6. C. Scott/C. Gitschier - Req. City Mgr. Provide Recommendations To Provide For More Parking Options For Residents Across All Districts During Parking Bans.

In City Council, no second needed, City Manager. So voted. Motion by C. Robinson, seconded by C. Jenness to take Item #8.12 out of order to discuss with this item. C. Scott suggested pilot program for closer locations in neighborhoods.



8.7. C. Scott - Req. City Mgr. Consider Including A Bid Option For A Limited Number Of Bulky Item Pick-Ups For Residents In The Next RFP For Solid Waste And/Or A Drop Off Option For Bulky Items.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Scott noted there should be a review of costs to enhance the program.

8.8. C. Scott - Req. City Mgr. Provide A Report Detailing The Number Of Sidewalk Clearing Violations That Were Issued After The Recent Storm; Also Explore Cost To Provide A Supplemental Sidewalk Clearing Program On Main Roadways During Storms Over Four Inches.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Scott noted the need to review costs so that areas can be made safer further noting fines may not be a deterrent. C. Yem noted the need but there must be some concessions for elderly homeowners. C. Jenness noted curb cut issues for the handicap.

8.9. C. Robinson/C. Scott - Req. City Mgr. Work With Proper Department To Update Council On Status Of Vacant/Abandoned Properties That Have Been Identified Citywide.

In City Council, no second needed, City Manager. So voted. C. Robinson noted it has been issue and requested information and exploration of what can be done.

8.10. C. Robinson - Req. City Mgr. Work With Our Recreation Department And Report On Feasibility Of Opening School Gyms During The Day For February School Vacation Week.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Robinson commented that they should search for every opportunity for open space.

8.11. C. Robinson - Req. City Mgr. Work With Proper Department To Look Into Traffic Calming Measures In The Area Of June And 13th Streets In Centralville.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson noted the area has a lot of cars and people.

8.12. C. Robinson - Req. City Mgr. Work With Proper Departments To Look Into Utilizing Public Park And/Or School Parking Lots For Parking Ban Locations In Neighborhoods Not Near Municipal Parking Garages.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Robinson noted need to service neighborhoods without garages.

8.13. C. Robinson/C. Jenness - Req. A Joint Subcommittee Of Public Safety And Neighborhoods Meet With The LPD, Back Central Neighborhood Group Leaders, Residents And Business Owners Of The Gorham Street Area For Updates On



Issues Affecting The Quality Of People's Lives In Their Neighborhood And Development Of Strategies Going Forward To Improve The Area.

In City Council, no second needed, City Manager. So voted. C. Jenness commented on prior motions and it is time to circle back and develop a hard strategy. C. Robinson noted area needs attention and is not improving.

8.14. C. Jenness - Req. City Mgr. Consider Evaluating The Implementation Of A Centralized Problem Reporting Platform That Includes A Mobile App And/Or Text Based Functionality.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Jenness requested update to improve existing system.

8.15. C. Mercier - Req. City Council Work With City Mgr. To Accept Envigado, Colombia As A Sister City With Lowell Ma., And If Accepted Refer To Law Department To Be Brought Back For The Proper Vote.

In City Council, seconded by C. Nuon, referred to City Manager. Adopted per Roll Call vote 11 yeas. So voted. C. Mercier provided history and information regarding the Sister City as well as area and cultural highlights. C. Mercier noted information has been provided to the Council. M. Chau noted he was pleased to assist and looks forward to process.

Motion to suspend rules to take Item # 8.21 out of order by C. Drinkwater, seconded by C. Gitschier. So voted.

8.16. C. Mercier - Req. City Mgr. Have Proper Department Replace Light On Pole At The Corner Of Princeton Blvd. And Chester Street.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Mercier noted the situation has been rectified.

8.17. C. Mercier - Req. City Mgr. Review The Necessity Of Having Zoom Continue As An Option And Send This Motion Of Zoom To The Rules SC To Establish Guide Lines Of When Zoom Should Be Used.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier noted City Hall is fully open and the need for Zoom has ended and guidelines should be set within Council Rules.

