



# Lowell City Council

## Regular Meeting Agenda

**Date:** February 3, 2026

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA / Zoom (Hybrid)

### 1. ROLL CALL

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 6). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is [MGEARY@LOWELLMA.GOV](mailto:MGEARY@LOWELLMA.GOV). If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom - [HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

### 3. CITY CLERK

#### 3.1. Minutes Of City Council Regular Meeting January 27th, For Acceptance.

Documents:

[2026 JANUARY 27 CC MINUTES.PDF](#)

### 4. CITY COUNCIL - MOTIONS

#### 4.1. C. Nuon - Reg. City Mgr. Work With The OPM To Provide To City Council A Finding Of The Structural Engineer Review Of The 1892 Building At Lowell High School.

#### 4.2. C. Nuon - Req. City Mgr. Have The Proper Department Provide A Report On The Feasibility Of Implementing A Community Benefit Agreement Ordinance In Lowell. Report To Include A Process For Distributing Developer Contributions Earmarked For Community Benefits That Are Generated From Large-Scale Real Estate Projects. The Proposed Ordinance Should Ensure That There Is A Transparent And Inclusive Framework For: Considering How Large-Scale Developments Impact A Community; Identifying And Ranking Community's Needs, And Distributing Community Benefit Contributions In A Manner That Addresses Those Needs.

#### 4.3. C. Nuon / C. Liang - Req. City Mgr. Have The Proper Department Provide A Report

That Examines How Arterial (Both Minor And Major) Streets Are Cleared In Winter Hopefully Easing The Difficulty Of Clearing Sidewalks For Residents, Especially The Elderly And People Without Snowblowers. Focus Should Be Repeated Plowing That Piles More Salt Laden Snow, And Snowbanks At Intersections That Make It Virtually Impossible For Residents To Clear Access To Crosswalks.

- 4.4. C. Nuon / C. Liang - Req. City Mgr. Invite The Citizens Advisory Committee/LPD To Appear Before The Public Safety SC To Provide A Presentation.
- 4.5. C. Liang - Req. City Mgr. Have The Proper Departments Inspect LHS And Other School Buildings To Ensure Automated External Defibrillators (AEDs) Are Installed In Secure, Easily Accessible Locations, And That Teachers And Other Personnel Are Fully Equipped To Use These Devices During Emergencies.
- 4.6. C. Liang - Req. City Mgr., For Public Safety And Precaution, Have Appropriate Departments Work On Installing Additional Lighting Around City Hall, 375 Merrimack Street, Extending Beyond 50 Feet From The Building, Particularly In The Side Area Near The Monuments, Where Activities And Events Commonly Occur.
- 4.7. C. Scott - Req. City Mgr. Evaluate And Take The Necessary Steps To Install Sidewalks Along Woburn Street To Improve Pedestrian Safety And Access.
- 4.8. C. Scott - Req. City Mgr. Have The Appropriate Department Report On The Feasibility Of Using Parks With Dedicated Parking Lots As Overflow Parking During Snow Emergencies To Increase Neighborhood Access.
- 4.9. C. Juran - Req. City Mgr. To Provide A Debrief About The Recent Snow Storm: E.g., What The City And The Residents Respectively Did Well Or Could Do Better, What Best Practices And Metrics The City Applies And What Lessons Were Learned That It Will Apply In The Future, Measures Of Plowing Quantity And Quality, And How Was Information Communicated Regarding Residents' Vs. City's Responsibility For Parking, Shoveling/Plowing, Etc.
- 4.10. C. Robinson - Req. City Mgr. Have The Proper Department Provide A List Of Possible Staging Locations In Centralville That Will Minimize The Impact To Our Residents.
- 4.11. C. Robinson - Req. City Mgr. Have The Proper Department Provide A Report On The Possibility Of Remote Board Of Parks Permitting Opportunities For The Public, Especially During Winter Months.
- 4.12. M. Gitschier - Req. City Mgr. Look Into A 24 Hour Construction Webcam Monitoring System That Provides Continuous, 360 Degree High Definition Live Streaming Of The Rourke Bridge Project For The Community To Be Able To Access And View The Progress In Real Time.
- 4.13. M. Gitschier - Req. City Mgr. And Council Send A Formal Letter To The Chair Of The Senate Ways And Means Senator Michael Rodrigues Expressing Lowell's Support Senate Bill #S.2721, Reiterating The Critical Importance Of This Bill To The Public Health, Environment And Residents Of Lowell And Ask Them To Vote Out The Bill Favorably.

## 5. COMMUNICATIONS FROM CITY MANAGER

### 5.1. Motion Responses

- A) Motion Response - Folk Festival Funding
- B) Motion Response - Letter LTLC

Documents:

- A) MOTION RESPONSE - FOLK FESTIVAL FUNDING.PDF
- B) MOTION RESPONSE - LETTER LTLC.PDF

## 5.2. Informational Report

Informational Report - Centralville SRF

Documents:

[INFORMATIONAL REPORT - CENTRALVILLE SRF.PDF](#)

## 5.3. Communication - Reappointment Of Jeffrey Harris To Historic Board

Documents:

[COMMUNICATION - REAPPOINTMENT OF JEFFREY HARRIS TO HISTORIC BOARD.PDF](#)

## 6. VOTES FROM THE CITY MANAGER

### 6.1. Vote – Accept MGL C.40 S.71 - School Bus Violation Detection Monitoring

Documents:

[VOTE - ACCEPT MGL C.40 S.71 - SCHOOL BUS VIOLATION DETECTION MONITORING.PDF](#)

### 6.2. Vote - Establish School Bus Violation Stabilization Fund

Documents:

[VOTE - ESTABLISH SCHOOL BUS VIOLATION STABILIZATION FUND.PDF](#)

### 6.3. Vote - Authorize CM To File Special Legislation

Documents:

[VOTE - AUTHORIZE CM TO FILE SPECIAL LEGISLATION.PDF](#)

## 7. ORDINANCES FROM THE CITY MANAGER

### 7.1. Ordinance - Amend Zoning - Data Center Moratorium

Documents:

[ORDINANCE - AMEND ZONING - DATA CENTER MORATORIUM.PDF](#)

### 7.2. Ordinance - Amend Chap 222.24 - School Bus Violation

Documents:

[ORDINANCE - AMEND CHAP 222.24 - SCHOOL BUS VIOLATION.PDF](#)

**8. REPORTS (SUB/COMMITTEE, IF ANY)**

**9. PETITIONS**

9.1. Claims - (2) Property Damage.

9.2. Misc. - Jennifer Mahoney-Brum Request Permission To Address City Council Regarding Construction At The Mahoney Softball Field Monument.

Documents:

[2026 FEBRUARY 3 JENNIFER MAHONEY BRUM SOFTBALL FIELD-MONUMENT.PDF](#)

9.3. National Grid - Request Installation Of (1) SO Pole At 242 Church Street.

Documents:

[2026 FEBRUARY 3 NAT GRID CHURCH ST POLE AGENDA.PDF](#)

**10. CITY COUNCIL - EXECUTIVE SESSION**

10.1. Executive Session - To Consider And Discuss The Purchase, Exchange, Lease, Or Value Of Real Property (The Senior Center, 276 Broadway Street), Public Discussion Of Which May Have A Detrimental Effect On The Negotiating Position Of The City.

**11. ANNOUNCEMENTS**

**12. ADJOURNMENT**

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



Michael Q. Geary  
City Clerk

Angela M. Gitschier  
Assistant City Clerk

## CITY COUNCIL MINUTES

**Date:** January 27, 2026

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor,  
Lowell, MA / Zoom (Hybrid)

### 1. ROLL CALL

Roll Call showed 11 present (C. Chau, C. Descoteaux, M. Gitschier, C. Juran, C. Liang, C. McDonough, C. Mercier, C. Nuon, C. Robinson, C. Rourke, C. Scott).

M. Gitschier presiding.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation.

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

### 3. CITY CLERK

#### 3.1. Minutes of City Council Regular Meeting January 20th, for acceptance.

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

### 4. CITY COUNCIL - MOTIONS

#### 4.1. C. Robinson - Req. City Mgr. have the proper departments work with our City Council to draft parameters around TIFs and TIEs that incorporate community and Council led initiatives.

