



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: August 11, 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 Francis McCabe. C. Nuon and C. Rourke commented on the life of Mr. McCabe.

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. Conway, seconded by C. Nuon. So voted.

2.2. Proclamation - National Health Center Week.

In City Council, M. Leahy read the proclamation.



3. CITY CLERK

3.1. Minutes of City Council Meeting July 28th, for acceptance.

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

4. UTILITY PUBLIC HEARING

4.1. National Grid - Req. installation of (1) SO pole on Andrews Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Richard Jackson from National Grid. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Mercier. So voted.

4.2. National Grid - Req. installation of PVC conduit from new pole to existing manhole on Andrews Street.

In City Council, Given 2nd Reading. Speaking in favor was Richard Jackson from National Grid. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Chau, seconded by C. Samaras. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses

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

A) Motion Response - Affordable Housing Inventory – C. Nuon noted the list of housing along with the subsidizing agency. Phil Ferreira (DPD) outlined housing procedures and the restrictions that may be in place. C. Nuon noted the need to increase housing as population grows with demands that increase costs and rents. C. Chau commented on the housing units in the City noting that they do very well in comparison to other communities. C. Chau questioned the meaning of perpetual housing. Mr. Ferreira outlined concept of perpetual use and noted that the City is very aggressive in their approach to increasing affordable housing stock. Mr. Ferreira commented on the use of 40B developments to increase affordable housing units. M. Leahy noted the need for these units but commented that the integrity of the neighborhoods must be maintained.

Motion by C. Rourke, seconded by C. Nuon to suspend rules and take Item #9.7 out of order. So voted.

B) Motion Response - CDBG Grant Program – C. Chau noted the report and commented on the efforts of all the partners in the program and that it benefited all sections of the City. C. Chau requested information regarding use of the program. Christine McCall (DPD) commented on the number of participants in the program and



noted that there were about 200 applicants and those that were rejected was mostly due because of income regulations. C. Chau questioned if there would be additional funding. Ms. McCall noted that the Cares Act would generate more funding. C. Mercier noted that added funding would allow for more applicants as well as covering prior applicants. Ms. McCall noted that new programs would be available to all applicants, old and new. C. Nuon praised the team effort and noted that information about the programs should be sent out to the community. C. Rourke noted that the program is an example of how the City assists all of its citizens. C. Rourke noted some businesses did not participate in the program so that others could benefit.

C) Motion Response - MCC Parking Garage – C. Nuon commented on the report. C. Mercier questioned costs of construction and who would bear it. Manager Donoghue noted that there would be a joint venture with the MCC as City owns property and the use would be shared between the entities.

D) Motion Response - Public Participation in Zoom Meetings – Motion to suspend rules to allow Memorandum of C. Drinkwater dated August 10, 2020 entitled “Response to Communications from Chief Information Officer Miran Fernandez” to be discussed and accepted has a communication by the body by C. Drinkwater, seconded by C. Nuon. So voted. C. Mercier noted she had not seen the memorandum but recognized the efforts of Mr. Fernandez and the MIS department. C. Mercier noted that she had received an apology from person who was disrespectful to her during the July 14th meeting. C. Mercier noted that a Councilor has not right to demand anything from a department head in the City as was indicated in the report and the report is a public record. C. Elliott noted that the Rules SC had recently met and that protocols were in place and there had been no issues with any prior meetings. C. Elliott noted all should be on equal footing and that there should be no favoritism for any individual. C. Elliott requested to be allowed to provide Rules SC report of August 10, 2020 and was allowed with no objections (See Item #7.1). C. Drinkwater commented on the situation and noted that he was being treated unfairly and was surprised that the actions of his colleagues surprised him. C. Drinkwater stated he never demanded anything from anyone. C. Drinkwater commented on the response of MIS noting that Mr. Fernandez statements did not match what was actually said on his voicemail. C. Drinkwater noted that Mr. Fernandez was not credible and as such the whole report should be questioned. C. Drinkwater outlined the facts as they appear to him comparing what Mr. Fernandez described and what was actually said on the voicemail left by him. C. Elliott commented that C. Drinkwater was out of order in his characterization of City employee. M. Leahy requested opinion of City Solicitor O’Connor. Solicitor O’Connor noted that the Council requested straight forward information regarding the incident and that MIS provided information on that matter. Solicitor O’Connor note that if there are contradictions with subject matter then there could be a request for Manager to further investigate or the Council can take matter up among themselves through the Executive Session process. C. Elliott noted that there was a citizen complaint and that was reason for Rules SC meeting. Solicitor O’Connor noted that the Rules SC corrected any departures that may have happened procedurally. Solicitor O’Connor noted that the proper forum for the Council to discuss personnel issues is in Executive Session. C. Drinkwater noted he felt misrepresented and his character was called out. C.