8.18. C. Nuon - Req. City Mgr. Direct Collaboration Between Parks & Recreation And Lowell Public Schools To Open Schools Throughout The City After Hours For Youth Activities.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Nuon noted matter speaks for itself.



8.19. C. Nuon - Req. Mayor Have Supt. Of Schools Update Council On Current Status Of Restorative Justice Program And Explore Opportunity To Partner With Other Agencies To Expand The Program.

In City Council, seconded by C. Drinkwater, referred to Mayor. So voted. C. Nuon requested amendment with no objection to send request to Mayor and not City Manager. C. Nuon noted the program was excellent and it should continue on.

8.20. C. Nuon - Req. City Mgr. Have The Supt. Of Police Report On A Plan To Proactively Address Officer Retirements And Staffing Issues.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Nuon noted prior report and commented the department faces shortages similar throughout nation. C. Gitschier noted police and fire are in same position and a proactive approach should be established to lessen burden.

8.21. C. Drinkwater - Req. City Mgr. Work With Appropriate Departments, Service Providers And Volunteer Organizations To Formulate A Plan For Regular Trash Removal From Active Homeless Encampments, And For The Clean-Up Of Abandoned Encampments.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. Registered speaker, Bradley Buitenhuys, addressed the Council as well as read letter from Life Connection. C. Drinkwater noted the effort it takes to keep areas clean and all partners must be involved with that effort. C. Drinkwater noted the dilemma cannot be accepted but need to make areas safe. C. Robinson note City employees should assist in this matter as well.

9. CITY COUNCIL - EXECUTIVE SESSION

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

In City Council, **Motion** by C. Gitschier seconded by C. Robinson to refer matter to City Council meeting on February 15, 2022. So voted.

9.2. Executive Session - To Conduct Strategy Session Regarding Nonunion (City Manager) Contract, Public Discussion Of Which May Have A Detrimental On The Position Of The Public Body.

In City Council, M. Chau stated reason for Executive Session, **Motion** by C. Rourke, seconded by C. Yem to enter Executive Session for stated purpose and to return from Executive Session (8:35 PM). Adopted per Roll Call vote 9 yeas, 2 nays (C. Nuon, C. Yem). So voted. M. Chau stated that body would return from the Executive Session to the open session to continue the meeting.



Meeting was continued in open session with a Roll Call vote at 10:00 PM, 11 present. M. Chau recognized the City Manager. Manager Donoghue commented on correspondence to the Council regarding employment requesting one year extension as provided under the contract with no new terms. Manager Donoghue noted the Council was looking for a longer term of which she could not commit to.

10. ANNOUNCEMENTS

In City Council, C. Yem wished C. Drinkwater a happy birthday.

11. ADJOURNMENT

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

Meeting adjourned at 10:15 PM.

Michael Q. Geary, City Clerk

**IN CITY COUNCIL
EXECUTIVE SESSION
MAYOR'S RECEPTION ROOM
TUESDAY FEBRUARY 8, 2022
TIME 8:35 PM**

Roll Call 11 present.

M. Chau presiding.

Others Present: City Manager Donoghue (9:55 PM) and City Solicitor Chris O'Connor (9:30 PM).

The purpose of the Executive Session was stated by the M. Chau in the open session followed by a Roll Call. The public was informed the meeting would adjourn from the open session after the Executive Session.

EXECUTIVE SESSION

M. Chau read a statement he had prepared indicating the need for the Council to act due to the nature of the contract regarding the City Manager. M. Chau noted it was not ending the contract but reviewing the avenues one can proceed with under the contract. M. Chau commented on the letter from the City Manager regarding her intention with the position. C. Jenness noted he had spoken with the Manager and that there was no attempt to hide any element of the contract and was not secretive. C. Robinson noted he had never spoken to the Manager and this letter was the first time he had known of her intention. C. Yem noted review of the contract and under it the Mayor was proper in establishing this discussion. C. Yem noted concern with big projects taking place in the City currently. C. Drinkwater noted that action needed to be taken and his choice is not dependent upon process. C. Drinkwater indicated that he would support Manager in her request for added year as she is the right person for the job. C. Rourke noted if no action is taken then the option is automatic and the decision is a new direction or not and the body should be unified in their approach. C. Rourke noted his difficulty with just a one year commitment and was hoping longer term. C. Yem noted the need for a date certain and that he was interested in longer commitment due to the extensive projects in the City. C. Scott noted these projects need a long term commitment. C. Scott hoped for commitment sooner from the Manager and she had concerns with some items not being addressed. M. Chau noted he would not make decision based on process and noted that only three Councilors are on the original contract. C. Mercier noted that the public is aware of