In City Council, seconded by C. Nuon, referred to City Manager/Economic Development SC. So voted. C. Robinson noted that initiatives should be



**Michael Q. Geary**  
*City Clerk*

**Angela M. Gitschier**  
*Assistant City Clerk*

established with built in incentives to set up terms. **Motion** by C. Robinson, seconded by C. Nuon to refer matter to Economic Development SC. So voted.

**4.2. C. Robinson - Req. City Mgr. have the proper department provide a draft home rule petition allowing the City to establish a centralized facilities department.**

In City Council, seconded by C. Descoteaux, referred to City Manager. Adopted per Roll Call vote 10 yeas (C. Chau, C. Descoteaux, M. Gitschier, C. Juran, C. Liang, C. Mercier, C. Nuon, C. Robinson, C. Rourke, C. Scott), 1 Recusal (C. McDonough). So voted. C. McDonough recused self from discussion and vote. C. Robinson noted this may be only alternative as there is no agreement with the schools. C. Descoteaux questioned Manager regarding meetings with school administration. Manager Golden, Jr. outlined those discussions. City Solicitor Williams noted the Home Rule Petition would change existing laws which would take vote away from the school committee. Manager Golden, Jr. noted the home rule petition is a long process even when all parties are in agreement. C. Nuon noted the current Maintenance of Effort (MOE) with the school administration needs attention and that there are discussions surrounding Memorandum of Agreement regarding Net School Spending. C. Juran commented regarding pararell path with home rule petition and amending the memorandum. C. Rourke noted the school committee defeated this request prior and that current Mayor should bring that motion back before the committee. C. Robinson commented on the work and schedule of City custodians. C. Scott noted a joint subcommittee with schools could be helpful. **Motion** by C. Rourke, seconded by C. Scott to request Mayor bring motion before School Committee regarding the establishment of a centralized facilities department. So voted. **Motion** by C. Scott, seconded by C. Nuon to schedule a joint Municipal Facilities SC with schools. So voted.

**4.3. C. Chau - Req. City Mgr. invite the Veterans Commission to appear before the Council to provide a presentation on the City's Hometown Heroes Banner Program.**



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Assistant City Clerk

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Chau noted it was a good program to move forward.

**4.4. C. Chau / M. Gitschier - Req. City Mgr. provide the City Council with a comprehensive list and status update of all street paving, roadway improvements and infrastructure upgrade projects that have been previously approved by Council vote but remain pending.**

In City Council, no second needed, referred to City Manager/Neighborhoods SC as amended. So voted. C. Chau commented on the effort of the administration and just need a snapshot of where the City is in this endeavor. **Motion** by C. Juran, seconded by C. Chau to amend motion to have a comprehensive list along with criteria used for selection of roads and to refer to Neighborhoods SC. So voted. C. McDonough noted the need for regular reporting. C. Juran commented on prior motion that empowered the Neighborhoods SC to formulate such reporting.

**5. COMMUNICATIONS FROM CITY MANAGER**

**5.1. Motion Responses.**

**A) Motion Response - Bridge Safety Measures** – C. Chau commented on the request to MassDOT. C. Nuon noted letter to State highlighting the issue. Manager Golden, Jr. noted current discussions with other parties. **Motion** “To accept and place on file” by C. Rourke, seconded by C. Scott. So voted.

**B) Motion Response – Moratorium** – C. Scott noted response indicates that they are listening to residents. C. Juran noted concern with the definition of “Data Center” in the proposed ordinance. C. Juran noted possible involvement of the Zoning SC. C. Scott wished to move forward with the response. City Solicitor Williams noted collaboration with Planning Department regarding language. Yovani Baez-Rose (DPD) commented on definition noting it would suffice but tightening language is always present. C. Mercier noted item was going before the Planning Board. C. Juran questioned powers of the Planning Board regarding moratorium. City



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Assistant City Clerk

Solicitor Williams noted that the Planning Board could install changes. C. Chau questioned the effect of the moratorium. City Solicitor noted that it could not operate retroactively. C. McDonough noted the definition of data center should be amended. C. Nuon wished to move moratorium further. **Motion** by C. Scott, seconded by C. Juran to refer back to Law Department to amend definition of “Data Center” in the ordinance. So voted. **Motion** “To accept and place on file” by C. Rourke, seconded by C. Nuon. So voted.

## 6. VOTES FROM THE CITY MANAGER

### 6.1. Vote - Allocate \$20k Opioid Settlement Funds.

In City Council, Given 2<sup>nd</sup> reading. **Motion** “To Adopt” by C. Robinson, seconded by C. Juran. Adopted per Roll Call vote 10 yeas (C. Chau, C. Descoteaux, M. Gitschier, C. Juran, C. Liang, C. McDonough, C. Mercier, C. Robinson, C. Rourke, C. Scott), 1 absent (C. Nuon). So voted.

## 7. ORDINANCES FROM THE CITY MANAGER

### 7.1. Ordinance - Amend Zoning - Data Center Moratorium.

In City Council, **Motion** to withdraw item by C. Rourke, seconded by C. Mercier. So voted.

## 8. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

## 9. PETITIONS

### 9.1. Misc. - Nydia Rakim request installation of a handicap parking sign at 61 Chestnut Street (Apt. 3).

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



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Angela M. Gitschier  
Assistant City Clerk

**9.2. Misc. - Maria Olsen request installation of a handicap parking sign at 142-144 Ennell Street.**

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

**Motion** to bundle Items #9.3 to #9.13, inclusive by C. Scott, seconded by C. Mercier. So voted.

**9.3. National Grid - Request installation of 1 SO Pole at Middlesex and Wood Streets.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.4. National Grid - Request installation of 1 JO Pole 557 Varnum Avenue.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.5. National Grid - Request installation of 1 JO Pole at 1158 Gorham Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.6. National Grid - Request installation of 1 JO Pole at 145 Pawtucket Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.7. National Grid - Request installation of 1 JO Pole at 15 West Meadow Road.**



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Angela M. Gitschier  
Assistant City Clerk

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.8. National Grid - Request installation of 1 JO Pole at 308 Stevens Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.9. National Grid - Request installation of 1 JO Pole at 316 Mammoth Road.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.10. National Grid - Request installation of 1 JO Pole at 9-11 Columbia Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.11. National Grid - Request installation of 1 SO Pole at 12 Wood Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.12. National Grid - Request installation of 2 SO Poles at 1170 Gorham Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

**9.13. National Grid - Request installation of 5 JO Poles at Middlesex and Edwards Streets.**



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*City Clerk*

**Angela M. Gitschier**  
*Assistant City Clerk*

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on February 10, 2026 @ 7 PM by C. Scott, seconded by C. Rourke. So voted.

## **10. ANNOUNCEMENTS**

In City Council, C. Mercier noted birthday of former City Council member Paul Ratha Yem. C. Chau lauded the effort of the City during recent snowstorm. Manager Golden, Jr. commented on current parking ban in the City. C. Scott wished a happy birthday to Shawn Machado (Asst. City Mgr.) on behalf of the Council. C. Robinson commented on the Refuge Art School fundraiser.

## **11. ADJOURNMENT**

In City Council, **Motion** to Adjourn by C. Mercier, seconded by C. Nuon. So voted.

Meeting adjourned at 7:39 PM.

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Michael Q. Geary, City Clerk



Conor Baldwin  
Assistant City Manager/ CFO

Austin Ball  
Deputy CFO

## MEMORANDUM

**TO:** Thomas A. Golden, Jr., City Manager   
**FROM:** Conor Baldwin, Assistant City Manager for Fiscal Affairs   
**CC:** Corey Williams, City Solicitor  
**DATE:** January 29, 2026

**SUBJECT:** MOTION RESPONSE – 1/13/2026 – **C. Robinson** - Req. City Mgr. work with the Lowell Folk Festival Foundation to explore how our Council and administration may be able to assist with fundraising efforts

### Introduction & Background

The Lowell Folk Festival is one of the city's most cherished cultural traditions and a cornerstone of Lowell's creative economy. For decades, the festival has celebrated the rich diversity of music, food, and art that defines our community, while attracting visitors from across the region. Its impact extends beyond cultural enrichment—it generates significant economic activity for local businesses, reinforces Lowell's identity as a hub for arts and heritage, and fosters civic pride.

