



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 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 11 present.

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Marie A. Geary (Mother of City Clerk Michael Geary) and Sebastian Ponte. C. Nuon requested moment of silence in darkened chamber for Dahvy Tran Pech. C. Leahy requested moment of silence in darkened chamber for Kathleen Broderick. M. Chau/C. Rourke requested moment of silence in darkened chamber for Catherine Bergeron.

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. Mercier, seconded by C. Leahy. So voted.

2.2. Citation.

In City Council, M. Chau removed item from agenda with no objections.



3. CITY CLERK

3.1. Minutes Of City Council Regular Meeting February 28th, For Acceptance.

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

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses.

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

A) Motion Response - Powell and Parker Streets – M. Chau noted temporary fix until permanent fix is completed.

B) Motion Response - HCID - C. Jenness noted it was a critical parcel in the City and that there should be a fresh look towards development of it. C. Drinkwater noted the need to remain adoptive to proposals by developers.

C) Motion Response - Polling Location Daley School – C. Mercier noted the positive change to the Daley School. C. Nuon noted relocation addressed many of the residents’ concerns.

D) Motion Response - Emergency Response Plan – C. Nuon noted the report and requested update regarding hiring of director. Manager Golden, Jr. noted interview were complete and selection will be made shortly. C. Mercier commented on the position. Manager Golden, Jr. outlined the reasoning for the position and that they were looking for long term stability at that position.

E) Motion Response - ARPA Premium Pay – C. Gitschier questioned amount paid to police and fire employees in comparison to proposals for other employees. Manager Golden, Jr. noted payment amounts were negotiated through unions and that there was discretion regarding to shift in each department. C. Gitschier requested information regarding formula for payments. C. Robinson questioned if employees out on leave would be paid. Manager Golden, Jr. noted the checks and balances regarding payments being made. C. Jenness questioned options noted in the report. Conor Baldwin (CFO) noted formula was developed through Treasury regulations. C. Gitschier questioned one month work requirement noting only work twenty days of the month. Manager Golden, Jr. noted vacation time is not used to reduce payment. C. Gitschier noted payment to all should be consistent and based on same formula. C. Rourke commented on public safety payments. C. Drinkwater noted language would need some clarity and the regulations would resolve issues. Mr. Baldwin noted discussion will fine tune the end product. C. Robinson questioned payment to employees who are no longer with City. Manager Golden, Jr. noted working through that issue. C. Mercier noted application of ARPA money to new Wastewater Department vehicle. C. Nuon requested consideration to those who have left City



employ.

5. CONSTABLE BONDS

5.1. Communication - City Mgr. Request Approval Of Constable Bonds.

In City Council, **Motion** to adopt by C. Rourke, seconded by C. Jenness. Adopted by Roll Call vote 11 yeas. So voted. The following bonds were approved: Emma Amaro and Juan Jerez.

6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Neighborhoods SC March 6, 2023.

In City Council, C. Mercier provided report outlining the attendance and the meeting of the CNAG group discussing neighborhood concerns. Lowell Police Department provide a thirty day crime report. C. Robinson noted that there are many concerns regarding zoning and how residents can become more active in front of the board. C. Robinson noted athletic fields are well used in the City and there must be a strategy to minimize the effect on the neighborhood. C. Gitschier noted there should be discussion regarding field use before Parks and Recreation SC. **Motion** to accept the report as a report of progress by C. Nuon, seconded by C. Jenness. So voted. C. Rourke noted Transportation SC will meet March 14th regarding Safe Streets Program.

6.2. Wire Insp. - Mass Electric Co DbA National Grid And Verizon NE - Request To Install 1 JO Pole And Extend Secondary To New Pole On Burnside St.

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

Motion by C. Nuon, seconded by C. Robinson to bundle Items #7.1, 7.2 and 7.3. So voted.

7. PETITIONS

7.1. Claims - (2) Property Damage.

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

7.2. Misc. - Geary & Geary, LLP For Somdeth Xaysongkham Request Re-Zone 38 Nelson Ave. From TSF To TTF Zoning District.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Nuon, seconded by C. Jenness. So voted. C. Scott commented on petition and noted it may be beneficial to change bigger area if warranted instead of piecemeal. Yovani Baez-Rose (DPD) noted need to avoid spot zoning.



7.3. Misc. - Naturel Juicing Request To Install An Overhanging Sign 120 Merrimack St.

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

Motion by C. Robinson, seconded by C. Yem to take Item #8.10 out of order. So voted.

