



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: November 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 Thomas F. Murphy. (Brother of former City Manager Kevin Murphy). C. Yem requested moment of silence in darkened chamber for Sargent Kenneth Oman Santiago. C. Yem noted family and friends of Sgt. Santiago in the Chamber and his mother addressed the body. M. Chau requested moment of silence in darkened chamber for Therese Belanger.

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. Jenness. So voted.

2.2. Citations - Fundraising Efforts Of Tommy Harry, Gus Zahareas, Bella Mike, Sophia Bedard, Charle Farley, Merryn Kay, Adelia Finn And Hannah Zahareas.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Mercier. So voted. M. Chau recognized the children who assisted with fundraising. C. Nuon noted the effort of the young people. C. Mercier thanked the children for their



efforts. M. Chau noted the efforts read the Citation. Larry Finn commented on the team effort.

2.3. Presentation - Lowell City Of Learning Event (Margaret Shanahan/Carolyn McCarthy)

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Drinkwater. So voted. Ms. Shanahan and Ms. McCarthy addressed the Council.

3. CITY CLERK

3.1. Minutes Of Housing SC November 1st; City Council Regular Meeting November 1st, For Acceptance.

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

A) Motion Response - Upgrading POW MIA Memorial – C. Robinson noted improvement at the site. C. Drinkwater commented on site being expanded. C. Yem noted improvements and requested lighting be updated at the police memorial in City Hall.

Motion by C. Robinson, seconded by C. Yem to take Item #8.15 out of order. So voted.

While under suspension, **Motion** by C. Jenness, seconded by C. Gitschier to request City Manager have Law Department begin process to amend ordinance regarding street eateries to expand time frame. Adopter per Roll Call vote 8 yeas, 4 Nays (C. Rourke, C. Scott, C. Yem). So voted. C. Rourke noted any change needs a public hearing and need to follow Council Rules. C. Mercier questioned if establishments can still operate under the ordinance. Manager Golden, Jr. noted he would have discretion in that area and that changes can be made to ordinance. C. Robinson noted concern regarding setting precedent. C. Rourke noted it was not good precedent.

B) Motion Response - Boards and Commission – C. Nuon noted it was an encouraging report. Manager Golden, Jr. noted the increased use of the resources at MassHire.

C) Motion Response - Painting of Crosswalks – C. Robinson questioned why the RFP process was not going out until springtime and how areas will be prioritized. Manager Golden, Jr. commented on staffing issues and their failure to keep on top of the work. C. Robinson noted there must be long term maintenance as well with this work. C. Gitschier questioned the amount of work needed and that the department as



constituted would not be able to achieve that. C. Gitschier noted that it needs to be addressed early in the budget process and this was an example of poor management. C. Scott commented on repairs being done by National Grid. Manager Golden, Jr. noted the meetings to ensure better scheduling. C. Yem requested that intersections include stop signage painted on streets. C. Leahy noted work would include speed humps and that better materials should be used to for longevity. Manager Golden, Jr. noted current mode is to catch up with the work and that better materials can be used.

D) Motion Response - Applicability of Bruen Decision to Lowell Procedures – C. Scott commented on the guidance of the decision. Manager Golden, Jr. noted they were following letter of the law.

E) Motion Response - Council Rules on City Website with Attachment – C. Robinson noted current rules need updating. Manager Golden, Jr. noted all rules to be reviewed and adjusted has needed. C. Yem noted that posting rules that are not updated could be problematic. C. Jenness commented on the process of changing rules. C. Mercier requested Open Meeting Law guidance. Atty. John McKenna (Asst. City Solicitor) noted he would provide that.

F) Motion Response - O'Donnell Park Playground Funding with Attachment – C. Scott noted the report and questioned school involvement on the matter. C. Leahy noted that schools are responsible for some playgrounds. Yovani Baez-Rose (DPD) noted there was a list.

G) Motion Response - Natural Gas Aggregation with Attachment – Motion by C. Scott, seconded by C. Rourke to have City Manager forward letter as indicated in the report. So voted.