In recent years, the festival has faced growing financial challenges. Cuts in federal funding and a decline in contributions from private donors have placed increased pressure on the Lowell Folk Festival Foundation and its partners. The City of Lowell has long recognized the importance of the festival and has provided substantial in-kind support through services such as Public Works, Police, Fire, and EMS, ensuring the safety and success of the event. In fact, the City expanded its support in recent years using federal funds from the American Rescue Plan Act (ARPA) to help sustain and grow the festival during a critical period.

However, ARPA funding will expire on December 31, 2026, and with that, the City's ability to maintain this enhanced level of support will be significantly reduced. This memorandum explores the legal and financial constraints that limit direct municipal funding for non-profit organizations, while reaffirming the City's commitment to working collaboratively with the National Park Service and other stakeholders to sustain the festival for years to come.



Conor Baldwin  
Assistant City Manager/ CFO

Austin Ball  
Deputy CFO

### **Authority to Spend and Public Purpose Limitation**

The authority for cities and towns to spend money arises under Section 5 of MGL c.

40. That section provides, in part, that:

*"[a] town may at any town meeting appropriate money for the exercise of any of its corporate powers; provided, however, that a town shall not appropriate or expend money for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.<sup>1</sup>"*

In general, the properties and purposes for which cities and towns are authorized to spend are not specified, but rather they include any necessary expenditures arising from the exercise of their powers or functions. Cities and towns, however, can spend only for public purposes. Public funds cannot be used for private purposes. Thus, cities and towns have the right to spend money for any purpose where the public good will be served but not where the expenditure of money is directly or the private benefit of certain individuals. This principle is expressed in the Massachusetts constitution and in numerous cases. In addition to the general prohibitions against spending money for any purpose or under any conditions inconsistent with any general or special law, there are other prohibitions on municipal spending, such as the so-called "Anti-Aid Amendment<sup>2</sup>", which is a prohibition against the giving of money or property by a city or town to or in aid of any individual, association or corporation embarking upon any private enterprise.

It provides in pertinent part: "No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth." This amendment prohibits the use of public money or property by cities and towns for the purpose of maintaining or aiding any institution or charitable or religious undertaking that is not publicly owned. The kinds of expenditures barred by the amendment are those that directly and substantially benefit or "aid" private organizations in a way that is unfair, economically or politically. The prohibition against using public funds for private organizations includes any grants, contributions or donations made by a city or town to an organization for the specific purpose of directly supporting or assisting its operations.

<sup>1</sup> [MGL c. 40 s. 5](#)

<sup>2</sup> [Massachusetts Anti-Aid Amendment](#)



Conor Baldwin  
*Assistant City Manager/ CFO*

Austin Ball  
*Deputy CFO*

The prohibitions of the Anti-Aid amendment do not preclude a municipality, however, from entering a contract with a non-profit for services, provided that the contract is in writing, identifies the services to be provided, and sets forth the payment schedule. Payment for any service could only be made after the service was provided, pursuant to Massachusetts General Laws, Chapter 41 § 56. As a party to the contract, the City of Lowell could compensate a non-profit for services rendered to the city in the same way that the city compensates any of the various for-profit entities under contract with the city and the payment would not be considered a grant or a gift. However, direct fundraising would likely be problematic under the Anti-Aid Amendment, as well as the Massachusetts conflict-of-interest law restriction on public employees.

Guidance from the Department of Revenue states that, “[the Anti-Aid Amendment] is a prohibition against the giving of money or property by a city or town to or in aid of any individual, association or corporation embarking upon any private enterprise.” The guidance also states, “[s]ince public money can only be expended for public purposes, cities and towns have not the power to appropriate money for gifts or gratuities to persons whose situations may appeal to public sympathy”<sup>1</sup> Furthermore, in a legal opinion provided to the City of Marlborough in 2006 regarding the legality of grants to non-profits, the Chief of the Municipal Finance Bureau went on to describe the expanded scope of the prohibition of Anti-Aid Amendment to include any grants, contributions or donations by a city to any of the various non-profit organizations located within a municipality, not just those religious in nature.

In summary, the city must be mindful of the legal limitations to financial support, which is why the city’s support historically has been through in-kind support. This support by all city departments and personnel, but more specifically the Lowell Police Department (“LPD”), the Department of Public Works (“DPW”), the Lowell Fire Department (“LFD”), and the City Manager’s Office of Cultural Affairs & Special Events (“CASE”), is financially significant, as further detailed in this memorandum. It is also directly related to a public purpose: the safety and security of Lowell residents and visitors who come to visit the City of Lowell during the Folk Festival.

### **City of Lowell ARPA Cultural Economic Recovery Plan**

The City of Lowell recognized the important contributions that local festivals, artisans, and cultural organizations made to the overall economy and quality of life for residents and visitors. As part of the City’s ARPA programming, the Cultural Affairs and Special Events (CASE) team provided more than \$800,000 in ARPA-funded grant awards for: not-for-profit festival and event organizers, cultural organization assistance, and public art programming across the city; including support of the Lowell Folk Festival.



Conor Baldwin  
*Assistant City Manager/ CFO*

Austin Ball  
*Deputy CFO*

The Public Art grant program invested in projects throughout the city to stimulate a sense of community and encourage residents to venture outdoors and experience these works of art. These investments also helped drive new economic activity within the community, contributing to Lowell's recovery from the COVID-19 pandemic.

The Cultural Organization Recovery Program was designed to help cultural organizations recover from pandemic-related impacts by providing funds to support audience retention, organizational partnerships, and community engagement.

Equally impacted were the numerous outdoor festivals managed by local non-profit organizations. Outdoor festivals provided a platform for micro-businesses and local artisans to showcase their goods and help drive the local economy. During the pandemic, these festivals were suspended due to social distancing requirements. As part of the City's ARPA plan, the CASE office distributed ARPA-funded grants directly to not-for-profit festivals and event organizers to assist them in bringing their events back or creating new festivals.

The City has published further details on this and other ARPA investments on the ARPA Dashboard: [Capital Request | City of Lowell \(MA\) ARPA Recovery Plan](#)

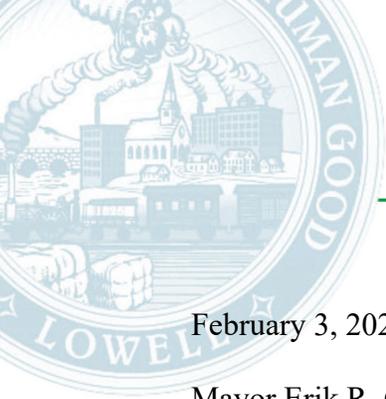
### **Annual City Support for the Folk Festival**

In addition to ARPA-funded initiatives, the City supports the Folk Festival with significant in-kind services through its annual operating budget. Beginning in FY2024, the City Manager's Department has budgeted \$100,000, annually—specifically to fund overtime and payroll costs for DPW, Police, Fire, and EMS personnel assigned to the festival. This represents a substantial increase compared to \$65,000 budgeted in FY2022, reflecting the City's commitment to sustaining and expanding the festival in recent years.

### **Next Steps & Commitment**

While ARPA funding is set to expire at the end of 2026, the City remains committed to working with the National Park Service and other stakeholders to explore sustainable strategies for supporting the Lowell Folk Festival. This includes identifying potential contractual arrangements for services, leveraging partnerships, and continuing to provide in-kind support through City departments.

Please let me know if you have any questions or require additional information.



Thomas A. Golden, Jr.  
City Manager

February 3, 2026

Mayor Erik R. Gitschier  
And  
Members of the Lowell City Council

**Ref: MOTION RESPONSE – 1/20/2026 – M. Gitschier / C. Mercier - Req. City Mgr. reach out to the Lowell Transitional Living Center requesting they clean in front of their property daily.**

This communication is to inform the City Council that a formal letter will be mailed to Ms. Susan Gentili, President and CEO of the South Middlesex Opportunity Council (SMOC), regarding the outdoor conditions at the property located at 193 Middlesex Street.