8. CITY COUNCIL - MOTIONS

8.1. C. Gitschier - Req. City Mgr. Have The Proper Department Provide The City Council With A List Of Road Surface Treatments (Crack Sealing, Fog Sealing, Microsurfacing And Cape Sealing) Planned For The Upcoming Paving Season FY24 And Timeline For The Contract Execution.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Gitschier noted status request from July moving forward.

8.2. C. Robinson - Req. City Mgr. Provide An Update On Request To Explain Disparities And Inconsistencies In Employees Being Required To Use Time Clocks.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Robinson noted logical approach is to monitor City employees and equipment. Manager Golden, Jr. noted hold up with union negotiations. C. Gitschier questioned use of MUNIS time piece. Kelly Oakes (Auditor) noted that system is utilized.

8.3. C. Scott - Req. The City Mgr. Report On The Policies Around Trains Idling On The Tracks, How Residents Can Report Concerns, And Who Enforces Them.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Scott noted improvements under new ownership of CSX from Pan Am Railways.

8.4. C. Scott - Req. The City Mgr. Report The Time Frame In Which Residents Should Expect To Receive Contact Back After Filing Through Civic Plus, And How The Reporting Functions Are Used By Management To Make Sure Issues Are Closed In A Timely Manner.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Scott noted resident concern and that system should provide feedback.

8.5. C. Scott - Req. The City Mgr. Provide An Update On The Restroom Parity Issue At Lowell High And How It Is Being Addressed.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Scott noted bathrooms were built to code but does not meet needs of public. C. Mercier noted need for women's rooms to be enlarged. C. Yem noted there are more than students using these facilities. Manager Golden, Jr. noted they would work with



consultants to improve functionality and assess costs. C. Robinson noted this would need to be done by change order. C. Leahy questioned what code was back at last high school renovation. C. Gitschier requested consultants come before the body to outline changes. C. Scott noted importance to have designer present as other issues may be present as well. M. Chau noted use must be adequate.

8.6. C. Jenness - Req. City Mgr. Provide Update To The Council On The Status Of The LeLacheur Park Real Estate Transaction.

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

8.7. C. Jenness/C. Scott - Req. City Mgr. Provide Update On Recommendation From The Law Department On Possible Updates To The Flag Raising Policy In Response To Supreme Court Decision In Shurtleff V Boston.

In City Council, no second needed, referred to City Manager. So voted. C. Jenness noted prior motion and that there is a need for policy review.

8.8. C. Jenness - Req. City Mgr. Provide Update On Hiring Of The DEI Officer Position.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Jenness requested update and the critical need to fill the position.

8.9. C. Leahy - Req. City Mgr. Update City Council On Traffic Calming Issues For City Hall.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted the need for project to be completed this year. C. Rourke noted need to review area surrounding Hellenic School.

8.10. M. Chau - Req. City Mgr. Explore The Potential And Benefits Of Combining The Opioid Task Force And The Homeless Task Force.

In City Council, seconded by C. Nuon, referred to City Manager. Adopted per Roll Call vote 8 yeas, 3 nays (C. Gitschier, C. Drinkwater, C. Leahy). So voted. Register speakers, Dee Halzack (statement read by Ms. Operman), Ron Peacetree and Corey Belanger, addressed the Council. C. Robinson noted best practices must be in place which would include wraparound services. C. Nuon noted some concerns with combining but was willing to request report. C. Leahy noted this was a decision to be done by the Mayor not Manager. M. Chau noted the need for resources from City Manager. C. Gitschier did not support motion noting no need to combine and requested roll call on matter. C. Drinkwater noted collaboration as opposed to combining was a better approach. C. Jenness noted some similar items but more distinctions. C. Nuon noted support of motion to explore but no further. C. Rourke noted best to look at all options. C. Robinson noted he would make an informed decision based upon data. C. Mercier supported report but not combining entities. C. Yem supports receiving



information but keep separate. C. Scott noted willingness to explore but has some concerns with joining groups. C. Gitschier noted there is no data to assist with decision and that motion is wasting administration's time. M. Chau noted there are benefits and negatives to be explored to see what would be best approach.

9. ANNOUNCEMENTS

In City Council, C. Jenness noted success of UML Basketball and moving towards NCAA berth. C. Robinson noted March as Woman's History Month. C. Robinson noted next work of the Lowell Litter Crew on March 18th. C. Mercier noted White Ribbon Day on March 9th.

10. ADJOURNMENT

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

Meeting adjourned at 8:35 PM.

Michael Q. Geary, City Clerk