



Office of the City Clerk
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www.LowellMA.gov

Lowell City Council

Regular Meeting Agenda

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

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. All Request Must Be Done Before 5:00 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)

2.2. Presentation - National Small Business Week.

3. CITY CLERK

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

Documents:

[2020 SEPTEMBER 8 CC MINUTES.PDF](#)

4. GENERAL PUBLIC HEARINGS

4.1. Vote-Appropriation Order - FY2021 Budget.

Documents:

[VOTE-APPROPRIATION ORDER - FY2021 BUDGET.PDF](#)

4.2. Ordinance- Amend Fees Ordinance Ch.150.

Documents:

[ORDINANCE- AMEND FEES ORDINANCE CH.150.PDF](#)

4.3. Ordinance- Amend Metered Service Water.

Documents:

[ORDINANCE- AMEND METERED SERVICE WATER.PDF](#)

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

Documents:

[ORDINANCE- AMEND REVOLVING FUND C.28 S.28-31.1.PDF](#)

4.5. Ordinance-Amend Annual Sewer Use Charge.

Documents:

[ORDINANCE-AMEND ANNUAL SEWER USE CHARGE.PDF](#)

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.

Documents:

[2020 AUGUST 25 THE MARKLEY GROUP LLC REQ TO AMEND LICENSE FOR ADDITIONAL 15,100 GALLONS OF DIESEL FUEL II AST.PDF](#)

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses

- A) Motion Response - Gallagher Square Repainting
- B) Motion response - Four Way Stop at Wilder and Shaw
- C) Motion Response - Walkway Installation Behind LMA

Documents:

[A\) MOTION RESPONSE - GALLAGHER SQUARE REPAINTING.PDF](#)
[B\) MOTION RESPONSE - FOUR WAY STOP AT WILDER AND SHAW.PDF](#)
[C\) MOTION RESPONSE - WALKWAY INSTALLATION BEHIND LMA.PDF](#)

5.2. Informational Reports

- D) Informational - Recycling Audit

Documents:

[D\) INFORMATIONAL - RECYCLING AUDIT.PDF](#)

5.3. Reappt Olu Ibrahim-Lowell Cultural Council

Documents:

[REAPPT OLU IBRAHIM-LOWELL CULTURAL COUNCIL.PDF](#)

6. VOTES FROM THE CITY MANAGER

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

Documents:

[VOTE- AMEND JAM PLAN BY EXTENDING TERM. DATE.PDF](#)

6.2. Vote- Apply Accept Mass In Motion Grant

Documents:

[VOTE- APPLY ACCEPT MASS IN MOTION GRANT.PDF](#)

6.3. Vote-Accept Expend Tobacco Control Grant

Documents:

[VOTE-ACCEPT EXPEND TOBACCO CONTROL GRANT.PDF](#)

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Finance SC September 22, 2020.

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

Documents:

[2020 SEPTEMBER 22 NATL GRID GORHAM GAS.PDF](#)

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.).

Documents:

[2020 SEPTEMBER 22 NATL GRID GORHAM SARATOGA GAS.PDF](#)

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

Documents:

[2020 SEPTEMBER 22 NATL GRID CARLISLE GAS.PDF](#)

8. PETITIONS

8.1. Claims - (2) Property Damage.

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.

Documents:

[2020 SEPTEMBER 22 ROBERT T GRIMES REQ TRAFFIC CIRCLE IN FRONT OF VP FUELS GORHAM ST SARATOGA ST CARLISLE ST.PDF](#)

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

Documents:

[2020 SEPTEMBER 22 PIN CAMBODIA CITATION.PDF](#)

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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

10. ANNOUNCEMENTS

11. ADJOURNMENT

Office of the City Clerk - 375 Merrimack Street - Phone: 978.674.4161



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: September 8, 2020
Time: 6:30 PM
Location: Zoom / Remote Participation

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC as well as Zoom and recorded due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Leonard Tarmey and Edward Walsh (former DPW commissioner). C. Chau requested moment of silence in darkened chamber for Nissay Liek. M. Leahy requested moment of silence in darkened chamber for William Wilson.

2. MAYOR'S BUSINESS

2.1. Communication Remote 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. Chau, seconded by C. Nuon. So voted.

3. CITY CLERK

3.1. Minutes Of Zoning SC August 25th; City Council Meeting August 25th, For Acceptance.



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

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance-Amend Ch 150 Fees.

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

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Monument Committee Actions – C. Samaras noted the report. Craig Thomas (DPD) commented on the formation of the committee and the work being done regarding rules, regulations and procedures for monuments in the City. C. Mercier noted the report addresses many issues but questioned the procedures for naming of parks. Mr. Thomas noted the efforts moving forward would include such naming rights. C. Mercier requested that all the information be forwarded to the Board of Parks. C. Nuon commented on the public participation regarding the guidelines. Mr. Thomas outlined the public process. C. Chau questioned maintenance of the monuments. Mr. Thomas commented on process of maintaining the structures.

B) Motion Response - Dutton St Soil Stockpile – C. Mercier noted the report answered many citizen concerns.

C) Motion Response - SiFi Network – Motion to refer matter to Technology \$ Utilities SC by C. Nuon, seconded by C. Samaras. So voted. C. Samaras noted all cable companies should be involved in the discussion. C. Nuon requested all companies be invited to subcommittee meeting.

D) Motion Response - Reopening Plans at Academic Institutions – C. Conway noted the many educational partnerships in the City and that each institution have many people involved with it. C. Conway lauded the efforts of the City. Manager Donoghue provided a report regarding upgrading of school building to meet and exceed DESE requirements. Manager Donoghue noted the efforts of the DPW and other departments in furnishing the work needed. Manager Donoghue commented on the high costs involved with the effort and the work being done with respect to air purifiers, windows, HVAC equipment and third party assessments for the building to be compliant. Manager Donoghue noted they were waiting on the lists of rooms that the school department intends to use in the upcoming year. Christine Clancy (DPW) noted all buildings were attended to which totaled about 3600 working hours this past summer. Ms. Clancy outlined the costs and the possible reimbursement by the Cares Act. C. Conway noted the window issues and the need for circulation of air in classrooms. C. Rourke requested list of schools which are one hundred percent compliant. Ms. Clancy



noted the schools in full compliance and further commented that remaining schools are very close to that threshold and will be in compliant in timely manner. C. Rourke requested that information be provided to the teachers' union. C. Nuon commented education should be done in a safe environment and that staff need protections and requested Council be fully updated moving forward. C. Mercier questioned if costs could be attributed to maintenance of effort number. Manager Donoghue noted it is an open question by much could be applied to maintenance of effort numbers. C. Samaras questioned process in keeping schools sanitized throughout the year. C. Drinkwater noted report and commented on third party assessments. M. Leahy noted that there is no agreement between the schools and the union at this point.

E) Motion Response – USPS – C. Chau noted letter of support sent to legislators and the importance to have sufficient mail process for upcoming election.

F) Motion Response - 150 Fetherston Ave. – C. Mercier commented on report noting her concern to resolve the problem for existing. Eric Slagle (Inspectional Services) commented on history of the property being in probate and that a tax lien was sold which does not allow the lien holder to enter the property it can only foreclose on the property. Mr. Slagle noted that there is an issue with service on one of the heirs of the estate. Solicitor O'Connor noted that efforts to clean the property are effective measures to maintain property. C. Mercier noted that the search for the heir should not be that complicated as others are representative by an attorney and the City must explore all possible solutions.

G) Motion Response - Billings and Barker Intersection – C. Elliott noted that report had good recommendations.

H) Motion Response - Andover Street – C. Conway noted the constant concern with the amount of traffic on the street. Natasha Vance (Transportation Engineer) commented on proposed improvements and implementation. C. Conway commented on crossing issue for children. Ms. Vance recognized the issue and suggested that a pedestrian island may be beneficial. M. Leahy voiced his concern with that suggestion. C. Mercier noted improper use of the center lane and suggested possible use of speed humps to prevent that. Ms. Vance noted it could be a pilot program if implemented. C. Samaras noted the attempt to address concerns and the action of working with State and real steps have been taken.

I) Motion Response - Traffic Calming on Varnum Ave. – C. Elliott commented on the number or accidents in the area and noted that there should be recommendations that cover the whole corridor. C. Elliott noted that speed limit attention needs constant oversight. Ms. Vance noted the report needed more recommendations. C. Rourke noted the increase in police presence. C. Leahy noted that speed humps on that main street would alleviate the problem. Ms. Vance noted that traffic study by Market Basket could be beneficial in regards to traffic calming measures to be implemented. M. Leahy stated that too much time as passed with no action and the area needs traffic calming measures in place. C. Elliott noted there are a lot of cars and much speeding on the



street. C. Rourke noted speed humps may be too severe for that area and that all options should be explored.

5.2. Informational Reports

J) Informational - MassDOT Safety Analysis of Pawtucket Blvd and VFW Highway

– See discussion under Item #5.1(I).

K) Informational - FY2021 Budget Presentation – Manager Donoghue noted that public hearing will be held on September 22. **Motion** to refer to Finance SC by C. Elliott, seconded by C. Mercier. So voted. C. Mercier commented on possible layoffs of cafeteria workers in the schools and if such is true it must be done fairly. C. Mercier noted that any issues with Revolving Fund must be addressed.

L) Informational - School Appropriation Letter – C. Rourke questioned process. Conor Baldwin (CFO) noted that all information has been provided to the school administration. C. Rourke noted that there is no agreement with teachers' union and stated if they are not reporting to work then City should lessen the appropriation as they should not be paid. M. Leahy noted that there was no agreement and if they don't work there should be no pay. Solicitor O'Connor noted they would research the ability of the Council to reduce the appropriation before budget public hearing. Manager Donoghue noted that if there is no contract then terms of prior contract dictate. C. Rourke noted that if there is a violation of the contract then there should be no pay. Solicitor O'Connor noted that if services are not rendered that will need to be addressed.

M) Informational - School Facility Preparation Update (report to be provided during meeting) – See discussion under Item #5/1(D).

5.3. Communication-Appoint Erin Gendron To Board Of Health.

In City Council, **Motion** to adopt by C. Samaras, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept Timely Receipt Of Budget FY21.

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-Appropriation Order - FY2021 Budget.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Nuon, seconded by C. Mercier. So voted.

Motion to bundle Items #6.3 to #6.5 inclusive by C. Rourke, seconded by C. Mercier. So voted.



6.3. Vote - Accept Expend Fire SAFE Grant.

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

6.4. Vote- Accept Expend MCC Grant From LMA.

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

6.5. Vote- Accept.Expend 20K Greening The Gateway Program.

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

7. ORDERS FROM THE CITY MANAGER

7.1. Order-60 Day Trial (Various)

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

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance- Amend Fees Ordinance Ch.150.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Samaras, seconded by C. Conway. So voted.

8.2. Ordinance- Amend Metered Service Water.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

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

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Nuon, seconded by C. Drinkwater. So voted.

8.4. Ordinance-Amend Annual Sewer Use Charge.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Mercier, seconded by C. Chau. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Wire Insp. - National Grid - Req. Installation Of (1) SO Pole On Andrews Street.



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

9.2. Wire Insp. - National Grid - Req. Installation Of PVC Conduit From New Pole To Existing Manhole On Andrews Street.

In City Council, **Motion** to adopt and accept accompanying order by C. Chau, seconded by C. Mercier. So voted. C. Mercier requested City Manager have National Grid replace a light on 7th Street.

10. PETITIONS

10.1. Claims - (2) Property Damage.

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

10.2. Misc. - Residents Of East Sixth Street Request East Sixth Street Be Added To Paving List And That Efforts Be Made To End Noise Pollution In The Area.

In City Council, **Motion** to refer to City Manager / DPW for report and recommendation by C. Rourke, seconded by C. Chau. So voted.

10.3. Misc. - McBee Development, LLC (Thomas Broderick, Sr.) Request Permission To Address City Council Regarding Traffic And Parking Issues On Cherry Street Which Affect Access For Police, Fire, Ambulance And Sanitation For Residents On The Street.

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

10.4. Misc. - Melissa Laurin (For The Benefit Of Rosa Castro) Request Installation Of Handicap Parking Sign At 327 East Merrimack Street.

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

C. Chau requested that his motions (#11.1, 11.2, and 11.3) be discussed as one and that registered speaker could address all three. No objections.

11. CITY COUNCIL - MOTIONS

11.1. C. Chau - Req. City Mgr. Implement The Repainting Of Vehicle Lane Safety Markings On Thorndike Street At YMCA Drive And In The Areas Adjacent To The Entrance To The Lowell Connector.



In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, William Daly, addressed all three motions offered by C. Chau. C. Chau noted each area and the concerns with those areas.

11.2. C. Chau - Req. City Mgr. Investigate The Addition Of A Left Turning Arrow Traveling Inbound From Chelmsford Street Onto Plain Street (At J. Poitras Shoe Company) And Repaint All Crosswalks At This 3-Street Intersection.

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

11.3. C. Chau - Req. City Mgr. Investigate The Addition Of A Left Turning Arrow Traveling Outbound From Chelmsford Street (At The 99 Restaurant) Onto Industrial Avenue.

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

11.4. M. Leahy - Req. City Mgr. Look Into Possible Use Of New Technology For Filling In Potholes Throughout The City.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. M. Leahy noted machine was worth looking into new technology as it could save on resources in the long run.

11.5. M. Leahy - Req. City Mgr. Work With Proper Departments In Order To Establish A Permanent Home In The City For The Aide Therapeutic Day School.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. M. Leahy commented that City work with the schools as this facility needs a new home in the district. C. Elliott noted that there are a sufficient number of students in the system in need of services and that City should explore in-house coverage.

12. ANNOUNCEMENTS

In City Council, Manager Donoghue noted a less than stellar recycling audit which will result in higher trash costs to the City. Manager Donoghue commented on the end of the "Stop the Spread" campaign. C. Elliott noted the recycling audit which puts the City in trash deficit and there is a need to revamp the program. C. Rourke noted the high costs associated with the program and changes must be made as price is too significant. C. Elliott questioned if any changes in City Hall hours. Manager Donoghue noted that none have been raised. M. Leahy raised issue of Health Department report regarding return to Council Chamber for meetings. Manager Donoghue noted report was sent in packet and that recommendation was that if you can continue zoom you should. M. Leahy noted School Committee has been meeting in chamber for some time. C. Samaras noted majority of surrounding communities have held meetings without public and he would favor that approach. C. Chau noted possible use of a hybrid approach. Manager Donoghue noted that LTC and MIS could work that option. C. Nuon noted decision should be left to experts. **Motion** by C. Rourke, seconded by



C. Mercier to return to City Council chamber without public beginning on the meeting of September 22, 2020. Adopted per Roll Call vote 9 yeas. So voted. C. Conway noted zoom was safe practice and the chamber must be safe environment and that best practices must be utilized. M. Leahy noted past preparations of the chamber. **Motion** by C. Elliott, seconded by C. Chau to continue meeting in accordance with summer schedule on the second and fourth Tuesdays of each month. Adopted per Roll Call vote 9 yeas. So voted. M. Leahy questioned that it may cause more time in the Chamber. C. Samaras noted it was a good practice to continue to follow.

13. ADJOURNMENT

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

Meeting adjourned at 9:00 PM.

Michael Q. Geary, City Clerk

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Approving Budget for the City of Lowell for Fiscal Year 2021.

WHEREAS, pursuant to Mass. G.L. c.44 §32, the City Manager submitted a proposed budget for fiscal year 2021 to the City Council on September 8, 2020 and the appropriation order was accepted by vote of the City Council; and

WHEREAS, the City Council held advertised public hearings to consider the proposed budget on September 22, 2020 and any other dates necessary, as advertised in the public hearing notice; and

WHEREAS, upon motion the City Council accepted the budget as submitted by the City Manager, after reductions otherwise separately voted, if any.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:

That the City Council of the City of Lowell hereby adopts and approves the budget for fiscal year 2021 for the City of Lowell, including all line items therein as if separately voted thereon, in the sum of \$281,556,022, which sum shall be appropriated and raised by taxation and other sources, including but not limited to intergovernmental revenue, charges for services, licenses and permits, miscellaneous, etc. The full list of appropriations follows this vote.

WHEREAS, THE City of Lowell enterprise funds may have insufficient operating revenues to fund all expenditures of the funds in fiscal year 2021 and appropriation of retained earnings may be required to fund the fiscal year's operations.