Drinkwater also questioned who may have sent out credentials on separate meeting and why there wasn't an investigation of that. C. Rourke questioned if both reports could be accepted and placed on file. Solicitor O'Connor noted both reports could be accepted and an Executive Session could be called if Council wished. C. Mercier noted that the employee should be present to provide his side of story. Solicitor O'Connor noted the proper forum is in Executive Session and that calls for providing notice to employee regarding rights before the event. **Motion** by C. Rourke, seconded by C. Elliott to accept the reports and place them on file. Adopted per Roll Call vote 9 yeas. So voted. C. Nuon noted procedures and that he was supportive of C. Drinkwater. C. Elliott noted that there was a breach of procedures and place the matter on file and move on.

E) Motion Response - Equity and Inclusion Fund – C. Samaras requested information regarding legality and process for the fund. Solicitor O'Connor outlined the legal process for funding in this manner. C. Samaras noted such a fund would work well in the City and suggested that a commission be establish to help with the administration. **Motion** by C. Samaras, seconded by C. Elliott to establish a citizens' commission to assist and administer the fund. So voted. C. Elliott noted that this commission is the proper next step in the process. C. Conway noted this was a timely endeavor and that the City has a history of helping all people. C. Chau recognized the procedure being used to collect funds. Solicitor O'Connor noted there would be an insert in the tax bill and a platform could be launched as well and that any money raised would have to be for a government purpose.

Motion by C. Nuon, seconded by C. Elliott to suspend rules and take Item #9.9 out of order. So voted.

5.2. Informational Reports

F) Informational - Open Meeting Law Complaints – Manager Donoghue noted that there was the option to refer complaint to Law Department to prepare response. Solicitor O'Connor commented on procedure to respond and the involvement of the Council. C. Mercier commented on her involvement with the matter and that the adopted resolution was put before public in proper manner. **Motion** by C. Mercier, seconded by C. Nuon to refer matter to Law Department to prepare and issue response to the complaint. So voted. C. Nuon commented on the Open Meeting Law and the need to get extension to answer the matter. C. Elliott noted complaint was frivolous and brought forward for simple reason resolution was adopted after public input. C. Elliott questioned if there was a procedure that allows penalties to groups or persons who file frivolous complaints such as this. C. Conway commented complaint was just anger on group who did not get there way. C. Conway noted the resolution was not only effective but was acted on in a proper manner. C. Chau noted he was elected to do the best job for the citizens and he believes that all of the members' intent is the same. C. Chau requested brief explanation of the law. Solicitor O'Connor provided overview of the law.

G) Informational - Cares Act Funding – Conor Baldwin (CFO) provided a report outlining funds and expenditures and noted the educational element to the funding. Manager Donoghue commented on the number of needs the City is now facing and the



need for these funds. Manager Donoghue outlined the desperate situation with the homeless in the City and that a lot of funding will be needed to rectify matter. C. Rourke commented on the money to be used for preparation of school buildings.

5.3. Petition Responses

H) Petition Response - Stop Sign at River Place Towers – C. Mercier questioned authority over that area. Manager Donoghue noted it was private so the City has limited authority.

5.4. Presentation - Peter Lally, Lowell Memorial Auditorium.

In City Council, Christopher Dick (LMA) commented on the operations of the auditorium. Peter Lally (LMA) provided update to Council regarding operations during pandemic and the challenges that imposes. Mr. Lally provide review of 2019 successful season and noted steps being taken to move forward. Mr. Lally recognized the grants secured by the City for the benefit of the auditorium.

