



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: September 22, 2020
Time: 6:30 PM
Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA / Zoom

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted in the Council Chamber; via teleconference with audio stream by LTC; and Zoom due to Covid-19 pandemic.

C. Nuon requested moment of silence in darkened chamber for Dr. Sambath Keo. C. Elliott recognized the life of Dr. Keo. M. Leahy requested moment of silence in darkened chamber for Patrick Beauregard.

2. MAYOR'S BUSINESS

2.1 .Communication Remote / Zoom Participation.

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members of the public may view the meeting via LTC and 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 tele-conferenced in to the meeting. Email address is mgeary@lowellma.gov. If no access to email you may contact City Clerk at 978-674-4161.

For Zoom - <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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

2.2. Presentation - National Small Business Week.

In City Council, M. Leahy presented the proclamation designating National Small Business Week.



3. CITY CLERK

3.1. Minutes Of City Council Meeting September 8th, For Acceptance.

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

4. GENERAL PUBLIC HEARINGS

4.1. Vote-Appropriation Order - FY2021 Budget.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt final FY21 budget in the amount of \$281,556,022 by C. Rourke, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott provided Finance SC report from September 22, 2020 outlining attendance and discussion of FY21 final budget. C. Elliott commented on level funding and other reductions highlighting revenues and costs. C. Elliott noted that there were two motions adopted by the subcommittee regarding review of charter school reimbursement formula and that the subcommittee meet with the School Finance SC for discussion regarding adoption of the school budget. C. Elliott noted that recycling costs are and will continue to put pressure on the budget and changes in procedures must be done. C. Elliott noted effort on part of the finance team and that there was a need to use reserves which would be replenished. C. Elliott noted it was an informative budget and that it was the remainder after 1/12th budgets have been adopted. **Motion** by C. Mercier, seconded by C. Nuon to accept the report as a report of progress and to adopt motions passed by the subcommittee. So voted. Manager Donoghue outlined the budget process and lauded the team effort. Manager Donoghue noted the budget is balanced despite hardships caused by pandemic and that there must be tight oversight of this budget to remain successful. Conor Baldwin (CFO) provided presentation entitled “Fiscal Year 2021 Proposed Budget” outlining the fiscal challenges noting revenues local receipts. Mr. Baldwin noted this year’s positive results were because of the strength of the City’s fiscal position. C. Conway noted there was good fiscal management by the City and essential services are being delivered and the school buildings are in proper upkeep. C. Elliott recognized auditor as being part of the financial team and requested update form her office. Tina Masiello (Auditor) provided report noting all was on track and that there were no overages and that there is a conservative fiscal approach with the City. Manager Donoghue noted the efforts and safeguards provided by the Auditor. C. Nuon noted budget was fair and reasonable. C. Samaras recognized the effort of the financial team and that the budget was complete and noted impact on schools. C. Rourke commented on collective bargaining effect moving forward. Manager Donoghue noted negotiations were designed to save jobs and they were moving forward. C. Drinkwater noted that balancing budget in these tight fiscal times was noteworthy and that the use of reserves was an appropriate measure.

4.2. Ordinance- Amend Fees Ordinance Ch.150.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Elliott, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.



C. Elliott noted the fee would cover expense that was being paid by the City. C. Nuon noted fee would cover a cost gap. Manager Donoghue noted that the proposal was generated at the Police Department level.

4.3. Ordinance- Amend Metered Service Water.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Nuon, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted that senior discounts are still available and that large users would be paying more for water.

4.4. Ordinance- Amend Revolving Fund C.28 S.28-31.1.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted.

4.5. Ordinance-Amend Annual Sewer Use Charge.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Nuon, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.

4.6. The Markley Group, LLC Request To Amend Flammable Materials License For Additional 15,100 Gallons Of Diesel Fuel II (AST) At 2 Prince Avenue.

In City Council, Given 2nd Reading, hearing held. **Motion** to refer to Neighborhoods SC by C. Elliott, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted. The following spoke in favor: Bill Tabor and George White. The following spoke in opposition: Jake Fortes; Eileen Castle; and Jacquelynn Coles. C. Elliott noted air conditions in the area and stack should be heightened to improve quality. C. Nuon noted there should be transparency with the neighborhood regarding air and water quality. C. Mercier noted the fire department signed off on the matter and that future request of Markley should have more neighborhood involvement. C. Chau noted that quality of life issues should be part of balance. C. Elliott requested Markley meet with neighbors. Manager Donoghue noted that her office would coordinate the meeting.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Gallagher Square Repainting – C. Chau noted repainting made area safer. C. Mercier questioned lighting updates in the area. Manager Donoghue noted that there repairs done on lighting. Natasha Vance (Transportation Engineer) noted National Grid made repairs.



B) Motion response - Four Way Stop at Wilder and Shaw – C. Chau noted the matter would be placed on a 60 Day Trial. Ms. Vance outlined the 60 Day Trial. C. Nuon recognized the efforts of Ms. Vance as she is leaving the City to pursue other employment. Manager Donoghue noted the efforts of Ms. Vance as well. Ms. Vance thanked City for the opportunity. C. Elliott noted it is a challenging job and that Ms. Vance was a good engineer.