H) Motion Response - Indian Maiden with Attachment C. Mercier commented on prior motions and history and requested City Manager explore means to have City take control of the item. Manager Golden, Jr. noted he would be with appropriate parties.

I) Motion Response - Tree Committee and Arborist with Attachment – C. Gitschier questioned if a City ordinance is superseded by Mass General Laws. Atty. McKenna noted resolution of conflicts. C. Gitschier noted concern that position has not been filled in accordance with the law. C. Mercier noted that services had been contracted out. C. Rourke commented on law indicating the City hired a professional and that he does not think it is appropriate for City Mayor to hire anyone as suggested. C. Gitschier requested contracts for any arborists for the City.

5. VOTES FROM THE CITY MANAGER

5.1. Vote - Accept Donation Of \$5,000 From DCU.

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



6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Housing SC November 1, 2022.

In City Council, C. Yem provided report outlining attendance and discussion of homeless youth in the City and the City school system. **Motion** by accept the report as a report of progress by C. Nuon, seconded by C. Drinkwater. So voted.

6.2. Transportation SC November 8, 2022.

In City Council, C. Rourke provided report outlining attendance and discussion of traffic calming measures throughout the City. C. Rourke noted subcommittee adopted motion to accept and follow program as designed by Transportation Engineer and to recommend and put before full Council for acceptance. **Motion** by accept the report as a report of progress and adopt the motion as recommended by the Transportation SC by C. Yem, seconded by C. Jenness. So voted.

7. PETITIONS

7.1. Claim - (1) Property Damage.

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

7.2. Misc. - Melissa Laurin (Meems Realty Trust) Request Removal Of Handicap Parking Sign Located At 327-329 East Merrimack Street.

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

8. CITY COUNCIL - MOTIONS

8.1. C. Jenness - Req. City Clerk (And/Or City Solicitor) Provide A Report On What Options May Be Available To Increase The Requirements To Have A Petition To Address The Council, I.E. Minimum Number Of Signatories On A Petition Or Other Options.

In City Council, seconded by C. Scott, referred to City Manager/Rules SC. So voted. **Motion** by C. Jenness, seconded by C. Drinkwater to refer to Rules SC. So voted.

8.2. C. Jenness - Req. City Mgr. Explore Creating An Office Of Housing Stability To Help Address The Needs Of Housing Insecure Families And Individuals In Our City.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Jenness noted larger communities have created this entities and they assist in curbing the housing issues by preventing them from losing current housing. M. Chau requested engaging our local partners in the endeavor. C. Yem noted it was a global issue which needs global response. C. Drinkwater commented on prior motion regarding evictions.



8.3. C. Jenness - Req. City Mgr. Have Proper Department Include Board And Commission Vacancies In The Routine Job Alert Updates That Get Sent Out Via Email And Social Media.

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

8.4. C. Jenness - Req. City Mgr. Provide A Report On The Current HR Policies Around Employee Demographic Data Collection As Well As Any Related State Requirements.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Jenness noted the data is helpful in resolving DEI issues.

8.5. C. Jenness - Req. City Mgr. Provide An Update On The Chief DEI Position.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Jenness requested DEI information update.

8.6. C. Jenness/C. Noun - Req. City Mgr. Provide An Update On The Status Of The Hunger/Homeless Commission And Plans To Re-Start The Efforts Of That Commission.

In City Council, no second needed, referred to City Manager. So voted. C. Jenness noted there was a new coordinator in the City and that the commission needs to be reengaged.

8.7. C. Nuon - Req. City Mgr. Have Parking Department Provide Tutorial Information To The Public In Regards To Operation Of New Kiosks In The City.

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

8.8. C. Nuon - Req. City Mgr. Have The LFD Fire Chief Review Existing Staffing Policies To Present Both A Short Term And Long Term Plan For Building A Sustainable OT Budget In The Fire Department; Including Reduction In Station Closings And Management Of Sick Time.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on prior discussions and the need to manage the overtime and balance it with safety priority.

8.9. C. Nuon - Req. City Mgr. Provide Council With An Update Regarding City Master Plan.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Nuon noted the current plan needs updates and commented that it is currently being worked on. C. Jenness favored updates to existing plan.