The letter addresses concerns raised about the maintenance of the exterior premises and references the requirements set forth in the City of Lowell Property Maintenance Ordinance, specifically Chapter 227, Article II, §227 (Maintenance of Structures), which states:

“All structures shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the health, safety, or welfare of the occupants or the public.”  
(City of Lowell Code of Ordinances, §227)

Additionally, the ordinance requires that exterior property areas be kept in a clean, safe, and sanitary condition, free from accumulation of rubbish, debris, or other conditions that may create a nuisance or hazard. The State building and sanitary codes further regulate the maintenance requirements for residential, commercial, and other property types.

The forthcoming letter will outline these requirements and request corrective action to ensure compliance with the City’s standards for property maintenance. Please let me know if you have any questions.

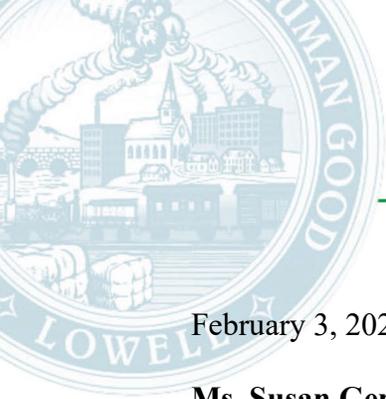
Sincerely,

Thomas A. Golden, Jr.  
City Manager

CC: Conor Baldwin, Assistant City Manager/ CFO  
Yovani Baez-Rose, Assistant City Manager/ DPD Director  
Dave Fuller, Building Commissioner

Attachment:

1. Letter to SMOC
2. Excerpt from City of Lowell Property Maintenance Ordinance (§227)



Thomas A. Golden, Jr.  
City Manager

February 3, 2026

**Ms. Susan Gentili**  
President & CEO  
South Middlesex Opportunity Council (SMOC)  
7 Bishop Street  
Framingham, MA 01702

**Subject:** Request for Daily Maintenance of Exterior Property – 193 Middlesex Street, Lowell, MA

Dear Ms. Gentili,

The City of Lowell greatly appreciates the important work that SMOC and the Lowell Transitional Living Center provide to individuals experiencing homelessness in our community. Your services are critical and valued.

Recently, concerns have been raised regarding the condition of the exterior areas at 193 Middlesex Street, particularly the need for regular cleaning and upkeep. To maintain a safe and welcoming environment for residents and neighbors, we are requesting that SMOC implement daily cleaning of the front of the property and ensure that exterior areas remain free of litter, debris, and other unsanitary conditions.

This request is consistent with the City of Lowell Property Maintenance Ordinance, Chapter 227, Article II, §227, which requires that:

*“All structures shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the health, safety, or welfare of the occupants or the public.”*

Additionally, the Massachusetts State Sanitary Code (105 CMR 410) establishes minimum standards for cleanliness and maintenance, including, but not limited to the following:

- **410.500 – Maintenance of Structural Elements:**  
“Every dwelling shall be maintained in a condition that is structurally sound and in good repair.”
- **410.601 – Maintenance of Sanitary Facilities:**  
“Plumbing fixtures and facilities shall be maintained in good working order and in a sanitary condition.”



Thomas A. Golden, Jr.  
*City Manager*

We respectfully ask that SMOC take steps to ensure daily cleaning of the property frontage and maintain compliance with these standards. Please confirm your plan to address this matter within sixty (60) days of receipt of this letter, to my office. If corrective action is not taken, the City may be required to pursue enforcement measures as provided by law.

Thank you for your attention to this matter and for your continued partnership in serving Lowell's most vulnerable populations.

Please contact my office if you have any questions or need assistance.

Sincerely,

Thomas A. Golden, Jr.  
City Manager

CC: Yovani Baez-Rose, Assistant City Manager/ DPD Director  
Lloyd DeJesus, Director of Development Services  
Dave Fuller, Building Commissioner

Attachment:

1. Letter to SMOC
2. Excerpt from City of Lowell Property Maintenance Ordinance (§227)

## Chapter 227. Property Maintenance

### Article I. Minimum Exterior Standards

[Adopted 3-25-1997 (§§ 10-47 to 10-52 of the 1988 Code)]

#### § 227-1. Purpose and scope.

- A. Purpose. The purpose of this article is to promote the public health, safety, morals and welfare of the citizens of the City of Lowell by protecting and preserving the neighborhoods of the City against hazardous, blighting and deteriorating influences or other such substandard conditions by establishing standards of minimum maintenance for the exterior of all buildings and structures.
- B. Scope. This article shall apply to the exterior maintenance of all buildings and structures within the City of Lowell, except where such buildings and structures are otherwise specifically provided for by other applicable City rules and regulations. The provisions of this article shall control all matter of exterior standards for buildings and structures, whether vacant or occupied, and all parts thereof.

#### § 227-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

##### **BUILDING**

A structure enclosed with exterior walls or fire walls, built, erected and framed of any materials or any combination thereof, whether portable or fixed, and having a roof, to form a structure for the shelter of persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or similar covering, whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof."

##### **OWNER**

Every person, alone or severally with others, who:

- A. Has legal title to any building or parcel of land, vacant or otherwise;
- B. Has care, charge or control of any building or parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- C. Is a mortgagee in possession of any such property; or
- D. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

##### **WEEDS**

Any plants, grass, weeds, brush or any other vegetation, herbaceous or woody, other than trees, ornamental shrubbery and vegetable and flower gardens purposefully planted and maintained free of weed hazard or nuisance; cultivated crops; public recreational areas or trails intended to be left in their natural state; and vegetation along natural streams or watercourses when necessary to deter erosion.

[Added 3-8-2016]

## § 227-3. Minimum standards established.

[Amended 12-23-2008; 3-8-2016; 11-12-2024]

The exterior of all buildings and structures within the City of Lowell shall comply with the following standards of minimum maintenance:

- A. Foundations. All foundations shall be free of holes and breaks and shall safely support the structure at all points. All foundation walls shall be kept in good, safe, sound condition and free of holes, cracks and breaks.
- B. Exterior walls. All exterior walls and trim shall be free of holes, breaks, loose or rotting boards or timbers, or paint that is deteriorated, as indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces and other conditions which might admit rain or dampness to interior portions of the walls or to the occupied spaces of the building. The exterior surface siding shall be maintained weatherproof and shall be surface coated to prevent deterioration. All exterior walls and trim shall be kept painted, treated, sided or otherwise maintained as to be substantially weatherproof and neat in appearance.
- C. Roofs. The roof shall be structurally sound, weathertight and have no defects which might admit rainwater. Water from roofs shall be conveyed so as to prevent wet floors, walls or ceilings or a nuisance to adjacent buildings or overflowing on abutting properties.
- D. Chimneys, flues, cleanout and vents. All chimneys and similar appurtenances or attachments shall be maintained structurally sound, in good repair and safe to use.
- E. Porches, stairs and handrails. Every exterior stair, porch, balcony and all appurtenances attached thereto shall be structurally sound and no part thereof shall show excessive wear or be broken, cracked, or loose. Carpeting or other covering on stairs and porches shall be maintained in a safe condition. Guardrails shall be firmly fastened and maintained in good condition, and new or replacement guardrails shall comply with the provisions of the Building Code.
- F. Doors and doorways. Every exterior door frame shall have a door and this door shall be weathertight within its frame. Every exterior door, door hinge, doorknob and door latch shall be maintained in good usable condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door. All entrance doors of each dwelling unit shall be equipped with functioning locking devices.
- G. Hatchways. Every hatchway, bulkhead and exitway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
- H. Windows. Every window sash and skylight shall be structurally sound and fit within its frame and be weathertight, so as to prevent the passage through it of rain, snow, wind or other outside elements. Every window sash shall be fully fitted with glass, plexiglass or polycarbonate panes which are without cracks or holes. Every window other than a fixed window shall be capable of being held in the open position and locked in the closed position by window hardware. In business and mixed-use districts, all display windows and entrances exposed to public view shall be kept clean and maintained in good repair. No storage of materials, stock or inventory shall be permitted in window display areas or similar areas ordinarily exposed to public view unless screened by drapes, blinds or other permanent means, and such screening is kept clean and maintained in good repair.
- I. Screens and storm windows. Every window with openings to outdoor space required for ventilation in habitable rooms shall be supplied with insect screens and storm windows which shall be maintained in good repair. This subsection shall not apply to owner-occupied dwelling units.
- J. Fences. All fences on the premises shall be safe, structurally sound and uniform or compatible in color and structure. Fences shall be maintained so that they do not constitute a hazard, blight or

condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to, leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or rotting or damaged materials.

