



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 31, 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. (C. Jenness – Zoom)

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Therese “Terry” N. Byrne and for victims of all recent mass shootings.

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. Yem. So voted.

3. CITY CLERK

3.1. Minutes Of Economic/Downtown Development SC May 24th; City Council Regular Meeting May 24th, For Acceptance.

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

A) Motion Response - Filling Stations – C. Jenness requested recommendations be sent to Law Department to review new ordinance. C. Robinson noted the request came through neighborhood association and the Police Department found changes would be useful. **Motion** by C. Gitschier, seconded by C. Robinson to refer to Law Department to draft ordinance similar to Springfield, Ma. and bring before Council. So voted. Acting Superintendent Golner noted that the ordinance can be fashioned as seen fit. C. Robinson suggested some minor changes. Manager Golden, Jr. noted ordinance will be drafted to prevent illegal action.

B) Motion Response - Engine Closure Policy – C. Robinson noted the equipment challenges in the department. C. Gitschier noted that goal was to have no closing of houses in accordance to agreement. C. Gitschier noted the importance of establishing an equipment list to see what the needs may be in the future. C. Gitschier noted budgeted closures of houses in the budget and further noted that the number of staff is down. Chief Charron (LFD) noted difficulty with number of employees in regards to training and union constraints. City Solicitor O'Connor noted the agreement does specify a certain number but noted union would probably not oppose an increase in staffing. Chief Charron commented on plan to train new recruits. C. Leahy commented on the number of employees in the department and the need to increase. C. Leahy recognized the effort of the department in combatting the Concord Street fire. C. Rourke questioned use of the reserve list. Chief Charron outlined the process of using the list. C. Rourke commented on dire need for training facility. C. Yem requested geographic locations of the firehouses.

C) Motion Response - GLTHS Repairing Firehouses – C. Robinson noted the help and the increased workforce. C. Yem suggested establishing intern program with UMass-Lowell. Manager Golden, Jr. noted those discussions with new Chancellor at the university have begun. C. Yem noted UMass-Lowell partnership would be beneficial to the Acre neighborhood.

D) Motion Response - Riverwalk Snow Removal – C. Jenness requested additional information on general maintenance in the area in addition to the snow removal plans. Mark Byrne (DPW) noted the City is solely responsible for snow removal and there are other partners regarding general maintenance of the area which includes the National Parks. Manager Golden, Jr. commented on ownership questions and resolving them. C. Robinson noted that National Parks have a lot of parcels in that area.

E) Motion Response - Pool and Splashpad Update – C. Scott commented on the effort and the result to open facilities and the continued maintenance needs. Mr. Byrne noted the procedure in operations of the pool and pads. C. Gitschier noted work was



done in house in a quick fashion which was contrary to prior reports. C. Robinson noted effort and commented on the need to be proactive with maintenance.

F) Motion Response - City Hall Flag Poles – C. Leahy commented on report.

G) Motion Response - First Street Dead Wood – C. Robinson indicated that the Lowell Litter Crew would assist with any clean-up. Mr. Byrne noted upcoming cleaning in the area that will be using the assistance along with other volunteers. C. Leahy noted there may be a need for traffic control. C. Robinson suggested that vehicles clear the street to make clean-up easier.

H) Motion Response - Beaulieu Street Winter Operations – C. Robinson noted the report.

I) Motion Response - American Legion Building – C. Gitschier noted the report.

J) Motion Response - McPherson Park Splash Pad Feasibility – Motion by C. Robinson, seconded by C. Yem to refer matter to a joint Neighborhoods and Finance SC. So voted. C. Gitschier commented on the combined sewer overflow plan with the project. Christine McCall (DPD) noted it was only a conception plan. C. Gitschier noted that with any new plan maintenance costs must be included in any budget. C. Yem noted approval of report.

K) Motion Response - 4 Way Stop Sign High-Sherman – C. Nuon noted the report.

4.2. Informational Reports

L) Informational - LHS OPM Report April 2022 – Manager Golden, Jr. commented on upcoming meeting and this information would be useful. C. Gitschier noted need for some terms to be explained as well explanations regarding change orders and supply chain issues. Manager Golden, Jr. commented on present supply chain issues.

Motion to bundle and waive second reading of Items #5.1 to #5.4, inclusive, by C. Scott, seconded by C. Robinson. So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote - Accept/Expend \$68,221.78 COVID-19 Sexual And Domestic Violence Trust Fund – LPD.

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

5.2. Vote - Accept/Expend FY23 Earmarked Funds - Lower Locks.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 11 yeas. So voted. C. Yem questioned where the area was located. Manager Golden, Jr. described the area. Ms. McCall described the funding.



5.3. Vote - Transfer Funds For Hearing Officer – Law.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 11 yeas. So voted. C. Gitschier noted prior hearings were done in-house. Manager Golden, Jr. noted the need for a stop gap measure until Elections Department is fully staffed.

5.4. Vote - Transfer Funds For Postage – Treasurer.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 11 yeas. So voted. C. Gitschier noted the present increase in that costs. Conor Baldwin (CFO) commented funding over the years and the effect Covid had on the expense. C. Gitschier noted any costs should be included in fee schedule. Mr. Baldwin noted they are developing new fee schedule that will take some discussion. **Motion** by C. Yem, seconded by C. Scott to prepare updated fee schedule. So voted. C. Yem commented on transfer of documents electronically.

Motion to suspend rules by C. Robinson, seconded by C. Gitschier to allow 60-Day Trial Order to be acted upon. So voted. In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Gitschier, seconded by C. Mercier. Adopted per Roll Call vote 11 yeas. So voted. Ms. McCall outlined the Order.