**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation
Order**

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NOW, THEREFORE, BE IT FURTHER VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:

That the City Council of the City of Lowell hereby raises and appropriates the following retained earnings:

Fund	Amount	Fund Number
1. Wastewater Enterprise Fund	1,229,606	6000
2. Parking Enterprise Fund	2,763,708	4450
3. Water Enterprise Fund	2,987,595	6100

and that the City Council of the City of Lowell hereby raises and appropriates the following from other funds:

Fund	Amount	Fund Number
1. Property Maintenance	200,000	1107
2. Vacant Foreclosed Properties	250,000	1109
3. Community Preservation Fund	43,977	1713
4. Salary Stabilization	1,000,000	8398
5. Pension Reserve	878,950	8399
6. Capital Debt Service Stab	1,890,688	8397
7. PEG Access Special Revenue	1,200,000	1710
8. Ballpark Capital	192,000	1741
9. General Stabilization	3,495,363	8401

City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order

Line			FY2021 Manager
Number	Department	Description	Recommended
			Appropriation
2020-01	City Council	Personal Services	171,923
2020-02	City Council	Ordinary Expenses	5,125
2020-03	Mayor	Personal Services	36,471
2020-04	Mayor	Ordinary Expenses	8,772
2020-05	City Clerk	Personal Services	327,089
2020-06	City Clerk	Ordinary Expenses	28,336
2020-07	City Manager	Personal Services	1,418,808
2020-08	City Manager	Ordinary Expenses	2,816,744
2020-09	City Manager - Lowell School Syst.	Ordinary Expenses	37,499
2020-10	City Manager - Marketing Develop.	Personal Services	10,000
2020-11	City Manager - Marketing Develop.	Ordinary Expenses	353,581
2020-12	City Manager - Contingency	Ordinary Expenses	274,498
2020-13	City Manager - Contingency	Reserve for Wages	-
2020-14	City Manager - Cable Access	Personal Services	92,601
2020-15	City Manager - Cable Access	Ordinary Expenses	141,773
2020-16	City Manager - Cable Access	Transfers to Schools	56,250
2020-17	City Manager – CASE	Personal Services	60,928
2020-18	City Manager – CASE	Ordinary Expenses	-
2020-19	Finance	Personal Services	121,455
2020-20	Finance	Ordinary Expenses	1,025

City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order

Line			FY2021 Manager
Number	Department	Description	Recommended
			Appropriation
2020-21	Budget	Personal Services	53,358
2020-22	Budget	Ordinary Expenses	-
2020-23	Auditing	Personal Services	372,713
2020-24	Auditing	Ordinary Expenses	4,098
2020-25	Purchasing	Personal Services	188,448
2020-26	Purchasing	Ordinary Expenses	108,918
2020-27	Assessing	Personal Services	405,471
2020-28	Assessing	Ordinary Expenses	41,246
2020-29	Treasurer	Personal Services	465,055
2020-30	Treasurer	Ordinary Expenses	150,400
2020-31	Human Relations	Personal Services	244,839
2020-32	Human Relations	Ordinary Expenses	41,123
2020-33	Management Information Systems	Personal Services	553,357
2020-34	Management Information Systems	Ordinary Expenses	878,610
2020-35	Law	Personal Services	916,838
2020-36	Law	Ordinary Expenses	199,584
2020-37	Elections	Personal Services	56,253
2020-38	Elections	Ordinary Expenses	-
2020-39	Planning & Development	Personal Services	2,150,513
2020-40	Planning & Development	Ordinary Expenses	91,518

City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order

Line			FY2021 Manager
Number	Department	Description	Recommended
			Appropriation
2020-41	Police	Personal Services	22,178,167
2020-42	Police	Ordinary Expenses	1,031,073
2020-43	Fire	Personal Services	14,906,698
2020-44	Fire	Ordinary Expenses	598,780
2020-45	Lowell Public Schools	Single Line	
		Appropriation	137,844,749
2020-46	Greater Lowell Technical School	Ordinary Expenses	6,875,241
2020-47	Essex Agricultural High School	Ordinary Expenses	-
2020-48	DPW Administration	Personal Services	366,266
2020-49	DPW Administration	Ordinary Expenses	591,093
2020-50	DPW Engineering	Personal Services	329,774
2020-51	DPW Engineering	Ordinary Expenses	-
2020-52	DPW Land & Buildings	Personal Services	1,433,193
2020-53	DPW Land & Buildings	Ordinary Expenses	476,570
2020-54	DPW Streets	Personal Services	930,313
2020-55	DPW Streets	Ordinary Expenses	13,849
2020-56	Parks	Personal Services	1,114,632
2020-57	Parks	Ordinary Expenses	392,465
2020-58	Cemetery	Personal Services	188,086
2020-59	Cemetery	Ordinary Expenses	156,671

City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order

Line			FY2021 Manager
Number	Department	Description	Recommended
			Appropriation
2020-60	DPW Other	Snow & Ice	995,667
2020-61	DPW Other	Street Lighting	218,300
2020-62	DPW Other	Waste Coll./Disposal	4,953,366
2020-63	Health	Personal Services	2,448,110
2020-64	Health	Ordinary Expenses	262,683
2020-65	Council on Aging	Personal Services	329,127
2020-66	Council on Aging	Ordinary Expenses	71,780
2020-67	Veterans'	Personal Services	122,345
2020-68	Veterans'	Ordinary Expenses	470,487
2020-69	Recreation	Personal Services	78,441
2020-70	Recreation	Ordinary Expenses	34,226
2020-71	Library	Personal Services	672,296
2020-72	Library	Ordinary Expenses	118,294
2020-73	Unclassified	Debt Service	3,434,538
2020-74	Unclassified	Workers Comp	603,421
2020-75	Unclassified	Unemployment	393,749
2020-76	Unclassified	Health Insurance	17,712,500
2020-77	Unclassified	Retirement	21,907,282
2020-78	Unclassified	Medicare Tax	2,112,499
2020-79	Unclassified	Claims & Judgments	349,761

City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order

Line			FY2021 Manager
Number	Department	Description	Recommended
			Appropriation
2020-80	Unclassified	Other Insurance	57,982
2020-81	Unclassified	No. Middlesex	-
Subtotal	General Fund		259,659,694
2020-82	Wastewater	Personal Services	2,446,692
2020-83	Wastewater	Ordinary Expenses	5,805,209
2020-84	Wastewater	Debt Service	2,882,163
Subtotal	Wastewater Enterprise Fund		u11,134,064
2020-85	Parking	Personal Services	358,892
2020-86	Parking	Ordinary Expenses	2,402,027
2020-87	Parking	Debt Service	1,504,305
Subtotal	Parking Enterprise Fund		4,265,224
2020-88	Water	Personal Services	1,942,272
2020-89	Water	Ordinary Expenses	2,673,536
2020-90	Water	Debt Service	1,881,232
Subtotal	Water Enterprise Fund		6,497,040
Grand Total All Funds			281,556,022

City of Lowell Fiscal Year 2021 City Manager’s Recommended Appropriation Order

Furthermore, the following projected needs are costs to the City, but according to accounting rules established by the Department of Revenue, are not to be included in the appropriation order.

Line		FY2021 Manager
Number	Department	Recommended
		Amount
2020-91	General Fund - Cherry Sheet Assessments	32,520,668
2020-92	General Fund - Provision for Abatements & Exemptions	1,000,000
2020-93	Indirect costs of the enterprise funds	9,989,799
2020-94	General Fund – COVID 19	217,000



Eileen M. Donoghue
City Manager

September 1, 2020

To Mayor John J. Leahy and Members of the Lowell City Council:

In accordance with the requirements of the Massachusetts General Laws and the Charter of the City of Lowell, I herewith transmit the proposed **\$439,272,583** FY2021 operating budgets for the city's general fund and three enterprise funds, which begins on July 1, 2020, and the **\$6,771,100** capital budget associated with the city's five-year capital improvement plan.

This document represents the third (3rd) fiscal budget of my Administration and has been, without question, the most challenging to date—namely due to the multi-faceted impact that COVID-19 has wrought upon the city. The situation facing the City of Lowell is unlike anything we have experienced before. Customarily, my proposed budget is brought forth in May for the City Council's consideration and adoption before the beginning of the new fiscal year on July 1. The arrival of a worldwide pandemic, however, has resulted in widespread illness and death, and has plunged the United States into a severe recession. Lowell has, however, responded skillfully to this crisis. I am grateful for the City Council's active support over the last several months and for standing behind the City's residents, who have responsibly and admirably adjusted their daily lives. Nevertheless, the COVID-19 pandemic has inflicted tremendous loss and hardship within the city. As of August 7, 2020, one hundred and fifty one Lowell residents have died from the virus, more than 3,000 have tested positive, and hundreds of our residents have fallen ill. According to the U.S. Bureau of Labor Statistics, as of May 2020, the City's unemployment rate stood at 16.1%, up from a historical low of 3.2% before the onset of the pandemic¹, the volume of home sales was down by 14%, statewide, in comparison with 2019, and local revenue had declined substantially. Behind these numbers are our neighbors, who have suffered the loss of jobs or even family members. There is also considerable uncertainty about the future. While the city has begun cautious movement toward allowing businesses and other activities to reopen, the pandemic rages elsewhere and it will assuredly affect our daily lives in the years to come. These themes have set the stage upon which the 2021 fiscal budget has been crafted and against which all financial decisions must be weighed.

The pandemic's impact has demanded a complete transformation of the city's short-term financial plan, primarily due to a loss of economic activity, locally, and concerns at the State level of potentially \$6-\$8 billion loss in tax revenue. The financial books on the previous fiscal year (FY2020) were closed on June 30th, but because of the uncertainty surrounding the State budget picture, the city has since operated using three successive, one-month interim budgets. It was not until the final days of July that the Legislature announced a commitment to fund the two major local aid accounts—Chapter 70 education aid and Unrestricted Aid—at an amount equal to the FY2020 funding level. This announcement gave my finance team sufficient information to retool what had previously been a balanced budget based on the Governor's local aid proposals. The task of rebalancing a full year's budget after the fiscal year had begun and with a

¹ https://www.bls.gov/eag/eag.ma_lowell_nd.htm



Eileen M. Donoghue
City Manager

cloud of uncertainty still remaining on several key financial data points has been a challenge. Especially difficult has been the need to balance the rising costs associated with essential services, with the fragile economy and desire to maintain Lowell's relative affordability for the average single family tax bill. Such a balance can only be achieved through prudent fiscal policies and careful attention to ongoing practices in financial management. This document represents the city's plan to allocate resources to meet the most pressing current and future needs of the community, as well as City Council priorities.

Since the moment I took office as City Manager, the cornerstone of my administration has been economic development. In order to strengthen and develop the Lowell economy for the betterment of all residents of the city, we must improve each of the pillars upon which economic development stands. One pillar is a balanced budget based on sound fiscal policies. This budget document communicates the financial strategy for each and every municipal service provided by the city. Arriving at a balanced budget is never an easy task. This year, with COVID-19 driving all municipal decisions in some respect, balancing the budget has been an exercise in prioritization. Each budget I have presented as City Manager has been lean, and this year is no different. There are no frills or non-essential items funded in the budget and I truly believe that the financial plan before you is the most responsible means by which to provide funding for essential services and to accomplish the goals set forth by the City Council and my Administration. Fiscal management and economic development are intrinsically tied, as the city's ability to borrow money to fund capital projects critical to expanding the tax base is reliant upon our credit rating. With several large-scale capital investments on the horizon—most notably the Lowell High School project—maintaining and improving the city's credit rating and adhering to the principles of good fiscal management is more important than ever.

Another pillar in advancing economic development is public safety. If we do not have a safe city, we cannot attract new families nor can we retain the families who have called Lowell home for generations. Public safety is of utmost importance to a gateway city's development, as it is directly influences a company's decision to locate within the city limits. Despite the fiscal challenges, as part of this FY21 budget, I am proposing the Council appropriate funding to maintain the total number of budgeted sworn officers in the Lowell Police Department. The City Council's commitment to public safety has been proven through the numbers. In calendar year 2019, the most recent year of FBI reported crime statistics, there was a 23% decrease in total NIBRS offenses, including a 19% decrease in motor vehicle theft, an 8% decrease in crimes associated with property destructions, and a 14% decrease in burglary. These results have been coupled with a commitment by the LPD to increase community collaboration, foot patrols and integration of the officers within the fabric of the community. Additional neighborhood precincts have been opened or re-opened throughout the city, including a new downtown precinct and a precinct in the newly opened Thorndike Exchange facility. The men and women of the Lowell Police Department work tirelessly to ensure the safety of the residents and businesses in the city and, as such, deserve the adequate resources to carry out their essential duties. In addition to the aforementioned funding in the operating budget, the 2021 capital budget includes long overdue investment into the city's public safety facilities. In the FY2021 Capital Plan, my Administration is recommending funding to make repairs to the police headquarters



Eileen M. Donoghue
City Manager

building, including improvements to the evidence storage area and repairs to the roof at the department's garage facility.

The FY2021 appropriation in the operating budget for the Lowell Fire Department will continue the City Council's commitment to maintaining the ranks for fire protection and public safety. The fire department is a key component of Lowell's neighborhoods and the school system. In FY2020, over 6,000 children and adults received fire safety instruction from the uniformed members of the Lowell Fire Department. The LFD has also been on the front lines of the opiate epidemic. A firefighter was dedicated to the City CO-OP Team to assist overdose victims and over the past year the department has worked with the Health Department and the School Department to educate high school and middle school children on the dangers of opiates and other illegal drugs. The Chief and members of his Command Staff will continue to participate in the Mayor's Opiate Epidemic Crisis Task Force, the District Attorney's Opiate Epidemic Task Force, and the Homelessness Sustainable Housing Council. The City Council's continued funding commitment has allowed the Chief to keep more companies open and, in 2020, the fire department had forty-one fewer company closings or "brownouts" as compared to the prior year. The total fire department uniformed personnel will be maintained, even though a significant federal grant has ended and the amount paid by the tax levy will increase. In FY2021 the entire department will be fully funded by the tax levy, demonstrative of the commitment of the City Council. In 2021, the city will make significant capital investments in the LFD, as well. The FY2021 Capital Plan includes the requisite city match for a grant application to purchase two new pieces of fire apparatus, an engine and an aerial ladder, for a total funding commitment of over \$1.5 million. The City Council has also committed, through a vote in June of 2020, to allocate an additional \$650,000 in federal community development block grant ("CDBG") funding to purchase another fire truck.

A third pillar is partnerships. The City of Lowell has been fortunate to have so many partners in the private and public sector; partners willing to work with the city to accomplish larger goals. Government cannot do everything on its own and must leverage every resource and partnership we have; we must nurture those partnerships with both businesses and nonprofits. In fiscal year 2020, those partnerships were fortified as progress was made towards addressing the opioid epidemic and the homelessness crisis in the city. The city has set the framework for solutions on substance abuse through the Mayor's Opioid Epidemic Crisis Task Force, a collaborative effort that brings all stakeholders together on a regular basis. Through this effort, the Lowell City Council has demonstrated its commitment to funding these solutions in the public safety departments, as well as through the substance abuse division of the Health Department. In FY2020, Lowell continued to serve as the lead community addressing the opioid epidemic through a collaborative agreement with the City of Lowell and the Towns of Billerica, Chelmsford, Dracut, Westford, Wilmington, and Tewksbury via the Massachusetts Opioid Abuse Prevention Collaboration (MOAPC) Coalition. The division also has conducted life skills trainings curriculum trainings for educational staff and professionals working with youth surrounding addiction issues. Additionally, the Health Department has implemented the "*Strategic Plan for the Partnership for Success*" grant which is working to implement key strategies to work with high school athletes, and their parents and coaches to decrease the misuse of prescription medication in this population.



Eileen M. Donoghue
City Manager

On the issue of homelessness, much progress has been made over the last year, thanks to funding previously appropriated by the City Council and the creation of a Homelessness Coordinator position in the Department of Planning and Development (“DPD”). This position has been able to serve as a point person for the city and strengthen partnerships with other area non-profits and human service agencies, as well as other city departments, to address the issue of homelessness in a more succinct, holistic way. In FY2020 the city saw the creation and implementation of a Coordinated Outreach and Engagement Team (COET) that is bringing together a multidisciplinary team to reach individuals living in areas not meant for human habitation, including the encampments and so-called “rough sleepers”. The group has created the “Lowell Connector,” a by-name list, created to identify a housing pathway for individuals experiencing homelessness in Lowell. By coordinating with South Middlesex Opportunity Council (“SMOC”) on the urban agenda grant for economic and employment development at the Lowell Transitional Living Center, the COET has created a more robust set of resources for individuals experiencing homelessness. And through coordination with the Department of Housing and Community Development (“DHCD”) around the transition of the Lowell Continuum of Care (“CoC”) into the Balance of State, the city has been instrumental in increasing accountability for city, state, and federal tax dollars by monitoring visits for sub-grantees to ensure compliance and improve outcomes for the Notice of Funding Availability (“NOFA”).

Aside from DPD, other city departments have joined the partnership to address homelessness. The Mayor’s Office has worked with area nonprofit organizations and private donors to help reduce youth homelessness in the City. In FY2020, the Lowell Police Department increased its capacity to patrol hard to reach areas such as the Homeless Encampments and Dracut State Forest through the acquisition of a Utility Task Vehicle (“UTV”). Personnel in the Fire Department have participated in the Homelessness Sustainable Housing Council and in FY2021, a stated goal of the Lowell Council on Ageing is to participate and build capacity in the services community for seniors including homeless seniors. The Veteran’s Service Office is also a partner in addressing this issue and this year’s budget provides for funding in order for payments made on behalf of qualified veterans to prevent homelessness through payment of rent to landlords for arrearages.

The opportunity for partnerships exists in many nexus points within the city budget. Under my Administration, the City will continue to foster these relationships, as well as create new partnerships in FY2021. Relationships like those between the Health and Human Services Department and the Cambodian Mutual Assistance Association, whether with their after school and summer programs or with their senior citizen programs. Those partnerships can bring kids into healthy, constructive activities through the Recreation Department, and can strengthen and improve the community relations with the city’s seniors through programming at the Council on Aging. By working together, the city can unlock state and federal grant opportunities for those agencies that can carry out specific missions unable to be advanced by city staff alone. Another partnership evident in the budget document is our commitment to working with nonprofit groups that provide community events focusing on the diverse arts and cultures of all residents. The Arts and Culture groups have a positive impact on the economic development within the city. Community outreach is at the heart of each of these partnerships. Funding for these cultural and special



Eileen M. Donoghue
City Manager

event activities is included in the FY2021 budget. And while the impacts of COVID-19 will undoubtedly affect the types of activities that result from these partnerships, it will not be a barrier to their existence.