- K. Backyards, areaways and alleys. Backyards, areaways, courts, alleys, passageways and air shafts must be kept clean. Adjacent properties are responsible for maintaining alleys and passageways to the center line of said alley or passageway.
- L. Overgrowth. It shall be unlawful for the owner of any parcel of real estate to allow weeds to reach a height of 18 or more inches, where such weeds are located on any developed lot or parcel in the City, or on that portion of any undeveloped lot or parcel in the City which is within 150 feet of any building, street, sidewalk or public right-of-way. Additionally, it shall be unlawful for the owner of any parcel of real estate to allow thereon any hedge, shrub, tree or other vegetation the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk thereby endangering such persons and vehicles. Any such weeds, hedge(s), shrub(s), tree(s) or other vegetation existing in violation of this subsection is hereby declared to constitute a public nuisance. Please note that nothing in this subsection relieves the property owner of the requirement to obtain, from the Conservation Commission or any other appropriate board/agency, any and all necessary permits/approvals for the removal of such vegetation.
- M. Commercial/industrial property. Every owner or operator of commercial/industrial property shall improve and maintain all property under his or her control to comply with the following minimum requirements:
  - (1) All exterior property areas shall be kept free from weeds.
  - (2) All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation.
  - (3) The sidewalks (including areas like tree pits, grass strips, etc.) and gutter areas (18 inches from the curb into the street) along the building perimeter must be kept clean. Sweepings must be picked up and deposited in suitable containers for collection. City of Lowell trash receptacles may not be used for this purpose.
  - (4) Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following:
    - (a) Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse.
    - (b) Yards shall not be used to store appliances, furnaces, hot-water heaters, water softeners, or building materials not used within five days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises and in a properly zoned district.
- N. Vacant lots. Every owner or operator of a vacant lot shall maintain said lot in accordance with the following: Vacant lots shall be kept in a clean and sanitary condition, free from any accumulation of noxious weeds, overgrowth, combustible or noncombustible materials, debris, refuse, rubbish or garbage, physical hazards, or rodent harborage and infestation.
- O. Motion detector lighting. Any motion detector lighting fixtures shall comply with the following minimum requirements:
  - (1) The artificial light source is sufficiently shielded in a manner that prevents light trespass or spillover onto adjacent properties.

- (2) The fixtures are mounted within five feet of an entrance or exit door, garage door, or alcove of a structure.
- (3) The fixtures are installed no more than eight feet above the ground and illuminated with a maximum of two light bulbs of no more than 75 watts each.
- (4) The motion sensor is set to turn the artificial light source to its dim or off state no more than 10 minutes after the last detection of motion.
- (5) All building owners installing motion detector lights in the Historic Downtown District will need to work with the City's Historic Board Administrator for review and approval of all fixtures and locations.

## § 227-4. Violations and penalties.

Any person/owner who violates any provision of this article shall be subject to a fine of \$100 for each offense and may be penalized by a noncriminal disposition as provided for under §§ **1-5** and **1-6** of the Code and MGL c. 40, § 21D. Each day's failure to comply with an order shall constitute a separate violation.

## § 227-5. Historic properties.

The provisions of this article shall not apply to properties located within the boundaries of the Downtown Lowell Historic District. Said properties are already subject to existing minimum maintenance standards as set forth in the review standards of the Lowell Historic Board pursuant to the Acts of 1983, Chapter 566.

## § 227-6. Enforcement of other regulations.

Nothing herein shall prevent the City of Lowell from enforcing other applicable sections of the Code or other applicable sections of Massachusetts General Laws, including but not limited to MGL c. 111 (abatement of a nuisance by the City) and c. 139 (recovery of abatement costs).



# Lowell Regional Wastewater Utility

451 First St. Blvd., Route 110 • Lowell, MA 01850  
Tel: 978-674-4248 • Fax: 978-459-3826 • [www.lowellma.gov](http://www.lowellma.gov)

Aaron Fox  
Chief Utility Officer

Evan Walsh  
Executive Director

## MEMORANDUM

**TO:** Thomas A. Golden Jr., City Manager 

**FROM:** Aaron Fox, Chief Utility Officer 

**DATE:** January 29, 2026

**SUBJECT:** **Centralville Sewer Separation Phase 1 Project: Funding Status**

I am pleased to inform you that the Centralville Sewer Separation Phase 1 Project has been officially included in the Clean Water State Revolving Fund (CWSRF) loan program. This funding package is a significant achievement for the City, as it leverages both the Bipartisan Infrastructure Law (BIL) and other federal funding sources to protect our local water quality and public health through a joint federal-state financing partnership.

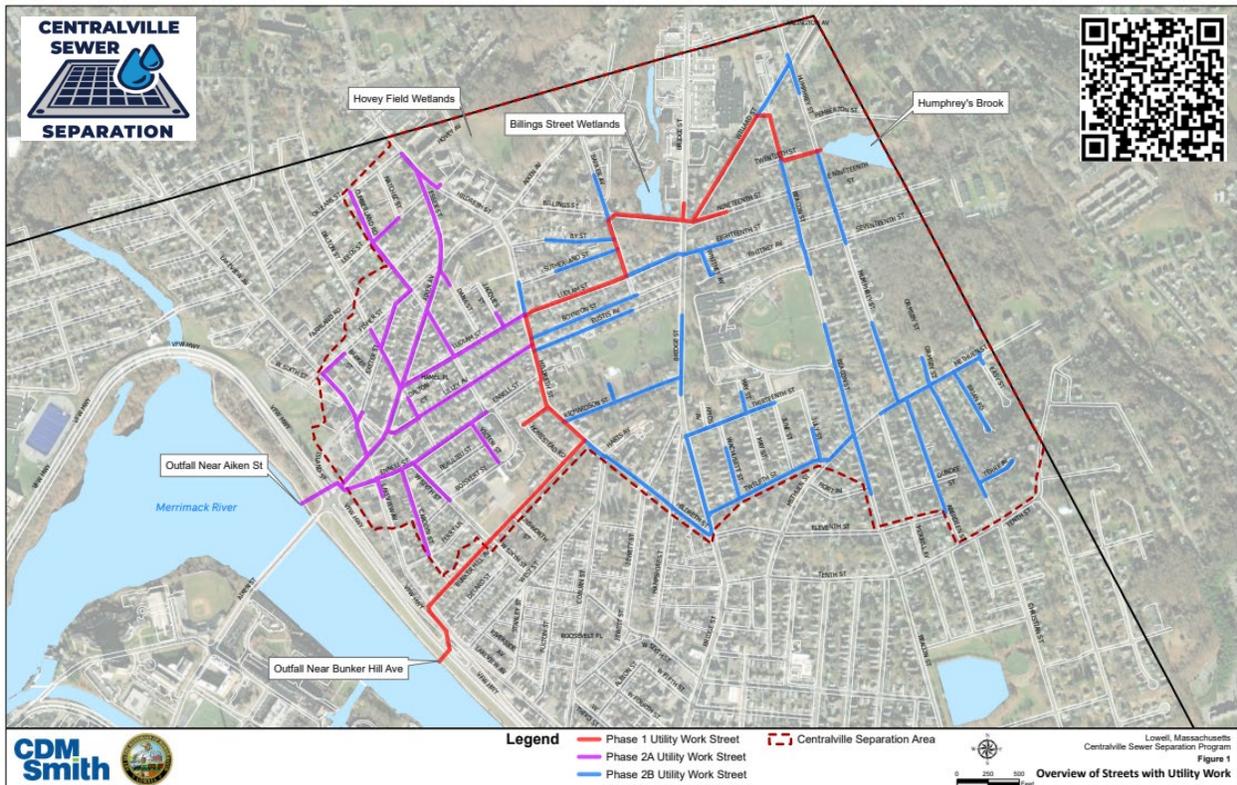
The Massachusetts Clean Water Trust has awarded this project \$23,000,000, providing an exceptionally favorable financial structure for our rate payers. This includes \$2,277,000 (9.9%) in direct principal forgiveness and a subsidized 1.5% interest rate loan. Compared to standard market rates, this financing equates to a total savings of approximately \$13,200,000 million in interest payments over the next 20 years. The City is collaborating closely with the Massachusetts Clean Water Trust to secure full funding for the project via the SRF program. The remaining balance of \$30,453,414 is currently moving through the approval process.