8.10. C. Gitschier - Req. City Mgr. Update The City Council On The Recently Released Decision (November 2, 2022) By The MSBA Board Of Directors Vote To Pause 2023 Accelerated Repair Program And On How It Effects The City Of Lowell.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Gitschier commented on the recent press release and need to see how it effects funding for current projects in the program.

8.11. C. Gitschier - Req. City Mgr. Update The City Council On What The DPW Has Done To Prepare For The Massachusetts Department Of Environmental Protections Ban On Mattresses And Textiles That Went Into Effect On November 1, 2022.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Gitschier noted the need to be above the curb as more trash will be generated. C. Scott noted City was in strong position to benefit from regulation. C. Yem noted the operations of UTEC.

8.12. C. Robinson - Req. City Mgr. Have Proper Department Provide A Detailed Report On Recycle And Trash Bin Replacement Including Entire Process From Report To Completion As Well As How Is Replacement Que Kept.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Leahy noted the need to respond quicker to customer requests. C. Yem commented on the tracking of the barrels.

8.13. C. Robinson - Req. City Mgr. Have Proper Department Provide A Report On The Amount Of School Buses That Use The Area Of 1st. Street And Rt. 110 As Part Of The Bus Route, As Well As, The Amount Of Accidents Reported At The 1st. Street And Rt. 110 Intersection In The Past 3 Years.

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

8.14. C. Robinson - Req. City Mgr. Have Proper Department Provide An Update On Status Of 6th And Beacon In Regards To Citizen Request Tracker #48433.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson noted there was no follow up as indicated in the tracking system.

8.15. C. Robinson - Req. City Mgr. Have Proper Department Provide The Current Policy Regarding Commercial Vehicles Being Parked On Public Streets; In Addition A Report On What Are The Practices For Enforcement.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Laura Labrecque, addressed the body. C. Robinson noted the comments of the speaker and stated there should be an end to this situation. C.



Gitschier noted commercial vehicle parking is a problem in the City and that the best way to end practice is to hit them financially at every term. C. Mercier noted making street one-way would benefit the area. Manager Golden, Jr. noted current discussions with LPD and Parking Department. C. Leahy noted difference between small business vehicles and tractor trailers. C. Gitschier requested information on current ordinance regarding parking. Manager Golden, Jr. noted ordinances will be reviewed.

8.16. C. Scott - Req. City Mgr. Have The Appropriate Department Explore The Feasibility Of Installing A Mirror By Railroad Bridge At Lawrence/Billerica Streets To Improve Sight Lines And Also Add Additional No Trucks Allowed Signage At The End Of Moore Street.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Scott noted resident concerns and commented on the area. C. Nuon noted prior motions and that same concerns exists.

8.17. C. Scott/C. Mercier - Req. City Mgr. Have Appropriate Department Add Ground Covering To The Reilly School Playground To Bring It To Level To The Ramps, And Also Repair All Broken Equipment.

In City Council, no second needed, referred to City Manager. So voted. C. Scott commented on user concerns and that all playgrounds face same conditions. C. Mercier noted park is used frequently and needs safety update. C. Robinson noted inadequate and irresponsible response from the department. C. Leahy noted concern with C. Robinson casting serious allegations on the department without much evidence.

8.18. M. Chau - Req. City Mgr. Review The Feasibility Of Establishing A Mayor's Opioid Commission That Would Partner With Mayor, City Manager, Board Of Health And Other Community Stakeholders.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. M. Chau recognized efforts of prior Councilor Belanger and C. Mercier in developing this commission.

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, M. Chau stated reason for Executive Session, **Motion** by C. Yem, seconded by C. Mercier to enter Executive Session for stated purpose and to adjourn from Executive Session. (8:56 PM). Adopted per Roll Call vote 11 yeas. So voted.

10. ANNOUNCEMENTS

In City Council, C. Mercier noted event at Bridge Club of Greater Lowell. C. Leahy commented on upcoming blood drive.



11. ADJOURNMENT

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

Meeting adjourned at 9:45 PM.

Michael Q. Geary, City Clerk