5.5. Appoint John S. Marshall, III to Cemetery Commission.

In City Council, **Motion** "To accept and place on file" by C. Rourke, seconded by C. Mercier. So voted. C. Mercier lauded the choice. C. Rourke commented that it was a successful pick.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Approve One-Twelfth Budget for the City of Lowell for September of FY21.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 25, 2020 at 7PM by C. Nuon, seconded by C. Mercier. So voted.

Motion to bundle and waive second reading of Items #6.2 to #6.8 inclusive by C. Rourke, seconded by C. Nuon. So voted.

6.2. Vote-Authorize Payment of Bills Incurred in Excess of Appropriations Police.

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. C. Elliott questioned expenditure regarding canine. Mr. Baldwin noted that there was a specific purpose for the cost. **Motion** by C. Elliott, seconded by C. Samaras to refer to Finance SC. So voted.

6.3. Vote-Authorize Payment of Bills Incurred in Excess of Appropriations School.

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.



6.4. Vote-Authorize Payment of Bills Incurred in Excess of Appropriations Wastewater.

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.

6.5. Vote-MassWorks Infrastructure Grant-Tanner St Realignment.

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. C. Elliott noted the need for the grant to push the development along.

6.6. Vote-Transfer \$60,000.00 to Law.

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. C. Elliott noted the expenditure as part of the lawsuit settled by the City. C. Elliott questioned estimate of total costs. Solicitor O'Connor noted that costs could not be totally identified to date.

6.7. Vote-Transfer \$7,950.00 to Cemetery for Columbarium.

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. C. Mercier questioned structures associated with the costs. Manager Donoghue commented on what money would be used for.

6.8. Vote-Transfer \$750.00 to Cemetery to pay for ad in The Sun.

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.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Rules SC August 10, 2020.

In City Council, C. Elliott noted attendance and discussion of protocols and procedures regarding zoom meetings. C. Elliott outlined the two motions that were adopted by the subcommittee which included video participation by public and accepting the rules protocols established by MIS. **Motion** to accept the report as a report of progress and adopt motions by C. Elliott, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier noted her approval of visual participation so that all is transparent and noted all should follow the rules.



8. PETITIONS

8.1. Misc. - Bill Dzoung (for the benefit of John Martin) request installation of a handicap parking sign at 236 West Street.

In City Council, **Motion** to refer to Transportation Engineer to draft ordinance by C. Chau, seconded by C. Elliott. So voted.

8.2. National Grid - Request installation of 375 feet of gas main for infrastructure reinforcement from 1500 to 1524 Gorham Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 25, 2020 at 7PM by C. Samaras, seconded by C. Drinkwater. So voted.

8.3. National Grid - Request installation of 700 feet of gas main for infrastructure reinforcement along Gorham Street (Saratoga St. to Rivers Edge Rd.).

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 25, 2020 at 7PM by C. Nuon, seconded by C. Mercier. So voted.

8.4. National Grid - Request to reconstruct gas pressure regulator and add SCADA system at the intersection of Carlisle and Gorham Streets.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 25, 2020 at 7PM by C. Nuon, seconded by C. Drinkwater. So voted.

9. CITY COUNCIL - MOTIONS

9.1. C. Mercier - Req. City Mgr. have Transportation Engineer poll the residents on Corbett Street to see if there is interest in making Corbett Street one-way from Gorham Street to Stromquist Avenue.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Mercier requested neighborhood be polled to establish what needs to be done.

9.2. C. Mercier - Req. City Mgr. provide a report regarding the steps taken to acquire 75 Arcand Drive; include total costs to date, appraisals done and any remaining eminent domain court proceedings.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier noted the need for an update regarding procedures and appraisals done on the property as she does not have that information and the project will be beginning soon.

9.3. C. Conway - Req. City Mgr. meet with appropriate Departments/Organizations to develop a report showing the readiness of our school buildings for the opening of school; said report shall include but not limited to air quality, heating systems and bathroom facilities.