The final and, perhaps most important pillar to successful development of any city is its commitment to education in its school district. For most Gateway Cities, the primary source of funding for education comes via the Chapter 70 funding formula from the Commonwealth in the fiscal budget. In this, Lowell is no different. However, for those communities whose funding for schools is disproportionately comprised of Chapter 70 revenue, their ability to increase funding from the tax levy is severely limited. This is where Lowell sets itself apart from its peers and, despite the impact of COVID-19 on city finances, the FY2021 budget affords funding for the Lowell Public Schools sufficient to meet the net school spending requirement by the Commonwealth. The City of Lowell exceeded its Net School Spending requirement by approximately \$4.9 million in FY19—the most recent year that has been certified by DESE—and is projected to exceed the funding requirement FY2020. This spending certification does not include, however, the additional appropriations by the City Council which are currently being expended on projects to replace roofs and boilers at eight (8) schools in Lowell for a total cost of \$13.6 million. Public works will renew its effort to maintain and repair Lowell's schools through daily operations, but the projects submitted to the MSBA for funding in the Accelerated Repair Program will make significant progress in raising the standard for the physical education environment in the city's school buildings. Despite the fact that the debt service associated with these capital repairs cannot be credited towards the city's Net School Spending requirement and must be absorbed by the city's operational budget; this City Council has made it abundantly clear that the focus of capital funding must be directed towards the maintenance and upkeep school facilities.

Through these targeted investment in key priority areas, the city will continue to build on the economic development success in FY2020. This will be accomplished primarily through the funding proposal of the FY2021 capital plan, but also through strategic investments in the FY2021 operational budget and the coordinated efforts of the Economic Development Office of DPD. During these unprecedented times, the city's role in economic development has shifted, significantly, as the DPD not must only focus its efforts as much on business retention as on attracting new businesses. The Governor's Executive Order closing businesses across the Commonwealth has put an incredible strain on Lowell's many businesses, especially those in the hospitality sector, whose doors were forced closed for months after the shutdown in March. Immediately following the closure, at the request of the City Council, the City convened a Lowell Business Recovery Task force to centralize resources for the Lowell business community and to effectively assist local businesses. The purpose of the group is threefold: (1) respond to the emergency; (2) stabilize the local economy; and (3) work collaboratively towards economic recovery and revitalization for the City of Lowell. The Lowell Business Recovery Task Force meets virtually on a weekly basis. In the immediate wake of the pandemic, the Lowell Business Recovery Task Force worked diligently and collaboratively to maximize the resources available, across a variety of mediums and in multiple languages, to all businesses in Lowell. In addition, the city coordinated its marketing efforts to directly support restaurants and small businesses who remained open. Also, with a state Earmark secured by Representative Tom Golden, the Economic



Eileen M. Donoghue
City Manager

Development Office has provided free technical assistance, education and training to our target group in the form of individual, one-on-one consultation or in a classroom/workshop setting on the following topics: accounting, financing, budgeting, marketing and store layout. Workshops are free to participants of the target group and will provide them with the tools they need to stay competitive. After completing the workshop, businesses received grants of \$2,500-\$10,000 for sign and facade improvements. Finally, the Lowell Economic Development Office made \$150,000 available in for a grant program to assist Lowell's small, independently owned, brick-and-mortar retailers, restaurants, and personal service businesses that have been most significantly impacted by the COVID-19 pandemic. The Lowell *Small Business Emergency Relief Grant Program* was funded through the Community Development Block Grant Program ("CDBG") from the U.S. Department of Housing & Urban Development ("HUD"). However, due to the overwhelming number of applications, we were able to supplement the available funds by re-appropriating FY20 earmark funding, totaling \$240,000 as of August 6, 2020.

Among the other chief priorities advocated for by the City Council has been the investment in infrastructure and the city's municipal facilities. The 2021 Capital Budget makes key investments in the city's roadways and sidewalks and continues the Administration's strategy to match funding provided through the sale of bonds with the annual Chapter 90 roadway grant from the Commonwealth to maximize the amount of paving the city is able to contract for each fiscal year. That amount in FY2021 will be approximately \$3.23 million between the two funding sources. Among the other building and infrastructure projects funded in the capital budget include the repair of the Newhall Street bridge, replacement of the turf at Cawley Stadium, a final component of the Concord River Greenway project, and a continuation of the city's commitment to make the city more accessible for our residents with disabilities through accessibility improvements to roadways, parks, and buildings. These investments are critical and must continue, despite the economic pressures of COVID-19. The current rate environment in the municipal bond market remains strong and, thanks to the good credit of the city, we are able to borrow money at historically low interest rates to fund these projects. The debt service associated with the improvements has been analyzed and is layered into the operating budget in such a way as to not overly burden the tax levy on a year-to-year basis. Also, if capital improvements are further delayed or suspended, the city will face increasing maintenance costs associated with these assets' depreciation.

Because Lowell has created a fertile environment for economic development through its continuous investments, companies who are coming to Massachusetts from all over the country are looking to Lowell because of its affordability, its amenities, and because of certain indefinable qualities that set Lowell apart from other Massachusetts Gateway Cities. To date, the epicenter of this economic boom has been centered tightly on Boston and Cambridge. However, as is the case during any period of sustained economic growth, areas of early concentration quickly price-out residents and business alike, in time. If Lowell continues to position itself as it has, the city can—and will—find itself as the next stop for bio-tech or other emerging technology companies. Companies will see Lowell's ever expanding infrastructure, both in the Hamilton Canal Innovation District ('HCID') and in other opportunity zones like the Ayer's City Industrial District, as prime locations for relocation or expansion. These factors, coupled with Lowell's history, cultural



Eileen M. Donoghue
City Manager

diversity, and unique charm, will make the Mill City an even more attractive location. My Administration's key focus areas will allow for development that provides economic opportunity for everyone from young children to the elderly. Investing in these key focus areas will only increase the return on investment for future generations.

While I am proud of the initiatives presented in this budget, planning for the FY2021 fiscal cycle was not without its substantial challenges, even prior to the prolonged financial implications of COVID-19. The onset of the economic shocks to the local economy have only exacerbated the challenge. Fixed costs continue to rise including a \$1.47 million increase in our pension assessment. As of the date of this letter, "Cherry Sheet" assessments from the Commonwealth will increase by a substantial amount in FY2021 as well, largely due to a \$3.5 million increase to the city's assessment for charter tuition. When the Legislature committed to an FY2020-level of funding, this impacted only the two major revenue accounts: Chapter 70 and UGGA, not the charter school reimbursement revenue that was scheduled to increase for Lowell pursuant to the Student Opportunity Act. Because that amount, which was budgeted at an increase of \$2.3 million in the Governor's January proposal, has been cut by the State, our budget took a loss commensurate with the loss of revenue, in addition to the increase in the assessment. No other, non-fixed cost expense increase is more onerous, however, than the costs associated with trash and recycling collection. As part of the current contract with Waste Management, the city must pay for so-called "contaminated recycling" and must assume the full impact of approximately \$725,000 in the budget based on the city's current contamination level. However, an aggressive campaign in the DPW and Development Services comprised of a combination of education and enforcement is aimed to curb contamination and therefore reduce costs to the city. Without an increase to the trash fee, the increased cost will be borne by the tax base in FY2021. The only potential mitigating factor is in behavior of Lowell residents to keep a careful eye on items thrown into the recycling bin on a weekly basis. Personnel cost increases are fixed based on the last year of the current contracts in effect with the various unions and were structured in a way so that the final COLA component does not impact the budget until after the end of the current fiscal year. The contracts for all 17 city-side bargaining units do expire, however, at the end of fiscal year 2021. All of these fixed costs, combined with our financial commitment to our key focus areas, limited our ability to expand any discretionary funding for the various city departments. In fact, many line items were not just level-funded, but reduced. These necessary cuts in expenses were spread evenly across the departments and were focused on limiting any disruption to service delivery. While I'm confident in my department heads' ability to continue to do the great work they do each year with less, it is worth noting that these departments are as lean as they have ever been.

Many of the aforementioned initiatives and challenges represent a serious cost, but my administration has worked tirelessly to limit the impact to the taxpayer. This budget includes a levy increase of 3.5%. While above the standard 2.5% marker, this increase is consistent with taking on debt service associated with projects overwhelmingly supported by the community, like the Lowell High School construction project. As was discussed and planned at the time of the vote of the \$343.4 million loan order on May 8, 2019, the Administration will do everything possible to phase-in the impact to mitigate the tax impact. As history has shown, Lowell functions best with continuous, modest increases to the levy in order to fund the rising costs



Eileen M. Donoghue
City Manager

of goods and services, while not considerably raising taxes any single year. This fact is evidenced by the over \$20.5 million in excess levy capacity; the amount of money below the tax levy limit prescribed by Proposition 2 1/2. In the coming years, we must continue to find creative ways to increase revenue streams. Lowell is more heavily reliant on state aid than most Massachusetts municipalities, as approximately two-thirds of the entire city budget comes from the State budget.

This budget is the result of months of work by my finance team in conjunction with the City's department heads. While we were not able to meet every request, we tried to be as reasonable and fair with each department while still maintaining fiscal discipline. The result is a budget that addresses the City's fiscal difficulties while investing in key programs and initiatives. It is my hope that this budget will be a major first step toward my goal of improving the economic vitality of the city through sound fiscal planning, increased public safety, and strategic partnerships. I would like to thank Chief Financial Officer Conor Baldwin, Deputy CFO Allison Chambers, Chief Information Officer Mirán Fernandez, Human Relations Director Mary Callery, all of the Department Heads whom played an integral role in developing and producing this budget. I also thank the City Council for its vision and support; the residents are lucky to have leadership of this caliber at the local level. Finally—and most importantly—I wish to thank the city's greatest resource, its citizens; it is truly a pleasure to serve as your City Manager.

Sincerely,

Eileen M. Donoghue

City Manager

Cc: Conor Baldwin, Chief Financial Officer

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "The Code of Ordinances City of Lowell, Massachusetts" With Respect to Chapter 150 thereof Entitled, "Fees" by amending certain sections.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code for the City of Lowell," hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to 150 thereof, by amending certain sections:

1. By amending Chapter 150, Entitled **Fees; Police Department** by adding the following new number 19 as follows:

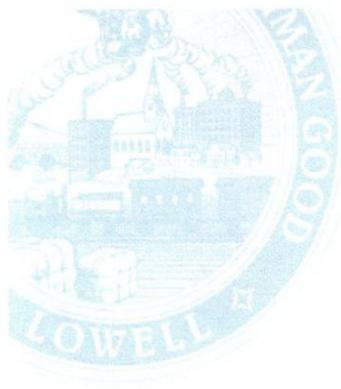
	Department/Reference	Unit/ Frequency	Fee
19	Police Detail – Cruiser Fee	Per Hour	\$10.00/ hour

2. All provisions of the Lowell City Code, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith are repealed.
3. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the Massachusetts General Laws.

APPROVED AS TO FORM:



Christine P. O'Connor
City Solicitor



Raymond Kelly Richardson
Superintendent

Barry Golner
Deputy Superintendent

Daniel R. Larocque
Deputy Superintendent

*OK
9/1/2020*

To: City Manager Eileen Donoghue
From: Superintendent Raymond K. Richardson
Re: Garage Repair/Service Vehicles revolving fund consideration
Date: September 1, 2020

The Lowell Police Department has proposed to create an ordinance that would allow the City to charge vendors a ten dollar (\$10.00) per hour fee for all details that require the usage of a City of Lowell Police Department cruiser. This fee will not be charged to any details or projects funded by the City of Lowell. The fee will be charged only for details in which the vendor requests the use of a police cruiser or those in which the Commanding Officer of the Detail Office or his/her designee deem a cruiser necessary for public safety purposes.

As you are aware, the cost of repairing police cruisers has almost doubled from the old Ford Crown Victoria Cruisers to the new Ford Sport Utility Prices. The parts alone have almost doubled in price and the department is proposing a cost savings solution to this ever increasing issue. It is our hope that with the passing of this ordinance, the department will initially be able to supplement all of the increased cost in this line item for the budget. Over time, it is our belief that this ordinance will allow us to self-fund the repairs via the revolving account and eliminate the cost from the budget permanently.



Eileen M. Donoghue
City Manager

September 1, 2020

Mayor John J. Leahy
And
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

Enclosed is an Ordinance to establish a new fee in the Lowell Police Department. The purpose of this new fee is to recover costs by the city in conjunction with wear and tear to police cruisers when used for construction details. The accumulated cost to the taxpayers to repair and maintain these vehicles is significant, and the implementation of this fee will switch the operation to a fee-for-service model whereby those companies or corporations who order the police details will help offset the costs for fleet maintenance.

This vote accompanies the ordinance to establish a revolving fund for the same purpose. Both votes are on the agenda together. This accounting method will allow the Police Superintendent greater flexibility to use the funds and will afford the Lowell Police Department the opportunity to maintain the fleet without looking to the taxpayers to fund the work.

Sincerely,

Eileen M. Donoghue
City Manager

cc: Conor Baldwin, Chief Financial Officer
Raymond “Kelly” Richardson, Superintendent of Police

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 272, Article VI §272-86 entitled "Metered Service Water".

It is necessary to amend §272-86 entitled "Metered Service Water " with respect to fees.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances of the City of Lowell, Massachusetts", adopted by the City Council on December 23, 2008, as amended, is hereby further amended, with respect to Chapter 272 entitled "Water and Sewers", as follows:

§272-86 Metered Service Water is hereby amended as follows:

By deleting the rate schedule listed and substituting the following rates, effective July 1, 2020:

A. Regular Rates.

1. Effective for bills issued after July 1, 2020, all metered service for water use shall be charged in accordance with the following rate schedule based on volume of water use on a quarterly basis:

Number of hundred cubic feet per quarter	Rate per hundred cubic feet per quarter
0 – 50 (min. 14 hcf)	2.191
51 – 100	2.588
101 – 200	2.629
201 – 500	2.668
Over 500+	3.650

2. Usage is as recorded on the meters in each building served with water by the Lowell Regional Water Utility in which a meter is installed. On such premises where meters record a quarterly consumption of less than 1,400 cubic feet of water, there shall be charged a minimum amount of \$29.93 per quarter, per meter.

B. Single-family rates.

1. Single-family units shall be charged at the rate set forth in Subsection A hereof.
2. For single-family units where the elderly rates under Subsection C hereof are not applicable and where meters record a quarterly consumption of less than 1,400 cubic feet of water, there shall be charged a minimum amount of \$29.93 per quarter, per meter.

C. Elderly Discount

1. Notwithstanding Subsections A and B above, for single-family units in which an owner of record who actually resides in the premises is age 65 years or older, the following rate schedule shall apply, based on the volume of water use on a quarterly basis:

<u>Number of hundred cubic feet per quarter</u>	<u>Rate per hundred cubic feet per quarter</u>
0 – 50 (min. 14 hcf)	1.096
51 – 100	2.191
101 – 200	2.588
201 – 500	2.688
Over 500	2.688

2. Proof of age, ownership and residence shall be required to be established by the owner to the satisfaction of the Water Department, annually, as of January 1 of each year, on forms to be furnished by that Department.

- D. Any charge for trash/recycling or water or sewer use due to the City which is not paid in full by the due date on the bill rendered therefor shall bear interest on any unpaid balance at the rate of 14% per annum, in accordance with Chapter 28, § 28-12 of this Code, provided that in any case where said charge has been abated by order of the Executive Director of Lowell Regional Water Utility or the Water Board pursuant to Article VII or VIII of this chapter, the Executive Director and Board shall have the power to stay and/or waive any such interest for a commensurate amount. Further, the Board and/or Executive Director of the Lowell Regional Water Utility may abate or adjust in whole or in part interest on a recalculated water bill.

All provisions of the Code of the City of Lowell, as amended, which are consistent with this Ordinance shall continue in effect but all provisions of said Code inconsistent herewith are repealed.

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the General Laws of the Commonwealth of Massachusetts, as amended, but as specified herein, the rate provisions become effective and July 1, 2020.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", written over a horizontal line.