6. ORDINANCES FROM THE CITY MANAGER

6.1. Ordinance - Amend Zoning Section 4.3.3 Home Occupation - As Of Right.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on July 12, 2022 at 7 PM by C. Drinkwater, seconded by C. Gitschier. So voted.

7. RESOLUTIONS

7.1. Resolution - African Unity Day.

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

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. Municipal Facilities SC Joint With Lowell School Committee Facilities SC May 31, 2022.

In City Council, M. Chau noted that meeting did not go forward due to lack of a quorum.



9. PETITIONS

9.1. Claim - (1) Property Damage.

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

9.2. National Grid - Request Replacement Of 4-Inch Regulator Station On Lakeview Avenue.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 14, 2022 at 7 PM by C. Nuon, seconded by C. Robinson. So voted.

9.3. National Grid - Request Installation Of 7 Feet Of Gas Main Along Dalton Street.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 14, 2022 at 7 PM by C. Robinson, seconded by C. Rourke. So voted.

10. CITY COUNCIL - MOTIONS

10.1. C. Leahy - Req. City Mgr. Have Proper Department Look At Burnham Road To Possibly Install Curbing And/Or Berm To Prevent Washouts After Storms.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Leahy noted prior issues and requests. C. Mercier noted request was simple; a berm would resolve the problem.

10.2. C. Leahy - Req. City Mgr. Update City Council On Homeless Coordinator Position And Any New Updates On Programs Or Resources.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Leahy commented that new director should outline all of the resources available for the homeless; including educational, housing and employment. C. Robinson noted that MassHire was a good resource. C. Scott recognized the effort of Ms. McCall as stepping into the position.

10.3. C. Mercier - Req. City Mgr. Provide A Report Regarding Roadwork Being Done On Andover Street Near The Tewksbury Line And The Immediate Area; Provide Time Line Of Work, Replacing Trees, Repaving, Etc.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted it was a neighborhood concern and a need for information. C. Gitschier questioned who was doing work in the area. Manager Golden, Jr. informed body that it was a MassDOT project.

10.4. C. Mercier - Req. City Mgr. Provide An Update Regarding Development Of Cawley Stadium And The Martin Athletic Complex And Refer To The Parks And Recreation SC.



In City Council, seconded by C. Nuon, referred to City Manager/Parks and Recreation SC. So voted. C. Mercier noted report should go to subcommittee.

10.5. C. Nuon - Req. City Auditor Provide Report On The Depreciation Schedule For All The Assets That The City Owns.

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

10.6. C. Nuon - Req. City Mgr. Have CFO Provide A Report On Health Insurance Trust Fund.

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

10.7. C. Nuon - Req. City Mgr. Have CFO Report On Debt-Exclusion Process For The \$38.5 Million Dollars Cost Overrun At LHS Construction Project.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Nuon noted the need to understand process and that taxpayers may be at ease when they know when that debt will be retired.

10.8. C. Nuon - Req. City Mgr. Have The CFO Report The Balance Of The Funding In The Reserve Account From Revenue Derived From Excise On Marijuana Retail, Dedicated To The Municipal Infrastructure.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Nuon commented on prior report and requested update. C. Robinson noted agreements had sunset clauses. Mr. Baldwin noted that City would always collect the excise tax on the product. C. Mercier questioned if they could eliminate sunset clauses on agreements. Mr. Baldwin noted that the clauses were established by the State Cannabis Commission. C. Yem requested report on current operating entities. C. Robinson questioned length of sunset clauses. City Solicitor O'Connor stated they would review future use of sunset clauses in agreements. C. Scott questioned the number of entities and if that could be increased. C. Rourke questioned if there was any cap on the amount of entities allowed in the City. Ms. McCall noted prior action of the City Council and there would need to be an ordinance change. C. Rourke noted motion would be filed to change that amount. C. Yem requested updated report of entities in the City and others who have applied. **Motion** by C. Gitschier, seconded by C. Drinkwater to refer to Cannabis Control SC. So voted. C. Robinson requested information regarding medical and recreational marijuana licenses. M. Chau requested list of options regarding sunset clause use. C. Rourke noted need to increase flow of revenue by these establishments.

10.9. C. Nuon - Req. City Council Declare First Friday In June As "Gun Violence Awareness Day".

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted need to recognize victims.



10.10. C. Gitschier - Req. City Mgr. Have The Proper Department Add A Map And Location Of All Electric Vehicle Charging Stations To The Parking Department's Main Webpage.

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

10.11. C. Gitschier - Req. City Mgr. Update The City Council On Open Positions Within The City Workforce And Filling The Positions In The FY23 Budget.

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

10.12. C. Yem/C. Gitschier - Req. City Mgr. And Appropriate Departments, I.E. MIS And LTC, Establish A Protocol To Allow Still Photos/Short Videos To Accompany A Motion.

In City Council, no second needed, referred to City Manager. So voted. C. Yem noted need for visual assistance with motions. C. Gitschier noted pictures would help staff identify issues and areas.

10.13. C. Yem - Req. Mayor Chau Establish The City Council Veteran SC.

In City Council, seconded by C. Robinson, referred to Mayor/City Manager. So voted. C. Yem noted it was a suggestion from a veteran. C. Yem noted the installation of banners on JFK Plaza.

10.14. C. Yem - Req. Rules SC Set A Half Hour Rule To Read New Motions At Each City Council Meeting.

In City Council, seconded by C. Robinson referred to Rules SC. So voted. C. Yem noted time needed to address motions. C. Scott suggested earlier start of meetings.

11. ANNOUNCEMENTS

In City Council, none.

12. ADJOURNMENT

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

Meeting adjourned at 8:20 PM.

Michael Q. Geary, City Clerk