In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Conway noted the concerns of teachers, students and parents and that efforts must continue in the future. C. Conway noted update provided to Council regarding preparation of school buildings. Manager Donoghue commented that there would be an update and that the City has always got the school buildings prepared for the year and that this year there are different protocols in place. Manager Donoghue provide the update of the school preparations commenting on air quality, effort of DPW, costs, filter review and indicated that they have adhered to all State guidelines and recommendations. Christine Clancy (DPW) commented on the collaborative efforts of all parties and noted work being done on ventilation systems and windows. C. Conway requested once report is returned it should be referred to Education Partnerships SC for review and oversight going forward. C. Chau noted that the City was optimizing all of its options. Ms. Clancy commented on State recommendations. C. Rourke commented that the partnership needed to provide a safe environment. C. Nuon noted concerns were being addressed. Manager Donoghue noted that this was a top priority for the City. M. Leahy recognized effort of City administration for past, present and future works. C. Rourke noted that Covid testing is going well in the City with low positive test results. Manager Donoghue reviewed latest statistics with the Council. M. Leahy made note of all the test sites in the City.

9.4. C. Elliott - Req. City Mgr. / CFO report on possible options to reduce the demand fees on taxes established by State law.

In City Council, seconded by C. Samaras, referred to City Manager/CFO. So voted. C. Elliott noted many residents requesting relief.

9.5. C. Elliott - Req. City Mgr. provide a report regarding UTEC involvement with criminal investigations.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott commented on issues regarding investigations so meeting should be scheduled to iron out any possible issues. C. Rourke noted prior issues and which were cleared and hopes same approach be used if needed.

9.6. C. Elliott - Req. Finance SC meet regarding potential savings from police precinct relocation plan.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Elliott noted savings could be beneficial.

9.7. C. Nuon/C. Rourke - Req. City Mgr. invite WinnCompanies to speak on HCID motion and advice on what it would take to build more housing in Lowell.

In City Council, no second needed, referred to City Manager. So voted. C. Rourke noted the need to look at all options and assist in any fashion. C. Nuon commented on the need for housing.



9.8. C. Nuon/C. Samaras - Req. City Mgr. have proper department provide update regarding HCID parking; HCID development projects (various developers); Lord Overpass project; Lowell Connector bridge deck development at Industrial Avenue (MassDOT); and traffic plan surrounding these and other construction projects in the City for next few years.

In City Council, no second needed, referred to City Manager. So voted. C. Samaras commented on the need for the information. C. Rourke questioned garage construction in the Hamilton Canal District. Manager Donoghue noted City garage is ahead of schedule and possible construction of another one.

9.9. C. Nuon/C. Samaras - Req. City Mgr. report on result of previous negotiations with SiFi Networks and explore options to provide Wifi throughout the City so all students can access online learning as necessary.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon commented on the need to prepare for remote learning and need access to internet. C. Nuon noted that all options and vendors should be explored. M. Leahy noted currently Hot Spots are purchased for internet connections. Registered speakers, Shamir Rivera-Quintal and Hilary Clark, addressed the body. C. Samaras noted some connections must be made for remote learning. C. Conway questioned how many homes are in need of a connection. M. Leahy noted that there are discussions with Comcast to provide coverage. C. Conway noted organizations like Project Learn can provide valuable grant money for such projects. C. Chau noted that citizens should be informed of any plan being put forward.

9.10. C. Samaras - Req. City Mgr. communicate with school administration as to what steps were taken to clean and sanitize our school buildings and what steps will be taken on an ongoing basis to ensure the safety and security for our students and faculty - what safety/personal protection will be available to all our staff in our schools.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Samaras noted the need to continue efforts and that there should be training in cleaning approaches. C. Samaras commented that all staff must be provided with safety equipment.

9.11. C. Drinkwater - Req. City Mgr. provide a report on the number of applicants for marijuana cultivation or retail licenses that were certified economic empowerment applicants or social equity program participants; as well as any other considerations made during the review process with regard to social equity.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Drinkwater noted the requirements of the original law and data should be tracked to ensure that groups have opportunities to enter Host Agreements.



9.12. **C. Drinkwater - Req. City Mgr. provide an update on discussions with the construction manager for the Lowell High School project regarding diversity and inclusion measures, training, and other community benefits to enhance the positive economic impact on Lowell residents.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Drinkwater noted the project was moving forward so proper time for an update regarding inclusiveness.

10. ANNOUNCEMENTS

In City Council, none.

11. ADJOURNMENT

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

Meeting adjourned at 9:50 PM.

Michael Q. Geary, City Clerk