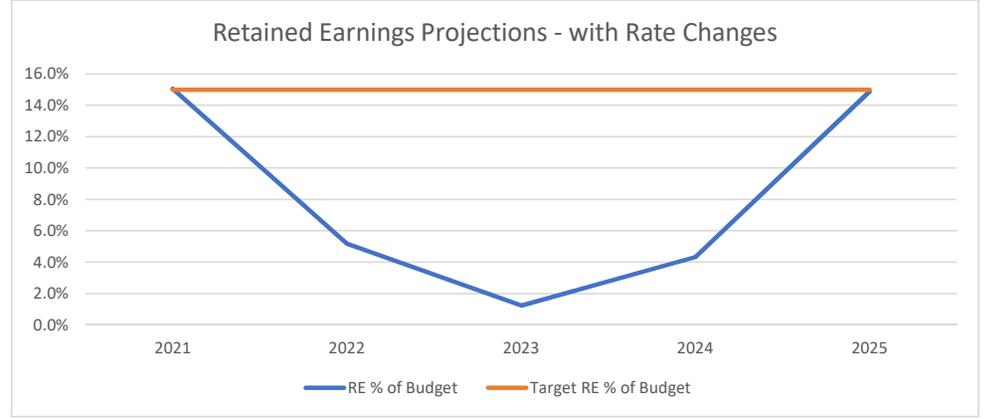
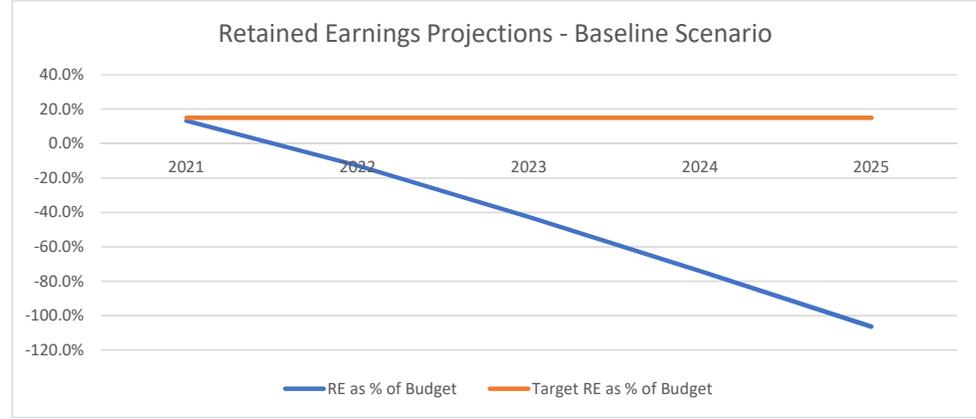
Christine P. O'Connor
City Solicitor

Target Retained Earnings as % of Budget:	15.0%
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Rate Increases:	2.5%	20.0%	15.0%	10.0%	10.0%
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Baseline	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED
Surplus/Deficit	\$ (3,281,837)	\$ (3,875,471)	\$ (5,026,673)	\$ (5,434,583)	\$ (5,803,139)
Projected Retained Earnings	\$ 1,928,893	\$ (1,946,578)	\$ (6,973,251)	\$ (12,407,834)	\$ (18,210,973)
RE as % of Budget	13.2%	-12.8%	-42.7%	-74.1%	-106.4%
Target RE as % of Budget	15.0%	15.0%	15.0%	15.0%	15.0%

Rate Impact	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED
Surplus/Deficit	\$ (3,013,925)	\$ (1,410,679)	\$ (584,688)	\$ 523,249	\$ 1,822,125
Projected Retained Earnings	\$ 2,196,805	\$ 786,126	\$ 201,438	\$ 724,687	\$ 2,546,812
RE % of Budget	15.1%	5.2%	1.2%	4.3%	14.9%
Target RE % of Budget	15.0%	15.0%	15.0%	15.0%	15.0%



Description	2017	2018	2019	2020	2020	2021	2022	2023	2024	2025	COMMENTS
	ACTUAL	ACTUAL	ACTUAL	BUDGETED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	
Revenues and Other Sources						2.50%	20.00%	15.00%	10.00%	10.00%	
Usage Charges	\$ 9,796,895	\$ 9,495,027	\$ 10,127,624	\$ 10,014,146	\$ 10,014,146	\$ 10,264,500	\$ 12,317,400	\$ 14,165,010	\$ 15,581,510	\$ 17,139,662	FY20 based on budget; FY21 on, based on rate increases shown
Liens	\$ 702,343	\$ 654,243	\$ 645,873	\$ 702,343	\$ 702,343	\$ 719,902	\$ 863,882	\$ 993,464	\$ 1,092,811	\$ 1,202,092	FY20 based on budget; FY21 on, based on rate increases shown
Junk/Scrap Metal	\$ 8,174	\$ 4,610	\$ 1,142	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 based on budget; FY21 on, assume nothing, based on five-year forecast
Permit Fees	\$ 247,676	\$ 245,261	\$ 239,996	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	FY20 based on budget; FY21 on, assume level
Bulk Sales	\$ -	\$ 2,430	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nothing FY20 and on, per the five-year forecast
Solar Renewable Energy	\$ -	\$ 379,425	\$ 276,039	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	FY20 based on budget; FY21 on, assume level, even though not in forecast, per the CFO
Miscellaneous Revenue	\$ 182,457	\$ 231,382	\$ 118,580	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	FY20 based on budget; FY21 on, assume level
Sub Total	\$ 10,937,545	\$ 11,012,378	\$ 11,409,254	\$ 11,321,489	\$ 11,311,489	\$ 11,579,401	\$ 13,776,281	\$ 15,753,474	\$ 17,269,321	\$ 18,936,753	
Retained Earnings	\$ -	\$ -	\$ -	\$ 3,367,640	\$ 3,367,640	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 amount as indicated in five-year forecast file
Total Revenues and Other Sources	\$ 10,937,545	\$ 11,012,378	\$ 11,409,254	\$ 14,689,129	\$ 14,679,129	\$ 11,579,401	\$ 13,776,281	\$ 15,753,474	\$ 17,269,321	\$ 18,936,753	
Expenditures and Other Uses											
Salaries and Wages	\$ 1,924,090	\$ 1,972,985	\$ 2,149,155	\$ 2,541,536	\$ 2,541,536	\$ 2,617,782	\$ 2,696,316	\$ 2,777,205	\$ 2,860,521	\$ 2,946,337	FY20 from Budget; FY21 on increased 3.0% yearly, per five-year forecast
Operations and Maintenance and Other Expenses	\$ 2,780,763	\$ 2,860,848	\$ 3,036,117	\$ 4,122,500	\$ 4,122,500	\$ 4,204,950	\$ 4,289,049	\$ 4,374,830	\$ 4,462,327	\$ 4,551,573	FY20 from Budget; FY21 on increased 2.0% yearly, per five-year forecast
Existing Long Term Debt Service - MCWT Debt	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,084,855	\$ 2,618,800	\$ 2,624,049	\$ 2,622,920	\$ 2,626,200	FY21 and on from City's existing debt schedule; only includes MCWT debt FY21 and on
Existing Long Term Debt Service - GOB or All Debt	\$ 3,865,898	\$ 4,619,673	\$ 4,579,372	\$ 5,076,263	\$ 5,076,263	\$ 1,387,869	\$ 1,380,550	\$ 1,293,625	\$ 1,178,270	\$ 1,143,153	All debt here FY17-20; FY20 from budget; FY21 and on from City's existing debt schedule
New Long Term Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,009,369	\$ 2,041,012	\$ 2,303,100	\$ 2,324,239	Based on assumptions laid out on Capital Plan tab
Short Term Debt (Related to New Debt Service)	\$ -	\$ -	\$ -	\$ -	\$ 114,819	\$ 260,575	\$ 64,463	\$ 5,175	\$ -	\$ 104,625	1.25% of amount expended in the "lag" year, per the CFO; see Capital Plan tab
Sub Total	\$ 8,570,751	\$ 9,453,505	\$ 9,764,644	\$ 11,740,299	\$ 11,855,118	\$ 11,556,031	\$ 12,058,546	\$ 13,115,896	\$ 13,427,137	\$ 13,696,126	
Indirect Costs	\$ 3,049,297	\$ 2,672,026	\$ 2,948,830	\$ 2,948,830	\$ 2,948,830	\$ 3,037,295	\$ 3,128,414	\$ 3,222,266	\$ 3,318,934	\$ 3,418,502	FY20 from budget; FY21 on increased 3% yearly, based on average increase shown in forecast
Transfers/Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 from budget; FY21 on increased 3% yearly, based on average increase shown in forecast
Total Expenditures and Other Uses	\$ 11,620,048	\$ 12,125,531	\$ 12,713,474	\$ 14,689,129	\$ 14,803,948	\$ 14,593,326	\$ 15,186,960	\$ 16,338,162	\$ 16,746,072	\$ 17,114,628	
Excess (Deficiency) of Revenues and Available Funds > Expenditures and Other Uses	\$ (682,502)	\$ (1,113,153)	\$ (1,304,220)	\$ -	\$ (124,819)	\$ (3,013,925)	\$ (1,410,679)	\$ (584,688)	\$ 523,249	\$ 1,822,125	
Retained Earnings Summary											
Certified Retained Earnings as of July 1, 2019			\$ 5,335,549								
Available Retained Earnings Start of FY				\$ 5,335,549	\$ 5,210,730	\$ 2,196,805	\$ 786,126	\$ 201,438	\$ 724,687		
Retained Earnings Appropriated				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Current Year Surplus/(Deficit)				\$ (124,819)	\$ (3,013,925)	\$ (1,410,679)	\$ (584,688)	\$ 523,249	\$ 1,822,125		
Projected Retained Earnings Balance				\$ 5,210,730	\$ 2,196,805	\$ 786,126	\$ 201,438	\$ 724,687	\$ 2,546,812		
Projected Retained Earnings Balance as % of Budget				35.2%	15.1%	5.2%	1.2%	4.3%	14.9%		

Description	2017	2018	2019	2020	2020	2021	2022	2023	2024	2025	COMMENTS
	ACTUAL	ACTUAL	ACTUAL	BUDGETED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	
Revenues and Other Sources											
Usage Charges	\$ 9,796,895	\$ 9,495,027	\$ 10,127,624	\$ 10,014,146	\$ 10,014,146	\$ 10,014,146	\$ 10,014,146	\$ 10,014,146	\$ 10,014,146	\$ 10,014,146	FY20 based on budget; FY21 on, level to show possible impact of no rate changes
Liens	\$ 702,343	\$ 654,243	\$ 645,873	\$ 702,343	\$ 702,343	\$ 702,343	\$ 702,343	\$ 702,343	\$ 702,343	\$ 702,343	FY20 based on budget; FY21 on, level to show possible impact of no rate changes
Junk/Scrap Metal	\$ 8,174	\$ 4,610	\$ 1,142	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 based on budget; FY21 on, assume nothing, based on five-year forecast
Permit Fees	\$ 247,676	\$ 245,261	\$ 239,996	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	FY20 based on budget; FY21 on, assume level
Bulk Sales	\$ -	\$ 2,430	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nothing FY20 and on, per the five-year forecast
Solar Renewable Energy	\$ -	\$ 379,425	\$ 276,039	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	FY20 based on budget; FY21 on, assume level, even though not in forecast, per the CFO
Miscellaneous Revenue	\$ 182,457	\$ 231,382	\$ 118,580	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	FY20 based on budget; FY21 on, assume level
Sub Total	\$ 10,937,545	\$ 11,012,378	\$ 11,409,254	\$ 11,321,489	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	
Retained Earnings	\$ -	\$ -	\$ -	\$ 3,367,640	\$ 3,367,640	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 amount as indicated in five-year forecast file
Total Revenues and Other Sources	\$ 10,937,545	\$ 11,012,378	\$ 11,409,254	\$ 14,689,129	\$ 14,679,129	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	\$ 11,311,489	
Expenditures and Other Uses											
Salaries and Wages	\$ 1,924,090	\$ 1,972,985	\$ 2,149,155	\$ 2,541,536	\$ 2,541,536	\$ 2,617,782	\$ 2,696,316	\$ 2,777,205	\$ 2,860,521	\$ 2,946,337	FY20 from Budget; FY21 on increased 3.0% yearly, per five-year forecast
Operations and Maintenance and Other Expenses	\$ 2,780,763	\$ 2,860,848	\$ 3,036,117	\$ 4,122,500	\$ 4,122,500	\$ 4,204,950	\$ 4,289,049	\$ 4,374,830	\$ 4,462,327	\$ 4,551,573	FY20 from Budget; FY21 on increased 2.0% yearly, per five-year forecast
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Indirect Costs	\$ 3,049,297	\$ 2,672,026	\$ 2,948,830	\$ 2,948,830	\$ 2,948,830	\$ 3,037,295	\$ 3,128,414	\$ 3,222,266	\$ 3,318,934	\$ 3,418,502	FY20 from budget; FY21 on increased 3% yearly, based on average increase shown in forecast
Transfers/Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 from budget; FY21 on increased 3% yearly, based on average increase shown in forecast
Total Expenditures and Other Uses	\$ 11,620,048	\$ 12,125,531	\$ 12,713,474	\$ 14,689,129	\$ 14,803,948	\$ 14,593,326	\$ 15,186,960	\$ 16,338,162	\$ 16,746,072	\$ 17,114,628	
Excess (Deficiency) of Revenues and Available Funds > Expenditures and Other Uses	\$ (682,502)	\$ (1,113,153)	\$ (1,304,220)	\$ -	\$ (124,819)	\$ (3,281,837)	\$ (3,875,471)	\$ (5,026,673)	\$ (5,434,583)	\$ (5,803,139)	
Retained Earnings Summary											
Certified Retained Earnings as of July 1, 2019			\$ 5,335,549								
Available Retained Earnings Start of FY				\$ 5,335,549	\$ 5,210,730	\$ 1,928,893	\$ (1,946,578)	\$ (6,973,251)	\$ (12,407,834)		
Retained Earnings Appropriated				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Current Year Surplus/(Deficit)				\$ (124,819)	\$ (3,281,837)	\$ (3,875,471)	\$ (5,026,673)	\$ (5,434,583)	\$ (5,803,139)		
Projected Retained Earnings Balance				\$ 5,210,730	\$ 1,928,893	\$ (1,946,578)	\$ (6,973,251)	\$ (12,407,834)	\$ (18,210,973)		
Projected Retained Earnings Balance as % of Budget				35.2%	13.2%	-12.8%	-42.7%	-74.1%	-106.4%		

WATER ENTERPRISE SUMMARY

	FY18 Actual	FY19 Actual	FY20 Approved	FY21 Prelim. Estimate	FY21 Final Estimate
Revenues	11,012,378	11,409,254	11,321,489	11,169,258	12,106,297
	FY18 Actual	FY19 Actual	FY20 Approved	FY21 Request	FY21 Manager
Personal Services	1,972,985	2,149,155	2,541,536	2,577,695	2,579,657
Ordinary Expenses	2,860,848	3,036,117	4,122,500	4,796,500	3,951,500
Debt Service	4,619,673	4,579,372	4,714,358	4,714,358	4,714,358
Indirect Costs	2,672,026	2,948,830	2,948,830	4,149,348	3,848,378
Transfers/Adjustments	1,523,950	(97,056)			
Total Expenditures	13,649,481	12,616,418	14,327,224	16,237,901	15,093,892
Surplus/(Deficit)	(2,637,103)	(1,207,165)	(3,005,735)	(5,068,643)	(2,987,595)
Beginning Fund Balance	10,237,598	7,600,494	6,393,330	3,387,595	3,387,595
Estimated Operations			(3,005,735)	(5,068,643)	(2,987,595)
Projected Ending Fund Balance	10,237,598	7,600,494	3,387,595	(1,681,048)	400,000
Actual Operations	(2,637,103)	(1,207,165)			
Projected Ending Fund Balance (must be >0)	7,600,494	6,393,330	3,387,595	(1,681,048)	400,000

Integrated Capital Improvement Plan
Lowell Drinking Water & Wastewater Utilities
 \$112M CIP Phase 3 (2020 - 2029)

DRINKING WATER

Redundant Transmission Line (Finished Water Main)	\$4 M
Drinking Water Facility Upgrades (Ferry Crossing Facility)	\$8 M
Water Meter & Backflow Device Replacement (Water Distribution System)	\$3 M
Lead Water Service Replacement (Water Distribution System)	\$4 M
Transmission Main Vulnerabilities (Water Distribution System)	\$2 M
Finished Water Storage Tank (Underground Facility at Fort Hill)	\$15 M
Permitting, Planning, Design & Construction (Technical and Engineering Services)	\$9 M
Drinking Water Subtotal	\$45M

WASTEWATER

Wet-Weather Storage Facility (Winward/Douglas Road)	\$6 M
Wet-Weather Treatment Facility (North Bank at Read Station)	\$16 M
Wastewater Facility Upgrades (Duck Island Facility)	\$8 M
Wet-Weather Storage/Pumping Facility (Pevey/Marginal/Middlesex Corridor)	\$10 M
Satellite Station Upgrades (Various Pump/Diversion Stations)	\$6 M
Drainage, Sewerage & Green Infrastructure (Various Locations)	\$9 M
Permitting, Planning, Design & Construction (Technical and Engineering Services)	\$12 M
Wastewater Subtotal	\$67 M



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

MEMORANDUM

TO: Eileen Donoghue, City Manager

FROM: Conor Baldwin, Chief Financial Officer 

CC: Mark Young, Executive Director, Water/ Sewer Utility

DATE: August 30, 2020

RE: FY21 Enterprise Fund Rates & Forecast – Water Rate Recommendation

During the final preparations for the FY2021 operating budgets for the general fund and the city’s three enterprise funds (water, sewer, and parking); the finance department updated the existing forecast models to incorporate oncoming debt service and other rising fixed costs. This annual process is an important component of the city’s financial plan and helps assess the short and medium term fiscal health of each fund. Over the course of the past year, the finance department has worked with the management team at the water and sewer departments and with outside engineering and CPA firms to fine tune the cost projections associated with the \$45 million and \$67 million loan orders approved by the City Council in June of 2019 for water and sewer capital improvements, respectively.

Water & Sewer Enterprise Funds - Background

Based on the most recent certification by the Department of Revenue (“DOR”), the retained earnings for the water enterprise is approximately \$5.3 million and the retained earnings for the wastewater enterprise is \$4.2 million. An undesignated fund balance equal to 10% or greater of the annual revenue for the fund is a best practice according to the Government Finance Officers Association (“GFOA”). For the water fund this would be \$1.2 million and for the wastewater fund it would be \$2.5 million. The healthy accumulated balances in both funds will quickly deteriorate, though, after the additional debt service associated with utility infrastructure capital improvement plan (“CIP”) comes online.

Previously, in the water fund, the fund balance had been able to sustain the expenses based largely on increased revenue from the installation of more accurate meter reading but revenues have since plateaued in the last three fiscal cycles. A further benefit to the fund has been revenue from the sale of solar renewable energy credits (SREC), which has provided an additional revenue stream other than local usage. In the sewer fund, a re-negotiated revenue pact with surrounding towns whose wastewater is treated by Lowell has helped mitigate the impact on local users. However in both funds an immediate increase, albeit smaller than in prior years, is necessary to sustain the level of retained earnings and prevent the necessity of a larger year-to-year increase when the city permanently finances the capital repairs from phase 3 of the CIP.