C) Motion Response - Walkway Installation Behind LMA – Registered speaker, Matt Elkins, addressed the Council. Manager Donoghue took offense to the comments being stated by Mr. Elkins regarding Diane Tradd. C. Mercier noted concerns with the actions of the registered speaker. C. Mercier noted that the LMA Board of Trustees and the Monument Committee were all aware of plan for the Auditorium. C. Elliott commented on the project and the protection of trees and monuments. Manager Donoghue noted there were some concerns with tress at outset but it has been resolved. C. Nuon noted it was a great project partnered with the National Parks.

5.2. Informational Reports

D) Informational - Recycling Audit – Christine Clancy (DPW) provided audit noting there was a very high percentage of contamination that costs City substantial amounts of money. Ms. Clancy noted the number of inspectors in the City and described the types of contamination being found. C. Elliot noted changes to plan must be made whether it goes back to basic rules on end the program all together. Manager Donoghue noted that the progression of the program is not sustainable as City will keeping incurring added costs for trash collection. C. Elliott noted that there are many residents who deserve citations. Manager Donoghue noted that the audit can provide target areas of concern. C. Mercier commented that information must be provided to residents by any means available. C. Chau noted education should come before issuance of fines. Ms. Clancy noted all methods of media are used to provide educational materials. C. Nuon noted that different means of communication should be used in different parts of the City. M. Leahy questioned who gets fined for infractions. Manager Donoghue noted that owners of properties would receive the citations.

5.3. Communication - Reappt Olu Ibrahim-Lowell Cultural Council.

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

6. VOTES FROM THE CITY MANAGER

6.1. Vote- Amend JAM Plan By Extending Term. Date.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.

6.2. Vote- Apply Accept Mass In Motion Grant.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted.



6.3. Vote-Accept Expend Tobacco Control Grant.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Chau, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Finance SC September 22, 2020.

In City Council, see discussion under Item #4.1.

7.2. Wire Insp. - National Grid - Request Installation Of 375 Feet Of Gas Main For Infrastructure Reinforcement From 1500 To 1524 Gorham Street.

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

7.3. Wire Insp. - National Grid - Request Installation Of 700 Feet Of Gas Main For Infrastructure Reinforcement Along Gorham Street (Saratoga St. To Rivers Edge Rd.).

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

7.4. Wire Insp. - National Grid - Request To Reconstruct Gas Pressure Regulator And Add SCADA System At The Intersection Of Carlisle And Gorham Streets.

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

8. PETITIONS

8.1. Claims - (2) Property Damage.

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

8.2. Misc. - Robert Grimes Request Installation Of A Traffic Circle In Front Of VP Fuels At The Corners Of Gorham, Saratoga And Carlisle Streets.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Nuon, seconded by C. Elliott. So voted.

8.3. Misc. - Soben Pin Request Policy/Procedure To Issue A Citation To The Cambodian Government Officials.



In City Council, **Motion** to refer to Law Department for report and recommendation by C. Nuon, seconded by C. Elliott. So voted. Petitioner, Soben Pin, addressed the body. C. Elliott noted that community generally follow the politics in Cambodia. C. Nuon noted the US stance as it regards Cambodia and it is a complex issue regarding support of democracy. C. Chau commented that a policy regarding issuing citations would be helpful but noted that elected officials should support all residents and their requests.

9. CITY COUNCIL - MOTIONS

9.1. C. Nuon - Req. City Mgr. And Appropriate City Department Look For Ways To Encourage Residents To Comply With The State Social Distancing And Masks Wearing Requirements.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Nuon noted that it is an easy tasks and is part of the solution.

9.2. C. Nuon - Req. City Mgr. Have The Law Department Prepare A Vote To Accept The Provisions Of MGL C. 44 S. 55C To Create An Affordable Housing Trust To Provide Additional Options For Preserving Existing And Providing New Affordable Rental And Ownership Units To Create Programs That Directly Assist Those Seeking Housing.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Nuon noted that various housing programs receive revenue with no tax payer funds.

9.3. C. Nuon - Req. City Mgr. Provide An Update Regarding The Expansion Of Associate Memberships On Boards And Commissions And What Is Being Done To Encourage Residents' Participation On These Boards And Commissions.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted motion speaks for self.

9.4. C. Nuon - Req. City Mgr. Work With Asian Task Force Against Domestic Violence To Reconvene The Southeast Asian Family Against Domestic Violence In Order To Address Aggravated Assault And Assault And Battery Issues.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Nuon noted that the Highlands Neighborhood Group provided stats and that all partners in the City should be part of effort to resolve. C. Elliott commented on existing task force.

9.5. C. Rourke - Req. City Mgr. Have The Proper Department Draft A Council Vote Which Allows For The Current COVID Outdoor Dining/Shopping Guidelines To Become A Permanent Seasonal Ordinance.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Rourke noted the successful programs with commercial business during pandemic and that programs should continue on. C. Chau noted the assistance of small businesses in the



City. C. Conway noted that there should be assistance with permitting for heating outdoor eating areas. C. Nuon suggested no permitting fees for heating units.

