



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 22, 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 Isabel Bello and Jerry Wayne “Bunka” Tevepaugh, also the victims of Ukraine War. C. Rourke requested moment of silence in darkened chamber for John “Jake” Davis and Walter Van Dinter.

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

Motion by C. Leahy, seconded by C. Mercier to suspend rules to allow M. Chau to issue a statement. So voted. M. Chau apologized for recognizing Mike Tyson on the same day as the celebration of White Ribbon Day in the City.

2.2. Communication - Director Of Human Resources Discussion Regarding Selection Of Applicants To Interview And Scheduling For City Manager Position.

In City Council, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Scott. So voted. Mary Callery (Human Resources) commented on the number of



applicants for the position and further noted that tally was done within the body indicating who would be interviewed. C. Mercier noted that there was only one candidate that was qualified for the position and that should be the only one to have an interview as indicated by the results of the tally. C. Mercier commented that applicant was Thomas Golden. C. Gitschier questioned if appropriate to give information about applicants at this point in the process. M. Chau allowed C. Mercier to continue and would get opinion from Solicitor. **Motion** by C. Mercier, seconded by C. Scott to interview Thomas Golden on Wednesday for the Manager's position. Adopted per Roll Call vote, 11 yeas. So voted. C. Drinkwater commented on the applications and generally noted that the one candidate was overwhelmingly more qualified than the rest and should be interviewed. C. Robinson questioned the process for releasing information regarding applicants. Solicitor O'Connor noted information is released to public once they are finalists for the position. C. Nuon requested HR Department send letters to other applicants thanking them for their interest. C. Yem noted he would like to hear from other candidates. M. Chau noted that if interview was not positive then the other applicants would be interviewed. M. Chau questioned credentials of other applicants. Ms. Callery noted the next applicant according to the tally on garnered 4 votes to be interviewed. C. Leahy commented that interview would be appropriate for one person based on circumstances and if need further action then it can be taken. C. Jenness noted there was one common candidate and no other candidate had majority support to warrant an interview and process can continue if not satisfied with the one candidate. C. Mercier agreed if the body does not like candidate then move on with process. **Motion** by C. Robinson, seconded by C. Mercier to conduct interview on March 30th at 5:30 PM in the Council Chamber.

3. CITY CLERK

3.1. Minutes Of Finance SC March 15th; City Council Meeting March 15th, For Acceptance.

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

A) Motion Response - Cross Connection and Back Flow Survey – C. Gitschier commented on the various methods for back flow connections. Paul Pires (Water) noted the type of methods used by the City. C. Gitschier questioned why that method was used as it was forcing businesses to put in unnecessary and expensive equipment. Mr. Pires commented on the State regulations. C. Gitschier noted that City should go back to these businesses and make it right. C. Rourke commented on the charges from the City. Mr. Pires commented on the charge and noted it was set up by a prior Council. Manager Donoghue noted that there is the City charge and other private charges if business needs added equipment. Manager Donoghue noted that a



consultant was used after DEP audit suggested changes. Manager Donoghue noted ARPA funds could be used to assist small businesses. C. Rourke questioned time frame for owners to be in compliance. Mr. Pires noted it was 14 days but the department was flexible. C. Gitschier noted the cheapest option should be presented to business owners who need to come into compliance. **Motion** by C. Robinson, seconded by C. Drinkwater to request that ARPA funding element concerning backflow measures be brought forward in a quicker fashion. Adopted per Roll Call vote 11 yeas. So voted. Manager Donoghue commented on current measures and educating owners as well.

B) Motion Response - Fire Department OT Funding Update – C. Gitschier recognized the fact that there would be no brownouts in the LFD to the end of the fiscal year and that next budget should focus on repair or replace of equipment in the department. LFD Chief Charron noted the department could avoid brownouts until end of fiscal year due to money transfers from personnel accounts. C. Gitschier questioned if such money could be transferred to fix engines. Conor Baldwin (CFO) noted such transfers can be done by Council approval. C. Robinson noted budget should focus on new hires and assist with academy to ensure more graduates. Manager Donoghue noted the department is budgeted for 213 employees, which is full compliment. Chief Charron commented on the academy process and that new hires will keep down overtime costs. C. Nuon noted the goal is to keep all companies open and manager the overtime budget with new hires. C. Nuon questioned possibility of an in-house academy. C. Jenness requested the administration contact local delegation to assist with State academy in accepting more individuals to the program. **Motion** by C. Jenness, seconded by C. Gitschier to request Manager prepare letter to State delegation to assist with increasing funding to the State Fire Academy. So voted. C. Jenness noted increased staffing would greatly reduce overtime budget. C. Drinkwater noted the difficulty in staffing and that there needs to be full commitment to open firehouses regardless of the situation. M. Chau lauded the efforts of the department concerning the last two fires.