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

The city must be fiscally prudent when looking to the future by taking proactive fiscal measures to avoid the need to drastically raise rates in any one single year. A series of incremental increases to the water and sewer rates will aid in mitigating the impact to local ratepayers. By employing this method, each fund can gradually build-up the revenue capacity to absorb the full debt service costs for the capital improvements. According to the most recent *Tighe & Bond* survey, which compiles water rates and average annual costs for all communities in Massachusetts; the City of Lowell has among the lowest water and sewer rates in the Commonwealth. The City has been able to take advantage of low-interest financing through the Massachusetts Clean Water Trust (“MCWT”) and will continue to the work with the State Treasurer’s Office to take advantage of loan forgiveness programs for projects, both clean water and drinking water, financed through the Trust. However, the entire scope of work to be funded by the recently revised loan orders are ineligible for funding by the MCWT.

Water Rate – Analysis & Recommendation

Enclosed is an analysis of the water enterprise fund’s historic budgetary performance and the five-year financial forecast. Also attached are the preliminary budget estimate for the projects tentatively scheduled to be financed by the \$45 million loan order authorized in 2019. According to the baseline analysis, without any rate increase in the water enterprise, the fund will become insolvent sometime in either fiscal year 2022 or 2023, depending on annual budgetary performance. If this were to happen, annual operating deficit would need to be raised on the subsequent year’s tax rate, according to the rules established by the DOR.

The recommendation to increase revenues necessary to fund operations and build capacity for oncoming capital debt service is twofold. First, the increase to the local rate users whose water usage falls within the first three tiers is 2.5%. The recommended increase to the largest usage tier, which will impact primarily commercial and industrial users, is based on a comparable rates in gateway communities. Please see the attached revenue analysis.

Please let me know if you have further questions.



Eileen M. Donoghue
City Manager

August 31, 2020

Mayor John J. Leahey
And
Members of the Lowell City Council

Dear Mayor Leahey and Members of the Lowell City Council,

In 2019, the City Council approved a \$45 million loan authorization financed by the water enterprise fund in order to fund capital expenses including new construction and replacement of water main and appurtenances, repairs to existing transmission main vulnerabilities, and upgrades to the treatment facility. These improvements were critical to ensure the resiliency of the city's drinking water infrastructure. Clean water is an important component of public health which has—since the onset of COVID-19—become ever more important.

Thanks in large part to the large scale deployment of advanced metering technology financed by a loan order approved by the City Council in 2013, the water enterprise fund has performed well with little need for rate adjustment over the last decade. Revenues have increased due to a better accounting of usage. While the fund continues to perform well, the additional debt service associated with phase 2 construction to replace ageing infrastructure has begun to hit the water operating budget and the retained earnings of the enterprise are beginning to diminish. The city continues to work with the Massachusetts Clean Water Trust (MCWT) to pursue low-interest financing on eligible water projects. Projects accepted by the MCWT to be financed through their loan pools benefits from low interest rates and bear the potential of loan forgiveness if funds are appropriated by the Commonwealth. However, now that the water fund has realized its full revenue potential, the ability to raise revenue without amending rates has concluded. The proposed amendment is extremely modest and, the timing is such that the additional debt service can be incorporated—over time—without over burdening the users.

The true purpose of enterprise accounting is such that the users pay for the costs of the service in a way that is proportional to their usage. This method is far more fair and equitable than the alternative: for the cost of the water operation to be borne by all taxpayers uniformly. By employing enterprise fund accounting, the rates are set commensurate with the operation and the city can be sure that entities which pay for utilities like water and sewer, but are exempt from taxes under state law are paying their fair share.



Eileen M. Donoghue
City Manager

Attached please find a vote to amend the water rate for FY21. The change in rate is detailed in the table below:

Number of Hundred Cubic Feet Per Quarter	Current Rate Per Hundred Cubic Feet Per Quarter	New Rate Per Hundred Cubic Feet Per Quarter
0 – 50 (min. 14 hcf)	2.138	2.191
51-100	2.525	2.588
101-200	2.565	2.629
201-500	2.603	2.668
Over 500	2.623	3.650
* This represents an increase of \$2.43 per quarterly bill for the average residential user at 94 gallons per day, according to the AWWA.		

Sincerely,

Eileen M. Donoghue
City Manager

Cc: Conor Baldwin, Chief Financial Officer
Mark Young, Executive Director, Water/ Sewer Department

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 28, Article VI § 28-31.1 entitled “Revolving Funds”.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

“The Code of Ordinances of the City of Lowell, Massachusetts”, adopted by the City Council on December 23, 2008, as amended, is hereby further amended, with respect to Chapter 28, Article VI § 28-31.1 entitled “Revolving Funds”, by creating a new subsection “F” entitled LPD Vehicle Maintenance Revolving Fund as follows:

§ 28-31.1 Revolving Funds is hereby amended as follows:

F. LPD Vehicle Maintenance Revolving Fund:

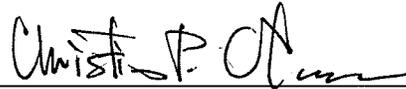
- 1) Fund Name: LPD Vehicle Maintenance Revolving Fund
- 2) Revenues: The City Auditor shall establish the Garage Repair/Service Vehicles Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations, or entities and received by the Lowell Police Department Detail Office and the City of Lowell to repair and or service police vehicles.
- 3) Purposes and Expenditures: During each fiscal year, the Lowell Police Department Fleet Maintenance Department incurs costs related to the up keep of Lowell Police Department Vehicles. As a result of these costs the Lowell Police Department Fleet Maintenance Department will spend monies from the Lowell Police Department Garage Repair/Service Vehicles Account for, parts, supplies, technical advice, service and equipment. Salaries or wages of employees shall not be paid from the fund.
- 4) Fiscal Years: The Lowell Police Department Garage Repair/Service Vehicles Account Revolving Fund shall operate for fiscal years that begin on or after July 1, 2020.

All paragraphs, sentences, clauses and phrases of the ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is found unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such finding(s) shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance.

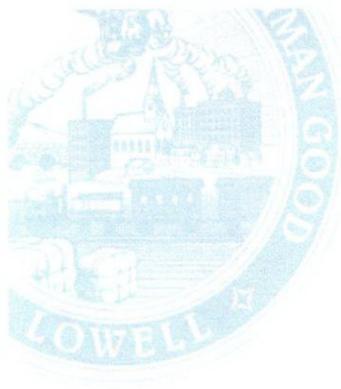
All provisions of the Code not inconsistent with this Ordinance shall continue in effect, but all inconsistent provisions are repealed.

The Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 and 40A of the General Laws of the Commonwealth of Massachusetts.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", written over a horizontal line.

Christine P. O'Connor
City Solicitor



Raymond Kelly Richardson
Superintendent

Barry Golner
Deputy Superintendent

Daniel R. Larocque
Deputy Superintendent

*OK
9/1/2020*

To: City Manager Eileen Donoghue
From: Superintendent Raymond K. Richardson
Re: Garage Repair/Service Vehicles revolving fund consideration
Date: September 1, 2020

The Lowell Police Department has proposed to create an ordinance that would allow the City to charge vendors a ten dollar (\$10.00) per hour fee for all details that require the usage of a City of Lowell Police Department cruiser. This fee will not be charged to any details or projects funded by the City of Lowell. The fee will be charged only for details in which the vendor requests the use of a police cruiser or those in which the Commanding Officer of the Detail Office or his/her designee deem a cruiser necessary for public safety purposes.

As you are aware, the cost of repairing police cruisers has almost doubled from the old Ford Crown Victoria Cruisers to the new Ford Sport Utility Prices. The parts alone have almost doubled in price and the department is proposing a cost savings solution to this ever increasing issue. It is our hope that with the passing of this ordinance, the department will initially be able to supplement all of the increased cost in this line item for the budget. Over time, it is our belief that this ordinance will allow us to self-fund the repairs via the revolving account and eliminate the cost from the budget permanently.



Eileen M. Donoghue
City Manager

September 1, 2020

Mayor John J. Leahy
And
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

Enclosed is an Ordinance to establish a new departmental revolving fund in the Lowell Police Department. The departmental revolving fund statute, G.L. c. 44, § 53E½, was amended by the Municipal Modernization Act (St. 2016, c. 218, § 86). These amendments eliminated the caps on the amount that could be spent from the revolving funds authorized for a particular department and in total from all authorized revolving funds. In addition, the Municipal Modernization Act changed the local procedure for continuing the existence of the funds. Rather than requiring legislative action at the end of each fiscal year to continue any fund into the next fiscal year, cities and towns now must establish these accounts by ordinance—meaning that they will continue unless rescinded by the legislative body.

The City Council must still vote on or before July 1 each year on the amount that may be spent from each fund during the upcoming fiscal year. By instituting a new fee to be added to police details, which is charged to companies doing work throughout the city; the City can recover costs expended on maintaining and repairing police vehicles, which see significant wear and tear while being used on construction details.

This accounting method will allow the Police Superintendent greater flexibility to use the funds and will afford the Lowell Police Department the opportunity to maintain the fleet without looking to the taxpayers to fund the work.

Sincerely,

Eileen M. Donoghue
City Manager

CC: Conor Baldwin, Chief Financial Officer
Raymond “Kelly” Richardson, Superintendent of Police

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 272, Article VI §272-87 entitled "Annual Sewer Use Charge".

It is necessary to amend §272-87 entitled "Annual Sewer Use Charge" with respect to fees.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances of the City of Lowell, Massachusetts", adopted by the City Council on December 23, 2008, as amended, is hereby further amended, with respect to Chapter 272 entitled "Water and Sewers", as follows:

§272-87. **Annual Sewer Use Charge** is hereby amended as follows:

By deleting the rate schedule listed and substituting the following rates, effective July 1, 2020:

<u>Number of hundred cubic feet of wastewater discharged per quarter</u>	<u>Rate per hundred cubic feet per quarter</u>
First 50 (base rate)	4.845
51 – 100	5.115
101 – 200	5.195
201 – 500	5.282
Over 500	5.360

Minimum wastewater charge equal to rate charged for 1400 cubic feet based on above rate schedule.

All provisions of the Code of the City of Lowell, as amended, which are consistent with this Ordinance shall continue in effect but all provisions of said Code inconsistent herewith are repealed.

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the General Laws of the Commonwealth of Massachusetts, as amended, but as specified herein, the rate provisions become effective, retroactive, to July 1, 2020.

APPROVED AS TO FORM:

Handwritten signature of Christine P. O'Connor in black ink, written over a horizontal line.

Christine P. O'Connor
City Solicitor

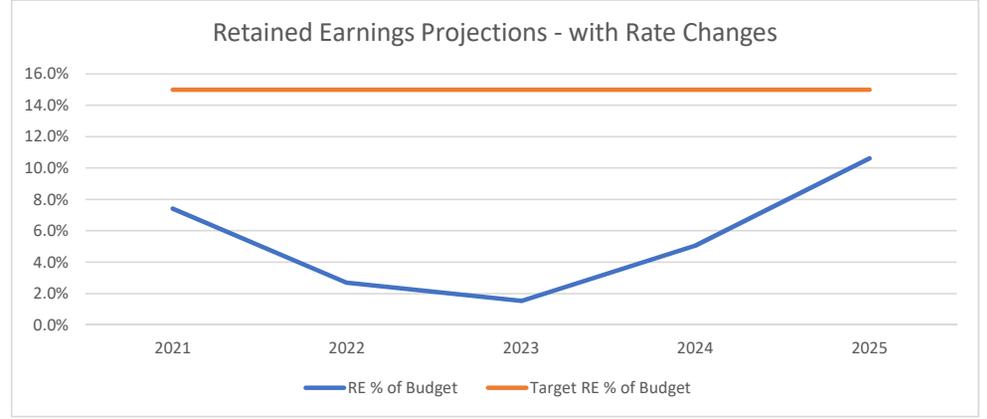
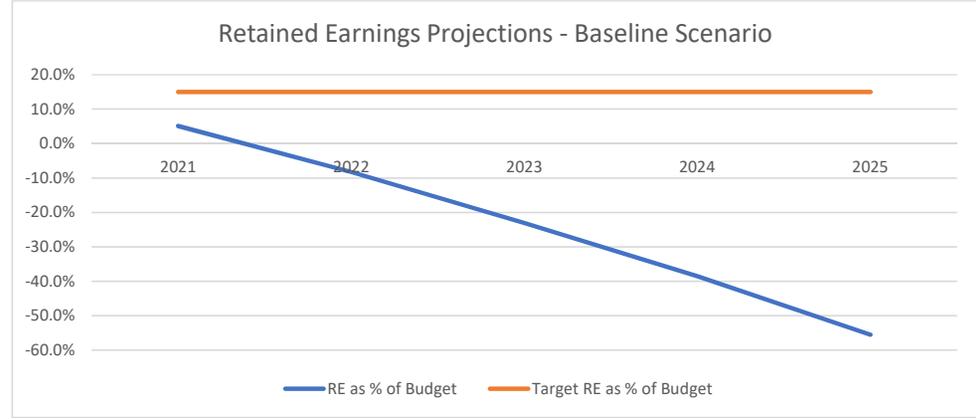
Ordin/water/wastewater-amendsewerrate

Target Retained Earnings as % of Budget:	15.0%
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Rate Increases:	3.5%	10.0%	8.0%	8.0%	8.0%
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Baseline	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED
Surplus/Deficit	\$ (2,812,864)	\$ (3,533,730)	\$ (4,176,342)	\$ (4,534,264)	\$ (5,615,652)
Projected Retained Earnings	\$ 1,315,260	\$ (2,218,470)	\$ (6,394,812)	\$ (10,929,076)	\$ (16,544,728)
RE as % of Budget	5.1%	-8.3%	-23.1%	-38.5%	-55.6%
Target RE as % of Budget	15.0%	15.0%	15.0%	15.0%	15.0%

Rate Impact	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED
Surplus/Deficit	\$ (2,220,955)	\$ (1,191,463)	\$ (293,759)	\$ 1,011,860	\$ 1,727,095
Projected Retained Earnings	\$ 1,907,169	\$ 715,706	\$ 421,947	\$ 1,433,807	\$ 3,160,902
RE % of Budget	7.4%	2.7%	1.5%	5.1%	10.6%
Target RE % of Budget	15.0%	15.0%	15.0%	15.0%	15.0%