9.6. C. Rourke - Req. City Mgr. Instruct Law Department Prepare An Advisory Opinion As To Whether The City, Through Its City Manager, Can Assume The Powers And Duties Of The School Committee As Set Forth In MGL C. 71, S. 37; And Further, Prepare The Necessary Votes To Effectuate Such A Change In The Event It Is Permissible.

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote 6 yeas, 3 nays (C. Drinkwater, M. Leahy, C. Nuon). So voted. Registered speakers, Mike Dillon, Jr.; Marianne Dumont; Monica Lundberg; and Elizabeth Pellerito, addressed the Council. C. Rourke commented on the efforts of the City and that information should be provided to enlighten those who think otherwise. Manager Donoghue commented on the State guidelines regarding schools during the pandemic as they regard to ventilation. Manager Donoghue noted that the City has gone beyond recommendations of the DESE guidelines and the extreme costs associated with that. Manager Donoghue noted the hiring of third party reviewers and that the City has done all that has been recommended not required. C. Rourke noted he was not looking to abolish the school committee he is just inquiring if some duties may be transferred to obtain a more favorable result. C. Rourke noted the diversity gap expands when children are not in school. C. Rourke requested the Mayor inquire if Manager could assist with negotiations with UTL to get beyond the stalemate. C. Rourke noted teachers would not be returning to classrooms but substitutes would be in their stead. C. Mercier noted that there has been a lack of accountability, direction and oversight in the process and that a Home Rule Petition could transfer some duties to the Council. **Motion** to waive City Council Rule 5 by C. Rourke, seconded by C. Mercier. (9:59 PM) Adopted per Roll Call vote 9 yeas. So voted. C. Samaras noted there is constant need to ensure safe buildings and this administration has done much towards that goal. C. Samaras sees this motion as an attempt to create dialogue among the parties for the benefit of the children. C. Samaras noted different approaches must be used in different times. C. Chau commented to look at all possible solutions with the best having the children in the classroom. C. Drinkwater noted the many challenges and frustrations are present and partnerships are the only road to solutions. C. Drinkwater commented on the re-opening of schools though not perfect but approved of the decisions and implementations. C. Drinkwater noted that negotiations are following normal course. C. Conway noted his work experiences in education and stated teaching was the most difficult. C. Conway noted the need for a safe environment for all and that problems spotlighted in schools have been resolved but there must be a maintenance plan in place. C. Conway noted he was not in favor of replacing school committee but there are some area of concerns which need attention. C. Conway noted that parties must come together to establish better communication and planning practices. C. Elliott noted that there is a need for action and further noted that City has been working diligently during the whole time period. C. Elliott commented that logistic delays are not acceptable at this point in time. C. Nuon noted the City Manager has gone beyond the call of duty and efforts continue. C. Nuon recognized the need to work together and not apart. M. Leahy noted he could not support the motion as the school



committee is responsible for their governance. M. Leahy noted the frustrations with the negotiations and they should be finished. M. Leahy noted he informed the Superintendent of Schools that it was a poor start to school. M. Leahy noted it was not about condition of buildings but about contracts. Manager Donoghue noted she works for the Council and will do as they instruct.

Motion by C. Elliott, seconded by C. Mercier to second motions #9.7 to #9.11, inclusively and refer to City Manager. So voted.

9.7. C. Elliott - Req. City Mgr. Meet With Representatives From The Transitional Living Center/Eliot Presbyterian Church Regarding Homeless Conditions And Operational Issues In The Area And Report Back To Council On Status Of Improvements.

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

9.8. C. Elliott - Req. City Mgr. Provide Updates Regarding Appointments To Advisory Council; Diversity Training; HR Audit As They Pertain To Diversity, Equity And Inclusion.

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

9.9. C. Elliott - Req. City Mgr. Report On Frequency Of Mental Health Advocate Contact With Patients In City And Allocate Federal Block Grant Funding To Expand Mental Health Assistance To Organizations That Provide Mental Health Services To All Residents.

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

9.10. C. Conway - Req. City Mgr. Direct DPD/Transportation Engineer To Develop Protocol/Policy For Citizens' Concerns And Complaints Regarding Traffic Issues In The City.

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

9.11. C. Drinkwater - Req. City Mgr. Provide A Report On "Remote Learning Enrichment Programs" Approved To Operate In The City Pursuant To Governor Baker's Executive Action (COVID-19 Order No. 49) Allowing For The Creation Of Programs That Will Provide A Supervised Setting During The School Day In Which Children Can Receive Remote Learning Instruction, And On Any Further Actions The City Can Take To Facilitate The Creation Of Remote Learning Enrichment Programs To Support Students And Working Parents.

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



10. ANNOUNCEMENTS

In City Council, none.

11. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Elliott, seconded by C. Rourke. So voted.

Meeting adjourned at 10:41PM.

Michael Q. Geary, City Clerk