The Centralville Phase 1 project represents the first major step in a critical infrastructure program for the Centralville Neighborhood. Mandated by the federal EPA Consent Decree, this project is essential to separating the neighborhood's combined sewer system. The primary design focus is the construction of a mainline drain conduit to divert Humphrey's Brook and Billings Street Wetlands away from the sewer system. This substantial undertaking requires the construction of a large-diameter drain system, ranging from 36-inch pipes to 5-foot by 8-foot box culverts, terminating at a new outfall at the Merrimack River. The construction timeline for the Centralville Phase 1 project is 30 months. Given the scale of these structures, significant effort was required during the design phase to address the necessary extensive underground utility conflicts and complex environmental permitting.

Separating the stormwater from our sewer lines, will significantly reduce the frequency and volume of Combined Sewer Overflow (CSO) events, directly improving the health of the Merrimack River. Beyond regulatory compliance, the project is engineered to prevent localized street flooding and basement sewer backups. It will also remove two major surface water inflow sources into the sewer system, which directly lowers treatment expenses at Duck Island Wastewater Treatment Facility and restores critical capacity to our existing sewer collection system.

While a project of this magnitude brings significant short-term construction disruption, the long-term benefits are profound. Residents will receive a comprehensive overhaul of their neighborhood utilities, including rebuilt sewer lines and modernized water mains, hydrants, and valves. Upon completion, Centralville will benefit from newly paved roads along the construction routes, with integrated traffic calming measures, providing a safer and more resilient infrastructure for the community for decades to come.

The following is a plan showing the project area. Further project information and construction updates can be found at [lowellwater.com](http://lowellwater.com).





Thomas A. Golden, Jr.  
*City Manager*

Shawn Machado  
*Assistant City Manager*

February 3, 2026

Mayor Erik R. Gitschier  
and  
Members of the City Council

RE: Lowell Historic Board  
Notice of Re-Appointment; Request for Confirmation

Dear Mayor Gitschier and Members of the City Council:

Pursuant to the authority vested in me as City Manager under Section 5(a) of Chapter 566 of the Acts of 1983 I have reappointed the following person to the Lowell Historic Board:

Jeffrey Harris  
(as the Department of Conservation and Recreation member for a two (2) year term  
expiring February 29, 2028)

Under the above referenced statute, confirmation by the City Council is required for this re-appointment and is hereby requested.

I would be happy to answer any inquiry that you may have concerning this re-appointment.

Very truly yours,

Thomas A. Golden, Jr.  
City Manager

Encl.

cc: City Clerk  
Lowell Historic Board  
City Auditor  
Law Dept.  
Human Relations Manager  
MIS



*The Commonwealth of Massachusetts*  
*Department of Conservation and Recreation*

State Transportation Building | 10 Park Plaza | Suite 6620 | Boston, MA 02116  
www.Mass.gov/DCR | **Tel:** (617) 626-1250

Maura T. Healey  
*Governor*

Kimberley Driscoll  
*Lieutenant Governor*

Rebecca L. Tepper  
*Secretary*

Nicole LaChapelle  
*Commissioner*

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January 24, 2026

Michael Geary, City Clerk  
City of Lowell  
Lowell City Hall  
375 Merrimack Street  
Lowell, MA 01852

Re: Reappointment of DCR Representative for the Lowell Historic Board

Dear Mr. Geary,

I am writing to reappoint Jeffrey Harris as the DCR representative on the Lowell Historic Board. Mr. Harris' reappointment will be effective for a two-year term that begins on March 1, 2026 and ends February 29, 2028.

Mr. Harris is the Preservation Planning & Review program manager and has worked in DCR's Office of Cultural Resources for over twenty years. We are pleased with the role that he has played on the Board in representing the interests of DCR and taking into account the impact of projects on the agency's and the city's historic resources.

Thank you for your consideration.

Sincerely,

*Nicole LaChapelle*

Nicole LaChapelle  
Commissioner

Cc: Steve Stowell, Administrator, Lowell Historic Board  
Jeffrey Harris, DCR

COMMONWEALTH OF MASSACHUSETTS  
CITY OF LOWELL

In City Council

VOTE

Accepting the Provisions of Section 71 of Massachusetts General Law Chapter 40, inserted pursuant to Chapter 399 of the Acts of 2024, the “Act Concerning the Safety of School Children Embarking and Disembarking School Buses”, which authorizes cities and towns to install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to Sections 14 and 14C of Chapter 90.

-----

Chapter 399 of the Acts of 2024 introduces a new Section 71 of Massachusetts General Law Chapter 40; and

Section 71 of Massachusetts General Law Chapter 40 shall allow the City of Lowell to install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to Sections 14 and 14C of Chapter 90; and

Chapter 399 of the Acts of 2024 is attached and marked "A"; and

The City Council, pursuant to Council Rule 28, is required to hold a public hearing on this matter at least one (1) week prior to this vote.

NOW THEREFORE, IT IS VOTED BY A MAJORITY VOTE OF THE CITY COUNCIL, AS FOLLOWS;

That the City of Lowell, acting through its City Council, hereby accepts the Provisions of Section 71 of Massachusetts General Law Chapter 40, as inserted pursuant to Chapter 399 of the Acts of 2024, the “Act Concerning the Safety of School Children Embarking and Disembarking School Buses”, which authorizes cities and towns to install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to Sections 14 and 14C of Chapter 90.

“A”

AN ACT CONCERNING THE SAFETY OF SCHOOL CHILDREN EMBARKING AND  
DISEMBARKING SCHOOL BUSES

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to safeguard student safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 40 of the General Laws is hereby amended by adding the following section:-

Section 71. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“District”, as defined in section 2 of chapter 70.

“School bus violation detection monitoring system” or “system”, as defined in section 14C of chapter 90.

“Violation”, as defined in section 14C of chapter 90.

(b) A city or town that accepts this section may install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to sections 14 and 14C of chapter 90. Any such system shall be used solely to monitor and detect violations of motor vehicle operators who overtake or fail to stop for a school bus in violation of said section 14 of said chapter 90.

(c)(1) A city or town that accepts this section may enter into an agreement with a private vendor or manufacturer to provide a school bus violation detection monitoring system, including the installation, operation and maintenance of such systems, on each bus within its fleet whether the school bus is owned or leased.

(2) Any money paid to the manufacturer or vendor of a school bus violation detection monitoring system, including, but not limited to, equipment, shall be based upon the value of the system and equipment installed and the recurring services provided in support of the school bus violation detection monitoring system, including the processing of evidence files, cost of the technology provided and maintenance of such technology, and shall not be based upon the revenue generated by the use of the system.

(3) An agreement to provide a school bus violation detection monitoring system under this section shall only become effective after consent by the applicable district, through a vote of a majority of its governing school committee.

SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after section 14B the following 3 sections:-

Section 14C. (a) As used in this section and sections 14D and 14E, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“District”, as defined in section 2 of chapter 70.

“School bus violation detection monitoring system” or “system”, a camera system that monitors and detects a motor vehicle overtaking or passing a school bus when the bus is stopped and displaying front and rear alternating flashing red signal lights, as provided in section 7B, when the bus has been stopped to allow pupils to alight from or board the bus. A school bus violation detection monitoring system shall meet the requirements described in subsection (c).