certain City items before she is and that concerns her. C. Leahy noted he had conversation with Manager regarding priorities. C. Robinson noted that there is a need for added transparency and that all Councilors are on equal footing. C. Robinson noted there are open issues facing the City. C. Gitschier noted it was not a comfortable conversation as he does have confidence in the Manager but the current situation calls for long term stable management. C. Gitschier noted that replace manager would have to be able to hit the ground running and would get a handle on all big projects in the City. C. Gitschier noted he was looking for long standing leadership and one year would not be sufficient. C. Gitschier noted it was not a personal matter but just needed to what he feels is best for the citizens of Lowell. C. Nuon noted there was more to be done and that change is not warranted as the Manager is committed and prior evaluations indicate she is more than able to perform duties. C. Rourke commented on two possible motions to be acted upon. C. Drinkwater commented on contract language. C. Leahy questioned what direction the Council wishes to pursue. C. Jenness noted the possibility of extending contract language. C. Leahy indicated he was not comfortable with Manager leaving at this point. **Motion** by C. Drinkwater, seconded by C. Leahy to support a one year successor agreement under current contract terms. Defeated on Roll Call vote 4 yeas, 7 nays (M. Chau; C. Gitschier; C. Mercier; C. Robinson; C. Rourke; C. Scott; and C. Yem). So voted. **Motion** by C. Rourke, seconded by C. Robinson to notify City Manager of no desire to enter into proposed successor agreement. Adopted per Roll Call vote 7 yeas, 4 nays (C. Drinkwater; C. Jenness; C. Leahy and C. Nuon). So voted.

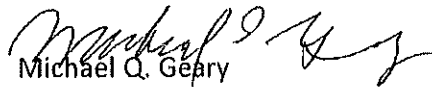
City Solicitor was invited into meeting by M. Chau at 9:20 PM. M. Chau requested that proper wording and notice be given to Manager regarding intention of the Council. Solicitor O'Connor noted she would draft and deliver to Manager. M. Chau questioned the status of the contract and whether the Manager becomes employee at will. Solicitor O'Connor noted that contract would end on the stated date unless there were other agreements. C. Rourke noted there would be no contract once it expires. C. Jenness noted any employment must be offered by the Council. **Motion** by C. Drinkwater, seconded by C. Gitschier to waive City Council Rule 5 to continue discussion beyond 10:00 PM. Adopted per Roll Call vote 11 yeas. So voted.

City Manager was invited into meeting by M. Chau at 9:45 PM. M. Chau informed the Manager of the decision that was made and the process needed to make that decision. M. Chau lauded the work of the Manager. C. Scott recognized the work that had been done noting it was a new body with new direction which needed a longer term commitment. C. Gitschier noted it was a difficult week but the direction needed longer commitment and thanked her for her work. C. Mercier stated Manager did a tremendous job and that a longer term is needed based on current state of City with the many projects. C. Jenness recognized the years of service by the

Manager. C. Yem noted it was a major decision for new Councilor such as himself but the direction called for long term commitment. C. Nuon thanked Manager for her service. C. Drinkwater noted a superior effort the Manager during pandemic noting strong leadership. C. Rourke commented on the need for longer term. C. Leahy thanked Manager for service. Manager Donoghue noted she did not wish longer contract but remains committed the City. Manager Donoghue noted it would not be honest of her to accept a longer commitment and understands the Council position. Solicitor O'Connor reviewed return to open session indicating informing the public. M. Chau made closing remarks noting it was a difficult meeting.

Motion to Adjourn by C. Leahy, seconded by C. Rourke. So voted

Adjourned at 9:55 PM.


Michael Q. Geary
City Clerk