Motion by C. Mercier, seconded by C. Robinson to take Item #4.2(E) out of order. So voted.

4.2. Informational Reports

C) Informational - FY2023 Budget Update – Manager Donoghue requested Mr. Baldwin provide update regarding budget. Mr. Baldwin commented on the process and the fixed costs of a budget which included retirement, health costs and charter school costs. Mr. Baldwin noted budget will come in balance and be available in May. Manager Donoghue outlined budget process at the State level as well. C. Scott questioned the charter school reimbursement potential. Manager Donoghue noted the State has not set that amount but it is important as those costs rise each year. C. Drinkwater noted that historically the charter school budget item is a budget breaker and there is a need for State assistance. Mr. Baldwin noted the charter assessment is always beyond the funding. C. Drinkwater was confident the budget would be balanced come May. C. Gitschier noted the increase in Enterprise Funds of the City. Mr. Baldwin noted there would be rate increases down the line but transfers assist with setting rate



stability. C. Gitschier questioned status of inter-municipal agreement with surrounding towns. Mr. Baldwin noted that those agreement are tied to a specific formula regarding infrastructure with in the City. C. Yem questioned process of selecting health and dental insurance carriers. Mr. Baldwin indicated that City was a part of the GIC network in the State.

D) Informational - Free Cash Certification and Explanation – Manager Donoghue commented that the amount was just certified by the State and was the highest it has been in 20 years. Mr. Baldwin noted that funds are now available for appropriation. C. Yem noted free cash can be used to close deficits. Manager Donoghue noted that deficit are usually resolved towards end of fiscal year. C. Mercier questioned the amount of money raised by City though property taxes. Mr. Baldwin indicated that the amount covers one third of the revenue including new growth in the system. C. Leahy indicated money is needed for extensive road repair in this coming year.

E) Informational - Letter from Lowell Sustainability Council – Jay Mason (Sustainability Council) along with members of the Council provided presentation to body each reading portions of letter provided to the body. C. Robinson commented on the presentation and the efforts of the Council. C. Nuon noted efforts of the Council and that body would continue to work with them. **Motion** by C. Jenness, seconded by C. Nuon to refer matter to the Transportation SC. So voted. C. Leahy noted work of Council. C. Gitschier questioned status of Sustainability 2025 program. Mr. Mason indicated that there was a lot of work to be done. C. Gitschier requested information regarding attainment of goals. C. Drinkwater noted success of City regarding new aggregate energy contract. C. Yem requested list of areas which need improvement. M. Chau noted the work of the Council.

4.3. Communication - Appointment Of Mayon Mitchell To Board Of Parks

In City Council, Read. C. Robinson indicated that the individual does not currently live in City and would not be eligible. Manager Donoghue withdrew communication and request delay to verify status.

4.4. Communication - Reappointment Of Peter Finnegan To Board Of Parks

In City Council, Read. **Motion** to adopt by C. Drinkwater, seconded by C. Leahy. Defeated per Roll Call vote 4 yeas, 7 nays (C. Gitschier, M. Chau, C. Mercier, C. Robinson, C. Rourke, C. Scott, C. Yem). So voted.

5. VOTES FROM THE CITY MANAGER

5.1. VOTE - Accept Expend Fire SAFE Grant For LFD.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Scott, seconded by C. Mercier. Adopted per Roll Call vote 11 yeas. So voted. C. Mercier questioned if fire safety grant would be part of maintenance of effort with schools. Manager Donoghue indicated that it would be part of that.



5.2. Vote – Authorize City Manager To Execute A Deed Pursuant To 1991 Vote To Abandon Public Interest In A Portion Of Middlesex Place.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted. C. Mercier requested information regarding vote. Solicitor O'Connor indicated it was an old vote and a Land Court request that vote be done to give Manager authority to execute deed.

5.3. VOTE - FY21 Free Cash Certification And Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Nuon. Adopted per Roll Call vote 11 yeas. So voted. C. Robinson questioned transfer into DEI fund. Manager Donoghue noted fund had been established by prior Council and would be used for projects associated with DEI projects. C. Scott recognized transfer for ladder truck and noted that added money could be available for other capital projects.