“Stop arm traffic control sign”, a stop sign mounted on a mechanical arm installed on a school bus that is deployed when a school bus is stopped to allow pupils to alight from or board the bus and to notify motorists when they are required to stop and when they may proceed.

“Violation”, the failure of an operator of a motor vehicle to comply with section 14 and any other laws, codes, regulations, by-laws, ordinances, rules or requirements governing traffic control for school buses stopped to allow pupils to alight from or board the bus.

(b)(1) A city or town that accepts section 71 of chapter 40 may install and operate a school bus violation detection monitoring system on a school bus to enforce violations by an operator of a motor vehicle who overtakes or fails to stop their vehicle for a school bus when required to do so pursuant to section 14.

(2) A school bus with a school bus violation detection monitoring system shall post signage indicating that such system is in use on such bus. The signage shall remain on each such school bus at all times while a school bus violation detection monitoring system is in operation.

(c)(1) All systems installed on a school bus shall produce an evidence file that includes: (i) a live visual video image viewable remotely; (ii) a recorded video image of the license plate of a vehicle committing a violation of the stop arm traffic control sign; and (iii) the capacity to record the date, time and location of the vehicle committing a violation of the stop arm traffic control sign; provided, however, that all recordings in an evidence file under this section shall be destroyed in accordance with paragraph (2) of subsection (d) as applicable.

(2) A system’s recorded video images and still photographic images shall record the rear of the motor vehicle with at least: (i) 1 photographic image and 1 recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign; (ii) 1 photographic image and 1 recorded video image recording the motor vehicle passing the stopped school bus with the stop arm traffic control sign in violation of the stop arm traffic control sign; and (iii) 1 photographic image and 1 recorded video image that clearly identify the license plate of the motor vehicle; provided, however, that all recordings in an evidence file under this section shall be destroyed in accordance with paragraph (2) of subsection (d) as applicable.

(3) To the extent practicable, any school bus violation detection monitoring system shall use necessary technology to ensure that photographs or recorded video images produced by the school bus violation detection monitoring system shall not include a frontal view photograph or video image of the motor vehicle that is in violation of the stop arm traffic control sign or images that identify the operator, passengers or contents of the vehicle; provided, however, that no notice of liability issued under this section shall be dismissed solely because a photograph or recorded video image allow for the identification of the operator, passengers or contents of a vehicle if a

reasonable effort has been made to comply with this subsection.

(d)(1) Other than for purposes of enforcement of a violation of this section or section 14 or for purposes of an owner of a vehicle defending a violation of this section, recorded video images and photographs taken or created under this section shall only be made available under an order by a court of competent jurisdiction.

(2) All recorded video and photographic images and other information obtained through the use of a school bus violation detection monitoring system, as authorized in this section, that do not identify a violation shall be destroyed by a city, town, school department, district or vendor within 30 days of the date the image was recorded, unless otherwise ordered by a court of competent jurisdiction. All recorded video and photographic images and other information that identify a violation shall be destroyed within 1 year of the final disposition of proceedings related to the enforcement or defense of a violation, unless otherwise ordered by a court of competent jurisdiction. Annually, within 30 days of the close of the fiscal year, each city, town, school department, district and vendor under agreement utilizing at least 1 school bus violation detection monitoring systems shall file a notice attested under penalties of perjury with the state secretary that records have been destroyed in accordance with this paragraph. All recorded video and photographic images and other information, however stored or retained, obtained through systems authorized in this section shall be the property of the municipality under agreement with a vendor or manufacturer under section 71 of chapter 40 and shall not be used by a vendor or manufacturer for any other purpose. Upon the expiration of any agreement authorized under this section, all such video and photographic images and other information shall be delivered within 30 days to the municipality who is a party to the agreement unless otherwise ordered by a court of competent jurisdiction.

(3) The administrator of the school bus violation detection monitoring system within any city, town or district accepting this section shall submit an annual report to the Massachusetts Department of Transportation regarding the use and operation of each system. The report shall contain: (i) data on the number of citations issued under this section, organized by intersection, and of those citations shall detail: (A) the number of alleged violators who paid the applicable fine without a request for a hearing; (B) the number of violators found responsible after a hearing; and (C) the number of violations dismissed after a hearing; and (ii) the cost to maintain each system and the amount of revenue obtained from each system.

Section 14D. (a)(1) An evidence file of an alleged violation under section 14C shall be forwarded to a law enforcement officer in the jurisdiction who is trained to observe and detect a violation of section 14.

(2) A law enforcement officer, or law enforcement officer's approved technician, shall review the video images and determine whether a violation occurred.

(3) The officer shall issue a citation if satisfied that a violation of section 14 was committed and the vehicle committing the violation can be identified from its registration plate.

(b) A certificate, or a facsimile thereof, sworn to or affirmed by a police officer or other law enforcement officer authorized to issue motor vehicle citations for violations of traffic laws

stating that based upon inspection of the evidence file produced by a school bus violation detection monitoring system the vehicle was in violation of section 14 shall be prima facie evidence of the facts contained therein.

(c) Any recorded video images or still photographic images produced by a school bus violation detection monitoring system evidencing a violation of section 14 shall be available for inspection in any proceeding to adjudicate the liability for the violation adopted under this section.

Section 14E. (a) In all actions of civil traffic violations based on evidence obtained from a school bus violation detection monitoring system under section 14C, the registered owner of the motor vehicle shall be primarily responsible except as otherwise provided in this section.

(b) If the registered owner of a vehicle operated in violation of section 14 was not the operator of the vehicle at the time of the violation, the registered owner of the vehicle shall: (i) assume liability for the violation by paying the fine; (ii) upon written receipt of the citation, provide the issuing authority within 30 days of the date of issuance of the citation with the name, address and registration plate number of the operator of the vehicle who was responsible along with a signed affidavit acknowledging such information and attesting to its veracity; or (iii) defend the violation pursuant to the procedures established for traffic violations under this chapter.

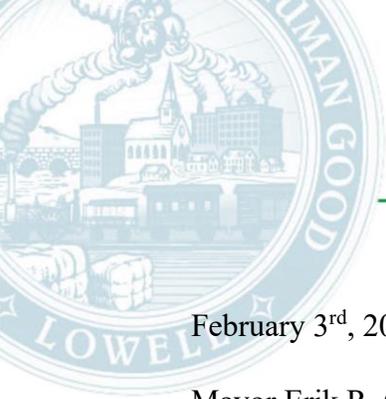
(c) A corporation that owns or leases a vehicle identified as being in violation of section 14 by a school bus violation detection monitoring system under this section shall be primarily responsible for such violation even if a person who normally operates the vehicle for the corporation denies that such person was operating the vehicle at the time of the violation; provided, that no violation entry shall be made on the person's driving record.

(d)(1) A penalty imposed for a violation of this section shall not be considered a criminal conviction and shall not be considered a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113B of chapter 175; provided, however, that the violation shall be noted on the registered owner or operator's driving record.

(2) The fines pursuant to section 14 for a failure to stop for a school bus shall apply to a violation of said section 14 whether the violation is detected through the use of a school bus violation detection monitoring system or by a police officer on scene who issues a written citation to the operator of the motor vehicle. Pursuant to section 2 of chapter 280, all fines imposed for a violation of section 14 that is detected by a school bus violation detection monitoring system or by a police officer at the scene who cites the operator in hand shall be paid to the treasury of the city or town where the offense was committed.

(e) Upon the determination of a violation through the use of a school bus violation detection monitoring system, the chief of police of the city or town, or any designee of the chief, shall issue the owner of the vehicle a citation pursuant to chapter 90C.

Approved, January 10, 2025.



Thomas A. Golden, Jr.  
City Manager

February 3<sup>rd</sup>, 2026

Mayor Erik R. Gitschier  
And  
Members of the Lowell City Council

Dear Mayor Gitschier and Members of the Lowell City Council,

I am writing to express support for the adoption of Chapter 399 of the Acts of 2024, which authorizes municipalities to implement automated traffic enforcement cameras on school buses. This initiative represents a significant step forward in enhancing student safety and modernizing enforcement practices within our community.