	2017	2018	2019	2020	2020	2021	2022	2023	2024	2025	
Description	ACTUAL	ACTUAL	ACTUAL	BUDGETED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	COMMENTS
Revenues and Other Sources											
Usage Charges	\$ 13,989,479	\$ 15,685,090	\$ 16,478,305	\$ 15,928,595	\$ 15,928,595	\$ 15,928,595	\$ 15,928,595	\$ 15,928,595	\$ 15,928,595	\$ 15,928,595	FY20 based on budget; FY21 on, level to show possible impact of no rate changes
Liens	\$ 983,082	\$ 1,066,411	\$ 1,208,422	\$ 983,082	\$ 983,082	\$ 983,082	\$ 983,082	\$ 983,082	\$ 983,082	\$ 983,082	FY20 based on budget; FY21 on, level to show possible impact of no rate changes
Septage	\$ 1,780,842	\$ 1,926,779	\$ 2,775,745	\$ 1,875,000	\$ 1,875,000	\$ 1,975,000	\$ 2,075,000	\$ 2,175,000	\$ 2,275,000	\$ 2,375,000	FY20 from budget; FY21 on \$100,000 increase annually
Junk/Scrap Metal	\$ 1,183	\$ 1,444	\$ 5,220	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nothing FY20 and on, per the five-year forecast
Laboratory Analysis	\$ 19,159	\$ 20,225	\$ 21,672	\$ 18,100	\$ 18,100	\$ 18,462	\$ 18,831	\$ 19,208	\$ 19,592	\$ 19,984	FY20 from budget; FY21 on 2% increase, per five-year forecast
Tewksbury Assessment	\$ 1,347,901	\$ 603,301	\$ 1,694,438	\$ 1,207,791	\$ 1,207,791	\$ 1,268,181	\$ 1,331,590	\$ 1,398,169	\$ 1,468,078	\$ 1,541,481	FY20 from budget; FY21 on 5% increase, per five-year forecast
Chelmsford Assessment	\$ 1,651,171	\$ 1,393,950	\$ 1,319,985	\$ 1,319,986	\$ 1,319,986	\$ 1,385,985	\$ 1,455,284	\$ 1,528,048	\$ 1,604,451	\$ 1,684,673	FY20 from budget; FY21 on 5% increase, per five-year forecast
Dracut/Tyngsborough Assessment	\$ 1,223,032	\$ 1,542,190	\$ 1,048,283	\$ 1,048,283	\$ 1,048,283	\$ 1,100,697	\$ 1,155,732	\$ 1,213,519	\$ 1,274,195	\$ 1,337,905	FY20 from budget; FY21 on 5% increase, per five-year forecast
Miscellaneous Revenue	\$ 136,694	\$ 245,973	\$ 265,874	\$ 225,000	\$ 227,000	\$ 238,350	\$ 250,268	\$ 262,781	\$ 275,920	\$ 289,716	FY20 from budget; FY21 on 5% increase, per five-year forecast; Forecast's FY20=\$227K
Sub Total	\$ 21,132,544	\$ 22,485,361	\$ 24,817,945	\$ 22,607,337	\$ 22,607,837	\$ 22,898,352	\$ 23,198,382	\$ 23,508,402	\$ 23,828,912	\$ 24,160,436	
Retained Earnings	\$ -	\$ -	\$ -	\$ 1,524,037	\$ 1,524,037	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 amount as indicated in five-year forecast file
Total Revenues and Other Sources	\$ 21,132,544	\$ 22,485,361	\$ 24,817,945	\$ 24,131,374	\$ 24,131,874	\$ 22,898,352	\$ 23,198,382	\$ 23,508,402	\$ 23,828,912	\$ 24,160,436	
Expenditures and Other Uses											
Salaries and Wages	\$ 3,190,612	\$ 3,233,541	\$ 3,263,531	\$ 3,419,733	\$ 3,419,733	\$ 3,522,325	\$ 3,627,995	\$ 3,736,835	\$ 3,848,940	\$ 3,964,408	FY20 from Budget; FY21 on increased 3.0% yearly, per five-year forecast
Operations and Maintenance	\$ 5,698,526	\$ 5,760,355	\$ 5,955,550	\$ 6,797,500	\$ 6,797,500	\$ 6,933,450	\$ 7,072,119	\$ 7,213,561	\$ 7,357,833	\$ 7,504,989	FY20 from Budget; FY21 on increased 2.0% yearly, per five-year forecast
Collection	\$ 1,644,959	\$ 1,251,794	\$ 1,165,034	\$ 1,430,000	\$ 1,430,000	\$ 1,458,600	\$ 1,487,772	\$ 1,517,527	\$ 1,547,878	\$ 1,578,836	FY20 from Budget; FY21 on increased 2.0% yearly, per five-year forecast
Existing Long Term Debt Service - MCWT Debt	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,362,983	\$ 5,368,811	\$ 5,364,483	\$ 5,116,242	\$ 5,118,079	FY21 and on from City's existing debt schedule; only includes MCWT debt FY21 and on
Existing Long Term Debt Service - GOB or All Debt	\$ 6,462,639	\$ 6,398,879	\$ 7,281,163	\$ 7,309,748	\$ 7,309,748	\$ 2,946,367	\$ 2,876,268	\$ 2,727,635	\$ 2,558,903	\$ 2,478,925	All debt here FY17-20; FY20 from budget; FY21 and on from City's existing debt schedu
New Long Term Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 697,629	\$ 1,263,504	\$ 1,875,556	\$ 3,132,312	Based on assumptions laid out on Capital Plan tab
Short Term Debt (Related to New Debt Service)	\$ -	\$ -	\$ -	\$ -	\$ 62,181	\$ 157,865	\$ 112,005	\$ 207,000	\$ 234,000	\$ -	1.25% of amount expended in the "lag" year, per the CFO; see Capital Plan tab
Sub Total	\$ 16,996,736	\$ 16,644,570	\$ 17,665,278	\$ 18,956,981	\$ 19,019,162	\$ 20,381,590	\$ 21,242,598	\$ 22,030,545	\$ 22,539,351	\$ 23,777,548	
Indirect Costs	\$ 3,050,277	\$ 4,919,831	\$ 5,023,683	\$ 5,174,393	\$ 5,174,393	\$ 5,329,625	\$ 5,489,514	\$ 5,654,199	\$ 5,823,825	\$ 5,998,540	FY20 from budget; FY21 on increased 3% yearly, based on average increase shown in f
Transfers/Adjustments	\$ 1,593,059	\$ 802,076	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Historical amounts included
Total Expenditures and Other Uses	\$ 21,640,072	\$ 22,366,477	\$ 22,688,961	\$ 24,131,375	\$ 24,193,556	\$ 25,711,216	\$ 26,732,112	\$ 27,684,744	\$ 28,363,176	\$ 29,776,089	
Excess (Deficiency) of Revenues and Available Funds > Expenditures and Other Uses											
	\$ (507,528)	\$ 118,885	\$ 2,128,984	\$ (1)	\$ (61,682)	\$ (2,812,864)	\$ (3,533,730)	\$ (4,176,342)	\$ (4,534,264)	\$ (5,615,652)	
Retained Earnings Summary											
Certified Retained Earnings as of July 1, 2019			\$ 4,189,806								
Available Retained Earnings Start of FY				\$ 4,189,806	\$ 4,128,124	\$ 1,315,260	\$ (2,218,470)	\$ (6,394,812)	\$ (10,929,076)		
Retained Earnings Appropriated				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Current Year Surplus/(Deficit)				\$ (61,682)	\$ (2,812,864)	\$ (3,533,730)	\$ (4,176,342)	\$ (4,534,264)	\$ (5,615,652)		
Projected Retained Earnings Balance				\$ 4,128,124	\$ 1,315,260	\$ (2,218,470)	\$ (6,394,812)	\$ (10,929,076)	\$ (16,544,728)		
Projected Retained Earnings Balance as % of Budget				17.1%	5.1%	-8.3%	-23.1%	-38.5%	-55.6%		

Description	2017	2018	2019	2020	2020	2021	2022	2023	2024	2025	COMMENTS
	ACTUAL	ACTUAL	ACTUAL	BUDGETED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	
Revenues and Other Sources						3.50%	10.00%	8.00%	8.00%	8.00%	
Usage Charges	\$ 13,989,479	\$ 15,685,090	\$ 16,478,305	\$ 15,928,595	\$ 15,928,595	\$ 16,486,096	\$ 18,134,705	\$ 19,585,482	\$ 21,152,320	\$ 22,844,506	FY20 based on budget; FY21 on, level to show possible impact of no rate changes
Liens	\$ 983,082	\$ 1,066,411	\$ 1,208,422	\$ 983,082	\$ 983,082	\$ 1,017,490	\$ 1,119,239	\$ 1,208,778	\$ 1,305,480	\$ 1,409,919	3-year average FY20; rate impact FY20-FY24 shown if any rate changes chosen
Septage	\$ 1,780,842	\$ 1,926,779	\$ 2,775,745	\$ 1,875,000	\$ 1,875,000	\$ 1,975,000	\$ 2,075,000	\$ 2,175,000	\$ 2,275,000	\$ 2,375,000	FY20 from budget; FY21 on \$100,000 increase annually
Junk/Scrap Metal	\$ 1,183	\$ 1,444	\$ 5,220	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nothing FY20 and on, per the five-year forecast
Laboratory Analysis	\$ 19,159	\$ 20,225	\$ 21,672	\$ 18,100	\$ 18,100	\$ 18,462	\$ 18,831	\$ 19,208	\$ 19,592	\$ 19,984	FY20 from budget; FY21 on 2% increase, per five-year forecast
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Miscellaneous Revenue	\$ 136,694	\$ 245,973	\$ 265,874	\$ 225,000	\$ 227,000	\$ 238,350	\$ 250,268	\$ 262,781	\$ 275,920	\$ 289,716	FY20 from budget; FY21 on 5% increase, per five-year forecast; Forecast's FY20=\$227K
Sub Total	\$ 21,132,544	\$ 22,485,361	\$ 24,817,945	\$ 22,607,337	\$ 22,607,837	\$ 23,490,261	\$ 25,540,649	\$ 27,390,985	\$ 29,375,036	\$ 31,503,184	
Retained Earnings	\$ -	\$ -	\$ -	\$ 1,524,037	\$ 1,524,037	\$ -	\$ -	\$ -	\$ -	\$ -	FY20 amount as indicated in five-year forecast file
Total Revenues and Other Sources	\$ 21,132,544	\$ 22,485,361	\$ 24,817,945	\$ 24,131,374	\$ 24,131,874	\$ 23,490,261	\$ 25,540,649	\$ 27,390,985	\$ 29,375,036	\$ 31,503,184	
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Existing Long Term Debt Service - MCWT Debt	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,362,983	\$ 5,368,811	\$ 5,364,483	\$ 5,116,242	\$ 5,118,079	FY21 and on from City's existing debt schedule; only includes MCWT debt FY21 and on
Existing Long Term Debt Service - GOB or All Debt	\$ 6,462,639	\$ 6,398,879	\$ 7,281,163	\$ 7,309,748	\$ 7,309,748	\$ 2,946,367	\$ 2,876,268	\$ 2,727,635	\$ 2,558,903	\$ 2,478,925	All debt here FY17-20; FY20 from budget; FY21 and on from City's existing debt schedule
New Long Term Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 697,629	\$ 1,263,504	\$ 1,875,556	\$ 3,132,312	Based on assumptions laid out on Capital Plan tab
Short Term Debt (Related to New Debt Service)	\$ -	\$ -	\$ -	\$ -	\$ 62,181	\$ 157,865	\$ 112,005	\$ 207,000	\$ 234,000	\$ -	1.25% of amount expended in the "lag" year, per the CFO; see Capital Plan tab
Sub Total	\$ 16,996,736	\$ 16,644,570	\$ 17,665,278	\$ 18,956,981	\$ 19,019,162	\$ 20,381,590	\$ 21,242,598	\$ 22,030,545	\$ 22,539,351	\$ 23,777,548	
Indirect Costs	\$ 3,050,277	\$ 4,919,831	\$ 5,023,683	\$ 5,174,393	\$ 5,174,393	\$ 5,329,625	\$ 5,489,514	\$ 5,654,199	\$ 5,823,825	\$ 5,998,540	FY20 from budget; FY21 on increased 3% yearly, based on average increase shown in f
Transfers/Adjustments	\$ 1,593,059	\$ 802,076	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Historical amounts included
Total Expenditures and Other Uses	\$ 21,640,072	\$ 22,366,477	\$ 22,688,961	\$ 24,131,375	\$ 24,193,556	\$ 25,711,216	\$ 26,732,112	\$ 27,684,744	\$ 28,363,176	\$ 29,776,089	
Excess (Deficiency) of Revenues and Available Funds > Expenditures and Other Uses	\$ (507,528)	\$ 118,885	\$ 2,128,984	\$ (1)	\$ (61,682)	\$ (2,220,955)	\$ (1,191,463)	\$ (293,759)	\$ 1,011,860	\$ 1,727,095	
Retained Earnings Summary											
Certified Retained Earnings as of July 1, 2019			\$ 4,189,806								
Available Retained Earnings Start of FY					\$ 4,189,806	\$ 4,128,124	\$ 1,907,169	\$ 715,706	\$ 421,947	\$ 1,433,807	
Retained Earnings Appropriated					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Current Year Surplus/(Deficit)					\$ (61,682)	\$ (2,220,955)	\$ (1,191,463)	\$ (293,759)	\$ 1,011,860	\$ 1,727,095	
Projected Retained Earnings Balance					\$ 4,128,124	\$ 1,907,169	\$ 715,706	\$ 421,947	\$ 1,433,807	\$ 3,160,902	
Projected Retained Earnings Balance as % of Budget					17.1%	7.4%	2.7%	1.5%	5.1%	10.6%	

WATER ENTERPRISE SUMMARY

	FY18 Actual	FY19 Actual	FY20 Approved	FY21 Prelim. Estimate	FY21 Final Estimate
Revenues	11,012,378	11,409,254	11,321,489	11,169,258	12,106,297
	FY18 Actual	FY19 Actual	FY20 Approved	FY21 Request	FY21 Manager
Personal Services	1,972,985	2,149,155	2,541,536	2,577,695	2,579,657
Ordinary Expenses	2,860,848	3,036,117	4,122,500	4,796,500	3,951,500
Debt Service	4,619,673	4,579,372	4,714,358	4,714,358	4,714,358
Indirect Costs	2,672,026	2,948,830	2,948,830	4,149,348	3,848,378
Transfers/Adjustments	1,523,950	(97,056)			
Total Expenditures	13,649,481	12,616,418	14,327,224	16,237,901	15,093,892
Surplus/(Deficit)	(2,637,103)	(1,207,165)	(3,005,735)	(5,068,643)	(2,987,595)
Beginning Fund Balance	10,237,598	7,600,494	6,393,330	3,387,595	3,387,595
Estimated Operations			(3,005,735)	(5,068,643)	(2,987,595)
Projected Ending Fund Balance	10,237,598	7,600,494	3,387,595	(1,681,048)	400,000
Actual Operations	(2,637,103)	(1,207,165)			
Projected Ending Fund Balance (must be >0)	7,600,494	6,393,330	3,387,595	(1,681,048)	400,000

Integrated Capital Improvement Plan
Lowell Drinking Water & Wastewater Utilities
 \$112M CIP Phase 3 (2020 - 2029)

DRINKING WATER

Redundant Transmission Line (Finished Water Main)	\$4 M
Drinking Water Facility Upgrades (Ferry Crossing Facility)	\$8 M
Water Meter & Backflow Device Replacement (Water Distribution System)	\$3 M
Lead Water Service Replacement (Water Distribution System)	\$4 M
Transmission Main Vulnerabilities (Water Distribution System)	\$2 M
Finished Water Storage Tank (Underground Facility at Fort Hill)	\$15 M
Permitting, Planning, Design & Construction (Technical and Engineering Services)	\$9 M
Drinking Water Subtotal	\$45M

WASTEWATER

Wet-Weather Storage Facility (Winward/Douglas Road)	\$6 M
Wet-Weather Treatment Facility (North Bank at Read Station)	\$16 M
Wastewater Facility Upgrades (Duck Island Facility)	\$8 M
Wet-Weather Storage/Pumping Facility (Pevey/Marginal/Middlesex Corridor)	\$10 M
Satellite Station Upgrades (Various Pump/Diversion Stations)	\$6 M
Drainage, Sewerage & Green Infrastructure (Various Locations)	\$9 M
Permitting, Planning, Design & Construction (Technical and Engineering Services)	\$12 M
Wastewater Subtotal	\$67 M



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

MEMORANDUM

TO: Eileen Donoghue, City Manager

FROM: Conor Baldwin, Chief Financial Officer 

CC: Mark Young, Executive Director, Water/ Sewer Utility

DATE: August 30, 2020

RE: FY21 Enterprise Fund Rates & Forecast – Sewer Rate Recommendation

During the final preparations for the FY2021 operating budgets for the general fund and the city's three enterprise funds (water, sewer, and parking); the finance department updated the existing forecast models to incorporate oncoming debt service and other rising fixed costs. This annual process is an important component of the city's financial plan and helps assess the short and medium term fiscal health of each fund. Over the course of the past year, the finance department has worked with the management team at the water and sewer departments and with outside engineering and CPA firm to fine tune the cost projections associated with the \$45 million and \$67 million loan orders approved by the City Council in June of 2019 for water and sewer capital improvements, respectively.

Water & Sewer Enterprise Funds - Background

Based on the most recent certification by the Department of Revenue ("DOR"), the retained earnings for the water enterprise is approximately \$5.3 million and the retained earnings for the wastewater enterprise is \$4.2 million. An undesignated fund balance equal to 10% or greater of the annual revenue for the fund is a best practice according to the Government Finance Officers Association ("GFOA"). For the water fund this would be \$1.2 million and for the wastewater fund it would be \$2.5 million. The healthy accumulated balances in both funds, however, will quickly deteriorate after the additional debt service associated with utility infrastructure capital improvement plan ("CIP") comes online.

The undesignated fund balance had dropped below \$1 million in FY2016, but by carefully reducing budgeted expenses and seeking efficiencies in operations, the retained earnings have been built-up over the subsequent three fiscal years. Fiscal year 2019's budgetary results were especially favorable, with revenues exceeding expenditures by over \$2.1 million. As of the most recent certification from DOR, the retained earnings were 17.1% of the wastewater. The city must be fiscally prudent when looking to the future by taking proactive fiscal measures to avoid the need to drastically raise rates in any one single year. A series of incremental increases to the water and sewer rates will aid in mitigating the impact to local ratepayers.



Conor Baldwin
Chief Financial Officer

Allison Chambers
Deputy CFO

According to the most recent *Tighe & Bond* survey, which compiles sewer rates and average annual costs for all communities in Massachusetts; the City of Lowell has among the lowest rates in the Commonwealth. The City has also been able to take advantage of low-interest financing through the Massachusetts Clean Water Trust (“MCWT”) and will continue to the work with the State Treasurer’s Office to take advantage of loan forgiveness programs for projects, both clean water and drinking water, financed through the Trust. However, the entire scope of work to be funded by the recently revised loan orders are ineligible for funding by the MCWT.

Sewer Rate – Analysis & Recommendation

Enclosed is an analysis of the sewer enterprise fund’s historic budgetary performance and the five-year financial forecast. Also attached are the preliminary budget estimate for the projects tentatively scheduled to be financed by the \$67 million loan order authorized in 2019. According to the baseline analysis, without any rate increase in the sewer enterprise, the fund will become insolvent sometime in either fiscal year 2022 or 2023, depending on annual budgetary performance. If this were to happen, annual operating deficit would need to be raised on the subsequent year’s tax rate, according to the rules established by the DOR.

The recommendation to increase revenues necessary to fund operations and build capacity for oncoming capital debt service is twofold. First, the increase to the local rate users whose sewer usage falls within the first several tiers is 3.5%. The recommended increase to the largest usage tier, which will impact primarily commercial and industrial users, is based on a comparable rates in gateway communities. Please see the attached revenue analysis.

Please let me know if you have further questions.



Eileen M. Donoghue
City Manager

August 31, 2020

Mayor John J. Leahey
And
Members of the Lowell City Council

Dear Mayor Leahey and Members of the Lowell City Council,

In 2019, the City Council approved a \$67 million loan authorization financed by the sewer enterprise fund in order to fund various capital expenses included in phase 3 of the sewer long-term capital plan. These improvements were critical to ensure the resiliency of the city's drinking water infrastructure. Clean water is an important component of public health which has—since the onset of COVID-19—become ever more important.

The COVID-19 pandemic has taken on some distressing patterns: minority communities are being infected and dying at a disproportionately high rate and hotspots of infections are emerging in some of the country's older cities, like Lowell. Underpinning these patterns is a drinking water and clean water (i.e. "wastewater") infrastructure system in the United States that is outdated, unequal, and inadequate for ensuring public health. While regular hand washing and frequent cleaning are critical to preventing the spread of COVID-19, such practices are impossible without regular, affordable access to water. The serious financial difficulties the pandemic has caused for many people, especially to communities of color, has put access to safe drinking water at greater risk. In order to safeguard access to drinking water, municipalities must commit to investing in drinking water and clean water infrastructure for those who need it most. The Lowell City Council has done this by authorizing significant capital investments to the utility infrastructure.