Motion by C. Jenness, seconded by C. Gitschier to bundle Items #6.1 and #6.2. So voted.

6. ORDERS FROM THE CITY MANAGER

6.1. Loan Order - \$2,000,000 For Replacement Of Parking Kiosks.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on April 5, 2022 at 7 PM by C. Gitschier, seconded by C. Drinkwater. So voted.

6.2. Loan Order - \$7,508,000 For Repairs To Ayotte And Downes Parking Garages.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on April 5, 2022 at 7 PM by C. Gitschier, seconded by C. Drinkwater. So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Subcommittee Reports:

1) Auditor/Clerk Oversight and Personnel SC March 21st.

In City Council, M. Chau noted the meeting had been cancelled.

2) Housing SC March 22nd.

In City Council, C. Yem provide report outlining meeting and attendance commenting on MBTA regulations regarding zoning in designated areas around transportation centers. **Motion** to accept the report as a report of progress by C. Scott, seconded by C. Leahy. So voted.



7.2. Wire Insp. - National Grid - Request Installation Of 4 Inch Gas Main From 114 South Whipple To Sidney Street.

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

8. PETITIONS

8.1. Claims - (5) Property Damage.

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

9. CITY COUNCIL - MOTIONS

9.1. C. Leahy - Req. City Mgr. Have The DPW Address The Trees At Fort Hill Park For Spring Opening.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Leahy noted the need to plan ahead to address any issues.

9.2. C. Gitschier/C. Scott - Req. City Mgr. Look Into Purchasing A New Ladder Truck For The Fire Department As Soon As Possible.

In City Council, no second needed, referred to City Manager. So voted. C. Gitschier noted the effort of the administration to move matter forward.

9.3. C. Scott - Req. City Mgr. Provide An Update On Work Planned And/Or Completed Around Rodent Control Within Our Neighborhoods.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Scott noted many complaints of the residents and noted prior response regarding infestation and requested update on what has been done and what is left to do. Manager Donoghue noted there will be updated report and that there are still measures which can be done.

9.4. C. Rourke - Req. City Mgr. Have DPW And City Engineer Develop A Plan To Address Drainage Issues On Freedom Way.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Rourke noted project may be in the works.

9.5. C. Rourke/C. Robinson - Req. City Mgr. Have Lands And Buildings Department Replace The Dugout Roofs At Campbell And Cote Fields.

In City Council, no second needed, referred to City Manager. So voted. C. Robinson noted the need for the work and partners to do the work. C. Rourke noted partners willing to assist. C. Leahy noted the work needs to be done and that all parties should



agree with that. C. Gitschier noted that hiring of students for this type of work can be done through Career Center.

9.6. C. Robinson - Req. City Mgr. Have Proper Department Provide An Update On Status Of Hot Pot Restaurant On Middlesex Street.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Robinson requested status. Solicitor O'Connor noted changes are being done to the lease.

9.7. C. Robinson - Req. City Mgr. Have Proper Department Work With DPW Lands And Buildings And The Greater Lowell Voke To See If We Can Get Students To Come In And Repair Façade Of West 6th Street Fire Station.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Robinson commented on the need and the assistance needed.

9.8. C. Robinson - Req. City Mgr. Provide Update As To When Policy Regarding Closures Of Engine 6, Engine 4 And Engine 10 Was Adjusted To Be Included In Brownout Situation.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Robinson noted a prior verbal agreement regarding openings and that there should be one written. Manager Donoghue was not aware of verbal agreement. C. Leahy noted that repairs could be sent out in order for quicker turnaround. Manager Donoghue noted some repairs are sent to outside vendors as the jog is too extensive.

9.9. C. Robinson - Req. City Mgr. Work With Lowell Public Schools To Discuss Creation Of Centralized Facilities Department With The Focus On Maintenance Of Effort Charge Offs.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Robinson noted motion is self-explanatory. C. Leahy requested it be part of Municipal Facilities SC.

9.10. C. Drinkwater - Req. City Mgr. Provide An Update On Progress Toward Integrating The "City Council Documents" Spreadsheet On The Website Into A Publicly Accessible Online Dashboard To Enhance The Accessibility Of Public Documents And Information.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Drinkwater requested follow-up regarding grid and that it may be suited to fit with new City website.



10. ANNOUNCEMENTS

In City Council, M. Chau noted American Red Cross blood drive. C. Yem wished C. Leahy a happy birthday.

11. ADJOURNMENT

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

Meeting adjourned at 9:10 PM.

Michael Q. Geary, City Clerk