Thanks in large part to the renegotiation of the city's inter-municipal agreements with the surrounding towns whose water is treated at the Lowell Regional Wastewater Treatment Plant, the enterprise fund for sewer has performed well over the last few years. Revenues have increased due to a better accounting of usage and allocation of debt service costs associated with the treatment system to the towns. While the fund continues to have positive annual budgetary results; the additional debt service associated with phase 2 construction, which mostly financed sewer separation work will quickly deteriorate the accumulated retained earnings in the fund. To mitigate this impact, the city continues to work with the Massachusetts Clean Water Trust ("MCWT") to pursue low-interest financing on eligible water projects.

The proposed amendment is extremely modest and, the timing is such that the additional debt service can be incorporated—over time—without over burdening the users. The true purpose of enterprise accounting is such that the users pay for the costs of the service in a way that is



Eileen M. Donoghue
City Manager

proportional to their usage. This method is far more fair and equitable than the alternative: for the cost of the water operation to be borne by all taxpayers uniformly. By employing enterprise fund accounting, the rates are set commensurate with the operation and the city can be sure that entities which pay for utilities like water and sewer, but are exempt from taxes under state law are paying their fair share.

Attached please find a vote to amend the water rate for FY21. The change in rate is detailed in the table below:

Number of Hundred Cubic Feet Per Quarter	CURRENT - Rate Per Hundred Cubic Feet Per Quarter	NEW RATE Per Hundred Cubic Feet Per Quarter
0 – 50 (min. 14 hcf)	4.681	4.845
51-100	4.942	4.845
101-200	5.019	5.115
201-500	5.103	5.195
Over 500	5.178	5.282
* This represents an increase of \$7.66 per quarterly bill for the average residential user at 94 gallons per day, according to the AWWA.		

Sincerely,

Eileen M. Donoghue
City Manager

cc: Conor Baldwin, Chief Financial Officer
Mark Young, Executive Director, Water/ Sewer Department

Legal Aid Bid 8-28-2020
PM 9-22-2020

CITY OF LOWELL
PETITION

TO THE
CITY COUNCIL

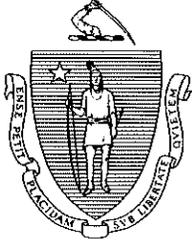
Thyrius...
Business...
Request to Amend
License for additional
15,100 gallons of Diesel Fuel II
PST

In City Council

(Signature)

Read and refer to Public Hearing
on 9-22-2020 at 7pm. 2020

Clerk



FP-002A
(Rev. 1.2018)

The Commonwealth of Massachusetts

City/Town of Lowell

Application For License

Massachusetts General Law, Chapter 148 §13

New License Amended License

GIS Coordinates
<u>42° 37' 46" N</u>
LAT.
<u>-71° 18' 19" W</u>
LONG.
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 2 Prince Avenue, Parcel #0184 4765 0002 0000
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: The Markley Group LLC

Address of Land Owner: One Summer Street, Boston, Massachusetts 02110

Use and Occupancy of Buildings and Structures: Computer Internet Data Center

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments
May 17, 2016
Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
Diesel Fuel	II	15,100	Gallons	ASTs

Total quantity of all flammable liquids to be stored: _____

Total quantity of all combustible liquids to be stored: 15,100

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

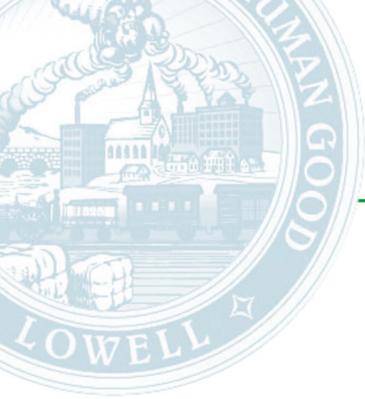
❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Jack Montanaro, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527-CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature Jack Montanaro Date 7/27/20 Name Jack Montanaro

Fire Department Use Only
I, Joseph Kallu, Head of the Lowell Fire Department endorse this application with my
 Approval Disapproval
Joseph Kallu 8/11/20
Signature of Head of the Fire Department Date

Recommendations: _____



Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

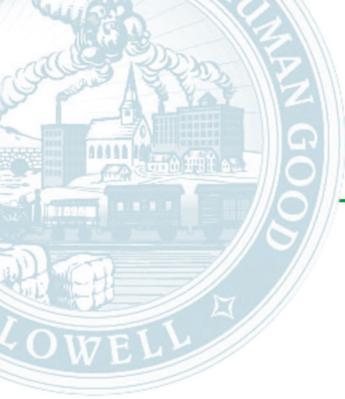
DATE September 22, 2020

SUBJECT: MOTION OF 9/8/20 BY COUNCILOR CHAU
REQUEST CITY MANAGER IMPLEMENT THE REPAINTING OF VEHICLE
LANE SAFETY MARKINGS ON THORNDIKE STREET AT YMCA DRIVE AND
IN THE AREAS ADJACENT TO THE ENTRANCE OF THE LOWELL
CONNECTOR

The Transportation Engineer has received requests to repaint this area several times. The Thorndike Street widening project, completed in 2018, has updated thermoplastic markings. The area from the intersection with YMCA Drive, extending under the Lowell Connector and to Gallagher Square is within State Right-of-Way (ROW). MassDOT is responsible for the maintenance of the pavement markings within their ROW and the Transportation Engineer has requested that they be repainted multiple times. Another request was made on July 30, 2020, to the District 4 MassDOT office to include the area in its annual repainting contract. MassDOT confirmed on September 14, 2020 that they had received additional funding and expect to complete the pavement markings within 3 weeks.

NV/ns

cc: Ting Chang, PE, City Engineer
Christine Clancy, PE, DPW Commissioner
Natasha Vance, PE, Transportation Engineer



Diane Nichols Tradd
Assistant City Manager/DPD Director

Craig Thomas
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: September 22, 2020

SUBJECT: MOTION OF 7/28/20 BY COUNCILOR CHAU
REQUEST CITY MANAGER INVESTIGATE UPGRADING THE
INTERSECTIONS OF WILDER STREET AND SHAW STREET FROM 2-WAY
STOP SIGNS TO 4-WAY STOP SIGNS

The transportation staff has reviewed the above location for the possibility of upgrading the intersection to a 4-way stop intersection. Crash reports and ordinances were reviewed for the intersection of Wilder Street and Shaw Street, as well as a site visit was performed.

Currently, this is a 2-way stop intersection with the stop signs located on Shaw Street. During the site visit, several visual obstructions were noted when traveling through the intersection on Shaw Street. There is a tree located on the northeast curb of the intersection which creates a visibility issue. When cars are parked in the driveway located on the west side of Wilder Street before reaching the intersection, there is a visibility issue. It was also observed during the site visit that the majority of cars traveling on Wilder Street slowed down or stopped when approaching the intersection, expecting there to be a stop sign.

The review of recent accidents at this intersection showed that a total of 4 angle crashes have occurred since March of 2019. These types of crashes are susceptible to correction by an upgrade to a 4-way stop intersection. This intersection meets the MUTCD criteria for a multi-way stop intersection due to the total number of recent angle crashes and visibility issues. The transportation staff agrees that this intersection warrants an upgrade to a 4-way stop intersection. The stop ordinance for Wilder Street will be added to the next 60-day trial memo.

AH/ns

cc: Natasha Vance, Transportation Engineer
Alan Heredia, Assistant Transportation Engineer

The protection of the monuments is of upmost importance to DPD and MAS. The four monuments adjacent to the construction site were marked in plans to be protected in place. Although no work currently being undertaken threatens the monuments, protection will be necessary when MAS installs the bridge. The schedule for this work is tentatively spring of 2021, although construction schedules often change and we have asked MAS for updates whenever changes might occur. The work that would occur at this time includes the delivering of three 50' long sections of bridge, welding these sections together, installing a large crane, and using the crane to pick the bridge and swing into place.

To ensure proper protection of the monuments, MAS contracted with a subconsultant monument preservation specialist that will make a visual survey of the four monuments adjacent to the work zone and the cannon. The cannon is currently proposed to be protected in place and would not be moved. MAS asked DPD whether it would be acceptable to move the other monuments temporarily if that specialist recommends moving the monuments to minimize risk of damage instead of protecting them in place. DPD immediately engaged the Monument Committee to provide an update and asked MAS for more information. DPD has not approved any moving of the monuments without a full report provided by the specialist.

In addition, MAS requested an expanded construction area at LMA to install the footbridge. This would require removing the four Maple trees nearest the Concord River to provide additional space for bridge installation and reduce the chance of the crane damaging the trees. All landscaping including topsoil, loam and seed, and small landscaped beds around the monuments would be restored like new after installation at MAS's cost. MAS has informed the City they believe that the expanded area is necessary because the trees would almost certainly be damaged during the placement of the bridge. DPD has not yet accepted this proposal and requires approval from the Conservation Commission if it is accepted.

DPD is working closely with IBI, STV, and MAS to determine if there are any alternatives to expanding the construction area. DPD has already determined that the bridge cannot be staged on the opposite side of the river because a lack of usable space for the crane's swing. DPD also asked MAS to investigate the option of installing a barge in the river to try and mitigate the need to stage outside of LMA, unfortunately that is not a viable option. The size of barge that would be required in order to move a bridge of this size cannot be installed due to the water levels in the river. DPD is also working closely with landscape architects to understand the best options for restoration if trees need to be removed. They have recommended that, if there are no options but to remove the trees, we replace the invasive Norway Maples with native American Lindens, which can be sculpted into "lollipop" shapes even as they grow older, unlike older Maple trees. The landscape architect believes American Lindens may have been originally planted in that area because older American Lindens are still on the property.

DPD reached out to the Monument Committee very early in this process in order to keep clear lines of communication open as it creates a staging plan with MAS that minimizes risk to the monuments. It has identified all interested parties related to each of the four monuments, including veterans groups and the families of those who are memorialized. Once a final plan is developed with MAS and the monument specialist, DPD will reach out to the interested parties to share the plan and provide a line of communication for questions and comments. At that time, DPD looks forward to providing an updated report on the Riverwalk's progress and the LMA staging plans to the City Council.

DNT/ns

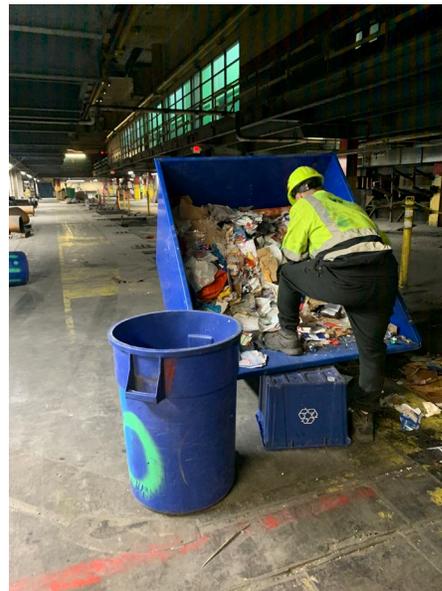
cc: Christopher Hayes, Neighborhood Planner
Yovani Baez-Rose, Design Planner



Department of Public Works
1365 Middlesex Street-Lowell, MA. 01851
P: 978-674-4111 F: 978-970-4071
cclancy@lowellma.gov
Christine Clancy, PE
DPW Commissioner

TO: Eileen Donoghue, City Manager *ED*
FROM: Christine Clancy, DPW Commissioner
DATE: September 8, 2020
RE: Citywide Curbside Recycling Audit

The City's next recycling audit is scheduled to take place in the first half of October 2020. The most recent biannual audit occurred between 1/10/20 - 1/27/20. In performing the audit, Waste Management retrieved random samples from 11 residential recycling loads, which were hand sorted by Waste Management's audit team at the MRF (recycle facility) to determine the overall contamination rate for the City. Below are pictures from the January Audit.



Picture (Left): WM Employee sorting through recycling during January Audit.; **Picture (Right)** Examples of types of contamination found in recycling audit (plastic bags filled with trash and/or recycling materials).



Department of Public Works
1365 Middlesex Street-Lowell, MA. 01851
P: 978-674-4111 F: 978-970-4071
cclancy@lowellma.gov
Christine Clancy, PE
DPW Commissioner

The previous audit of the City's recycle was completed during September 2019 and came in at 38% contamination. This audit resulted in a 24 % contamination rate. Below is the January 2020 audit breakdown:

Route Day - Estimates	Audit Date	Residue lbs	Single Stream lbs	Total Weight	% Contamination
Friday, January 10, 2020	1/13/2020	111.0	209.0	320	34.7%
Monday, January 13, 2020	1/14/2020	82.2	357.8	440	18.7%
Tuesday, January 14, 2020	1/15/2020	29.3	250.7	280	10.5%
Wednesday, January 15, 2020	1/16/2020	57.6	162.4	220	26.2%
Thursday, January 16, 2020	1/17/2020	114.2	225.8	340	33.6%
Friday, January 17, 2020*	1/21/2020	125.3	24.7	200	62.7%
Tuesday, January 21, 2020	1/22/2020	63.3	296.7	360	17.6%
Wednesday, January 22, 2020	1/23/2020	72.0	148.0	220	32.7%
Thursday, January 23, 2020	1/24/2020	27.8	172.2	200	13.9%
Friday, January 24, 2020	1/27/2020	51.1	208.9	260	19.7%
Monday, January 27, 2020	1/28/2020	37.5	382.5	420	8.9%
Totals		821.3	2,438.7	3,260	25.2%
*Adjusted to eliminate 50 LBS associated with refrigerator in 1/17 load		721.30	2,388.70	3,210	24%

The audit resulted in a decrease in contamination but is still over the 10% contamination threshold we need to continue working towards in order to avoid costly penalties.

Below is a list of items that contributed heavily to the contamination rate:

- Plastic Trash Bags with either recycling or trash content.
- Construction Metal
- Plastic Film
- Textiles (clothes and Shoes)



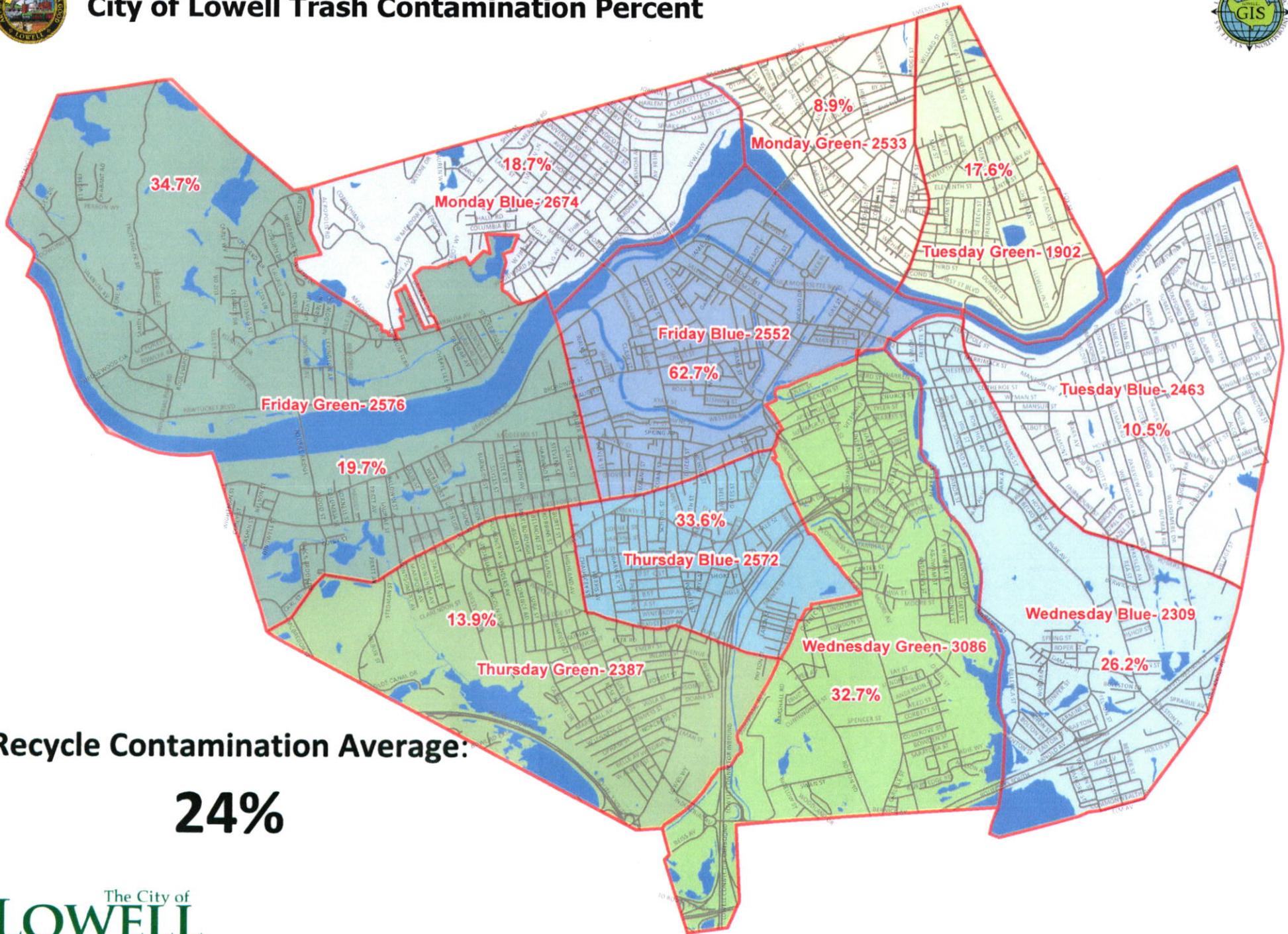
Department of Public Works
1365 Middlesex Street-Lowell, MA. 01851
P: 978-674-4111 F: 978-970-4071
cclancy@lowellma.gov
Christine Clancy, PE
DPW Commissioner

- Wood
- Styrofoam
- Dirt
- Other Construction Debris

The Solid waste and Recycle department will continue to put our efforts into education and enforcement to reduce the overall impact on the recycle contamination. DPW has also increase efforts with site inspections and sending out warnings and tickets on violations. It is critical that residents follow appropriate recycling etiquette. Below are some reminders for proper recycling etiquette. Additional information can be found on our website at <http://lowellma.gov/195/Solid-Waste-Recycling>. It is critical that residents adhere to following these guidelines. Increased contamination will result in the need to increase the current solid waste and recycling fees.



City of Lowell Trash Contamination Percent



Recycle Contamination Average:

24%



RECYCLE OFTEN.
RECYCLE RIGHT.™

KEEP THE DIRTY DOZEN OUT OF YOUR RECYCLING CART.

You have heard the saying, “one bad apple can spoil the bunch.” The same goes for recycling. We need your help to keep the dirty dozen out of the recycling cart.

Food	Plastic Bags	Food-Soiled Paper	Snack Bags & Wrappers	Cords/Wires	Garden Hose	Clothing	Diapers	Broken Cups & Dishes	Electronics & Batteries	Household Hazardous Waste	Needles

Go to RecycleOftenRecycleRight.com to learn more.



RECYCLING RULES

1. RECYCLE ALL BOTTLES, CANS AND PAPER
2. KEEP ITEMS CLEAN AND DRY
3. NO PLASTIC BAGS

Always recycle:



Plastic Bottles & Containers

Plastic bottles, jars, jugs and tubs



Food & Beverage Cans

Tin, aluminum, steel food and beverage cans



Paper

Cardboard, paper, newspaper, paperboard, magazines



Flattened Cardboard & Paperboard

Flatten all boxes (do not bundle/tie up)



Eileen Donoghue
City Manager

September 17, 2020

Mayor John J. Leahy
and
Members of the City Council

RE: Lowell Cultural Council;-Reappointment

Dear Mayor Leahy and Members of the City Council:

Pursuant to the authority vested in me as City Manager under Mass. G.L. Ch.10, §58 and 962 CMR 2:04, I have reappointed Olu Ibrahim of 17 Dean Drive, Lowell, MA 01854 to membership on the Lowell Cultural Council, which term expires on September 22, 2023, or such time thereafter until a successor is appointed and qualified.

Under the above-referenced statute, confirmation by the City Council is not required.

I would be happy to answer any inquiry that you may have concerning this reappointment.

Very truly yours,

Eileen M. Donoghue
City Manager

cc: City Clerk
Lowell Cultural Council
Human Relations Manager

Law Dept.
City Auditor
MIS

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager on behalf of the City of Lowell to request approval pursuant to Massachusetts General Laws Chapter 121B §48 and 760 CMR 12 that requires the City of Lowell undergo a process to extend the Jackson/Appleton/Middlesex Urban Revitalization (“JAM”) Plan for an additional ten years.

The JAM Plan was approved and accepted by the City Council by Vote dated March 28, 2000, which Plan was further approved by the Department of Housing and Community Development of the Commonwealth of Massachusetts on November 2, 2000; and

A “Notice of Approval of the Plan and Declaration of Restrictions” was duly recorded with Middlesex North District Registry of Deeds on June 7, 2002 in Book 13182, Page 249; and

In November of 2020 the Jackson/Appleton/Middlesex Urban Revitalization (“JAM”) Plan will expire; and

The City desires to extend the plan for an additional ten years;

Pursuant to Massachusetts General Laws Chapter 121B §48 and 760 CMR 12 requires that the City of Lowell undergo a process to extend the Jackson/Appleton/Middlesex Urban Revitalization (“JAM”) Plan for an additional ten years.

NOW, THEREFORE, BE IT VOTED:

Pursuant to Massachusetts General Laws Ch. 121B and the Code of Massachusetts Regulations 760 CMR 12 the City Council hereby approves the extension of the Jackson/Appleton/Middlesex Urban Revitalization (“JAM”) Plan for an additional ten years.

BE IT FURTHER VOTED:

That the City Manager be and is hereby authorized, in the name of the City of Lowell, to submit a request for approval of the aforementioned extension of the plan for an additional ten years to DHCD and to execute any documents as may be necessary in connection therewith.

Eileen M. Donoghue
City Manager

Kara Keefe Mullin
Assistant City Manager

September 22, 2020

Mayor John J. Leahy
and
Members of the City Council

REFERENCE: Extension of JAM Plan

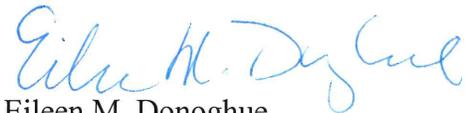
Dear Mayor Leahy and Members of the City Council:

Over the past 20 years, the City of Lowell has made significant progress in implementing the Jackson/Appleton/Middlesex Urban Revitalization and Development Urban Renewal Plan (JAM Plan). This plan has helped to spur redevelopment in the JAM neighborhood, turning a once blighted area into a reinvigorated and dynamic area for the City. To date, significant milestones such as construction of the new Justice Center, the creation of the Hamilton Canal Innovation District and construction of the Edward Early Jr. Garage has been implemented in accordance with the vision set forth from its inception in 2000. The JAM Plan was approved for 20 years and will expire in November 2020.

The Department of Planning and Development would like to extend the JAM Plan, with the City Council's approval, for a period of 10 years to re-engage stakeholders and develop any necessary changes to meet the current needs of the residents, businesses and property owners as well as the University of Massachusetts Lowell, who has a far more significant presence in the neighborhood at 110 Canal than they did 20 years ago.

I respectfully request that the Council vote to extend the JAM Plan for a period of 10 years. The Law Department has prepared the necessary vote.

Sincerely,



Eileen M. Donoghue
City Manager

EMD/ns
Attachment

cc: Diane N. Tradd, Assistant City Manager/DPD Director
Christine P. O'Connor, City Solicitor
Joseph Giniewicz, Urban Renewal Project Manager

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager on Behalf of the City of Lowell to accept and expend a Grant from the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Public Health, in the amount of Sixty Thousand (\$60,000.00) Dollars for Fiscal Year 2021.

The Executive Office of Health and Human Services, Department of Public Health, has chosen the City of Lowell Health Department to be the fiscal agent for the Mass in Motion Municipal Wellness and Leadership Initiative;

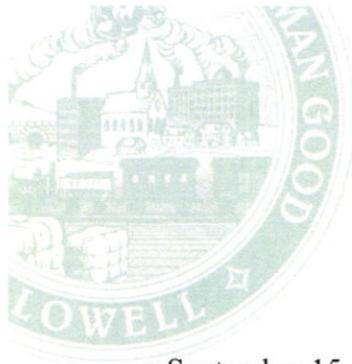
Lowell Community Health Center will be the agency responsible for overseeing and meeting the grant initiatives of expanding efforts in Healthy Eating and Active Living.

BE IT VOTED:

That the City Manager be and he is hereby authorized in the name of the City of Lowell, to accept and expend a Grant from the Executive Office of Health and Human Services, Department of Public Health, in the amount of Sixty Thousand (\$60,000.00) Dollars for Fiscal Year 2021 for the Mass in Motion Wellness and Leadership Initiative.

BE IT FURTHER VOTED:

That the City Manager, on behalf of the City of Lowell, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Executive Office of Health and Human Services, Department of Public Health, including the expenditure thereof.



Eileen M. Donoghue
City Manager

September 15, 2020

Mayor John J. Leahy
And
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

I respectfully request that the City Council vote to accept and appropriate grant funding from the Commonwealth in the amount of \$60,000 for the continuation of the Mass in Motion grant for Fiscal Year 2021.

Mass in Motion is a statewide movement that promotes opportunities for healthy eating and active living within communities, schools, childcare centers, and businesses to create changes that make it easy for people to eat better and move more. The Lowell Health Department is the fiscal agent of the grant, and works with Lowell Community Health Center to implement programming throughout the City. Fiscal year 2021 will be the 10th year that the Health Department has been awarded the Mass in Motion grant by the Massachusetts Department of Public Health.

Please do not hesitate to let me know if there are any questions.

Sincerely,



Eileen M. Donoghue
City Manager

Cc: Conor Baldwin, Chief Financial Officer
Joanne Belanger, Director Health & Human Services

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to Accept and to Expend Funds from a grant from the Commonwealth of Massachusetts, Department of Public Health for the continuation of the “Tobacco Control Program” to be administered by the City of Lowell Health Department.

The Commonwealth of Massachusetts, Department of Public Health Grant for the continuation of the “Tobacco Control Program” has available to the City of Lowell in the amount of One Hundred Five Thousand and 00/100 (\$105,000.00) Dollars; and

The City of Lowell is desirous of accepting and expending said Grant from the Commonwealth of Massachusetts, Department of Public Health “Tobacco Control Program”; and

The Grant will make available to the City the sum of One Hundred Five Thousand and 00/100 (\$105,000.00) Dollars to be used to pay the salary and other expenses related to the program’s efforts to implement and enforce state law and local regulations that restrict the sale and use of tobacco products within the cities of Lowell and Lawrence. These cities work as a collaborative on this initiative, with Lowell being the lead agency and fiscal agent for the two municipalities.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:

That the City Manager be and is hereby authorized to accept and expend funds from the Commonwealth of Massachusetts, Department of Public Health Grant for the continuation of the “Tobacco Control Program” has available to the City of Lowell in the amount of One Hundred Five Thousand and 00/100 (\$105,000.00) Dollar to be used to pay the salary and other expenses related to the program’s efforts to implement and enforce state law and local regulations that restrict the sale and use of tobacco products within the cities of Lowell and Lawrence.

BE IT FURTHER VOTED:

That the City Manager, on behalf of the City of Lowell, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Commonwealth of Massachusetts, Department of Public Health Grant for the continuation of the “Tobacco Control Program”, including the expenditure thereof.

V:grant/healthdept/tobaccocontrol

Eileen M. Donoghue
City Manager

September 8, 2020

Mayor John J. Leahy
And
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

I respectfully request that the City Council vote to accept and appropriate grant funding from the Commonwealth in the amount of \$105,000 for the continuation of the Tobacco Control Program for Fiscal Year 2021. The funds are to be used to pay salary and other operational expenses related to the program's efforts to implement and enforce state law and local regulations that restrict the sale and use of tobacco products within the cities of Lowell and Lawrence. These cities work as a collaborative on this initiative, with Lowell being the lead agency and fiscal agent for the two municipalities. Fiscal year 2021 will be the 9th year that the program has been in place as a two-city collaborative.

Please do not hesitate to let me know if there are any questions.

Sincerely,



Eileen M. Donoghue
City Manager

Cc: Conor Baldwin, Chief Financial Officer
Joanne Belanger, Director Health & Human Services



City of Lowell

COMMONWEALTH OF MASSACHUSETTS

TO THE CITY COUNCIL:

The Department of Public Works, Division of Streets and Highways and Superintendent of Wires of the City of Lowell, to whom was referred the petition of

Re: City Council petition National Grid to install 375' of new gas main.

respectfully report thereon as follows:

Would recommend the granting of said petition and the accompanying order is introduced with the recommendation that it be adopted.

FOR DEPARTMENT OF PUBLIC WORKS
DIVISION of STREETS and HIGHWAYS

A handwritten signature in cursive script that reads "Nicholas Catey".

SUPERINTENDENT OF WIRES



City of Lowell

COMMONWEALTH OF MASSACHUSETTS

O THE CITY COUNCIL:

The Department of Public Works, Division of Streets and Highways and Superintendent of Wires of the City of Lowell, to whom was referred the petition of

Re: City Council petition for National Grid requesting to install 700' of new gas main.

respectfully report thereon as follows:

Would recommend the granting of said petition and the accompanying order is introduced with the recommendation that it be adopted.

FOR DEPARTMENT OF PUBLIC WORKS
DIVISION of STREETS and HIGHWAYS

A handwritten signature in cursive script that reads "Nicholas Catey".

SUPERINTENDENT OF WIRES



City of Lowell

COMMONWEALTH OF MASSACHUSETTS

TO THE CITY COUNCIL:

The Department of Public Works, Division of Streets and Highways and Superintendent of Wires of the City of Lowell, to whom was referred the petition of

Re: City Council Petition National Grid to replace existing gas pressure regulator station in shoulder of roadway on Carlisle St.

respectfully report thereon as follows:

Would recommend the granting of said petition and the accompanying order is introduced with the recommendation that it be adopted.

FOR DEPARTMENT OF PUBLIC WORKS
DIVISION of STREETS and HIGHWAYS

A handwritten signature in cursive script, appearing to read "V. C. [unclear]".

SUPERINTENDENT OF WIRES

CITY OF LOWELL
PETITION

TO THE
CITY COUNCIL

Francis T. Brennan
98 Stoughton Ave.
Lowell MA 01852

Request traffic circle
in front of VP Field
Corner St & Sawtoga St
at Corliss St.

In City Council

September 10, 2000

Read and

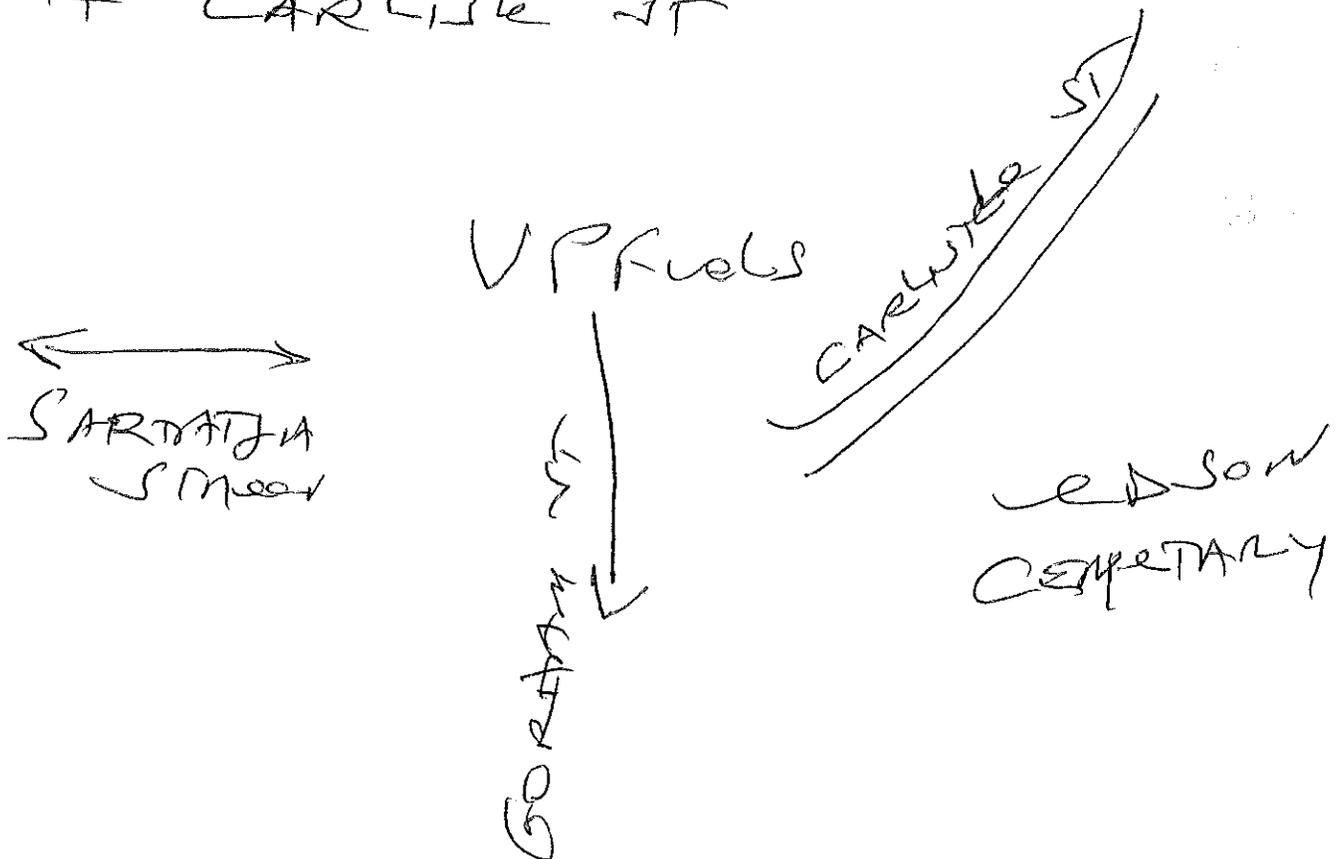
Clerk

ROBERT T. GRIMES
98B STROMQUIST AVE
Lowell, MA 01852
(C) 978-237-1296

SEPT 15, 2020

ROBERT.GRIMES1793@COMCAST.NET

REQUEST TRAFFIC GRAB
IN FRONT OF VP ~~FUELS~~ FUELS
GORHAM ST +
SANTATOJA STREET
+ CARLISLE ST



I SPOKE TO NATASHA VANCE
ENGINEERING DEPT

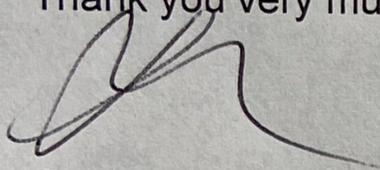
Thursday September 17, 2020

Mr. Michael Geary
Lowell City Clerk
375 Merrimack Street.
Lowell, MA 01852

Subject: Citizen Petition

My name is Soben Pin. I am a Lowell resident of 27 Jackson Street. Unit 329. Lowell, MA 01852. I am requesting for the opportunity to address the council on Tuesday 9/22/2020 with regarding policy and procedure in issuing citation to Cambodian government officials from Cambodia.

Thank you very much.



Soben Pin

Lowell, MA