Under this law, municipalities can install cameras on school buses to detect and penalize vehicles that unlawfully pass a stopped bus with its stop arm extended and red lights flashing. Violations would result in a civil penalty of \$250, issued by mail to the registered vehicle owner. Importantly, the legislation includes robust privacy protections, prohibiting facial recognition and requiring timely deletion of data after resolution.

The benefits of adopting this program are clear:

- **Enhanced Student Safety:** Automated enforcement serves as a strong deterrent against dangerous driving behaviors near school buses.
- **Supplemental Enforcement:** This system provides additional coverage without increasing police staffing needs.
- **Data-Driven Planning:** Information collected can help identify high-risk areas and inform future safety improvements.

Other communities, such as Methuen, have successfully implemented this program, demonstrating its feasibility and effectiveness. I ask the Council to consider formal acceptance of Chapter 399 and authorize the necessary steps to begin implementation.

Sincerely,

Thomas A. Golden, Jr.  
City Manager

CC: William Skinner, Superintendent Lowell Public Schools

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council:

VOTE

To establish a School Bus Violation Stabilization Fund as authorized by MGL c. 40, §5B (4<sup>th</sup> paragraph) and to dedicate one hundred (100%) per cent of revenue collected from the school bus automated traffic enforcement camera fines into said fund to be used, subject to appropriation by a two-thirds majority of the City Council and at the sole discretion of the City's Chief Financial Officer, to offset high transportation costs for the Lowell Public Schools, including, but not limited to, out-of-district special education transportation, fuel and maintenance costs and safety improvements at bus stops, as well as additional enforcement measures and any other related expenses pertaining to said enforcement measures.

-----

NOW, THEREFORE, BE IT VOTED BY A TWO-THIRDS VOTE, as follows:

That an School Bus Violation Stabilization Fund is hereby established, as authorized by Massachusetts General Laws, chapter 40, §5B (4<sup>th</sup> paragraph), and funds shall be used, subject to appropriation by a two-thirds majority of the City Council and at the sole discretion of the City's Chief Financial Officer, to offset high transportation costs for the Lowell Public Schools, including, but not limited to, out-of-district special education transportation, fuel and maintenance costs and safety improvements at bus stops, as well as additional enforcement measures and any other related expenses pertaining to said enforcement measures.

AND BE IT FUTHER VOTED BY A TWO-THIRDS VOTE,

That, one hundred (100%) per cent of fees collected from the school bus violation detection monitoring system, shall be as authorized by Massachusetts General Laws, chapter 40, §5B (4<sup>th</sup> paragraph).



Conor Baldwin  
Chief Financial Officer

## MEMORANDUM

**TO:** Thomas A. Golden, Jr., City Manager

**FROM:** Conor Baldwin, Chief Financial Officer 

**CC:** William Skinner, Superintendent of Lowell Public Schools  
Dr. Derek Pinto, Assistant Superintendent of Finance

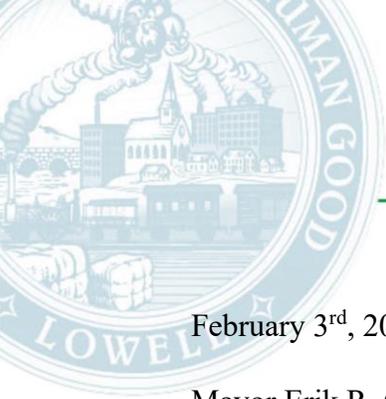
**DATE:** February 3<sup>rd</sup>, 2026

**SUBJECT:** Vote to Create a School Bus Violation Stabilization Fund

As the City considers implementing automated traffic enforcement cameras under Chapter 399 of the Acts of 2024, the Finance Team recommends establishing a dedicated stabilization fund to manage any revenue generated from fines. Creating a special fund under M.G.L. c. 40, § 5B would allow the City to allocate 100% of fine revenue toward critical transportation needs within the Lowell Public Schools. This approach offers several financial advantages:

- **Budgetary Relief for Transportation Costs:** Lowell currently faces significant expenses for out-of-district special education transportation, fuel, and maintenance. Redirecting enforcement revenue to these areas can offset rising costs and reduce pressure on the general fund.
- **Predictable Funding Stream:** Establishing a dedicated fund creates a reliable source of revenue for transportation-related improvements, reducing reliance on volatile state aid or one-time appropriations.
- **Capital Planning Support:** Funds can be earmarked for long-term investments such as bus stop safety enhancements, fleet upgrades, and technology improvements, aligning with the City's capital improvement plan.
- **Transparency and Accountability:** A separate fund ensures clear tracking of revenues and expenditures

Please let me know if they're any questions.



Thomas A. Golden, Jr.  
*City Manager*

February 3<sup>rd</sup>, 2026

Mayor Erik R. Gitschier  
And  
Members of the Lowell City Council

Dear Mayor Gitschier and Members of the Lowell City Council,

As the City explores the implementation of automated traffic enforcement cameras under Chapter 399 of the Acts of 2024, I strongly recommend establishing a dedicated stabilization fund to manage any revenue generated from fines. This measure will ensure that the program's financial structure aligns with its core mission: protecting students and improving transportation safety.

Creating a special fund under M.G.L. c. 40, § 5B would allow the City to allocate 100% of fine revenue toward critical transportation needs within the Lowell Public Schools. By earmarking these resources for transportation-related expenses, we can provide long-term budgetary relief while reinforcing the program's public safety objectives. Further financial benefits are discussed in the memorandum by the Chief Financial Officer.

Sincerely,

Thomas A. Golden, Jr.  
City Manager

CC: William Skinner, Superintendent Lowell Public Schools

COMMONWEALTH OF MASSACHUSETTS  
CITY OF LOWELL

In City Council

VOTE

An Act relative to the consolidation of administrative functions of the school committee with the city.

-----

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

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the City Manager approves amendments to the bill before enactment by the General Court. The City Manager is hereby authorized to approve amendments which shall be within the scope of the City Council and general public objectives of this petition.

AN ACT RELATIVE TO THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS OF  
THE SCHOOL COMMITTEE WITH THE CITY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, the City of Lowell may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city; such consolidation may occur only upon a majority vote of the city council.

SECTION 2. Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to Section 1 may be revoked by a majority vote of the city council.

SECTION 3. This act shall take effect upon its passage.



Thomas A. Golden, Jr.  
*City Manager*

Shawn Machado  
*Assistant City Manager*

February 3, 2026

Mayor Erik R. Gitschier  
And  
Members of the Lowell City Council

Dear Mayor Gitschier and Members of the City Council:

I am hereby requesting the City Council's approval to file special legislation on behalf of the City of Lowell, as required by c. 71 §37M of the Massachusetts General Laws, to allow for the Consolidation of administrative functions of the School Committee with the City.

Consolidating the administrative functions of the School Committee and City is the first step in creating a formal merger between the city and school facilities departments. The request for the development of a unified facilities department comes by way of multiple City Council motions over many years. Most recently, on January 27, 2026, the City Council passed a motion formally requesting special legislation to amend M.G.L. c. 71 §37M.

This proposed legislation will, if approved by the City Council, lay the foundation for a future consolidated facilities structure that falls solely within the authority of the City Council.

The Law Department has prepared a vote to authorize passage of this proposed special legislation.

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

Sincerely,

Thomas A. Golden, Jr.  
City Manager

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of the City of Lowell, Massachusetts", with respect to Chapter 290, Thereof Entitled, "Zoning" by adding and amending various sections.

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WHEREAS, with the proliferation of Data Center expansion in Massachusetts, cities and towns have taken moratoriums under advisement, in order to review their zoning and land use, and to formulate regulations governing the impacts of these facilities, which require adoption by ordinance of the governing body of a city or town; and

WHEREAS, the City of Lowell's zoning and land use and development regulations are found in the Lowell Zoning Code, which currently makes no specific provision for Data Centers within the City, either by right or special use permit.

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

"Code of the City of Lowell, Massachusetts", hereinafter called the "Code", adopted by the City Council on December 23, 2008, as amended, is hereby further amended with respect to Chapter 290, entitled "Zoning," adopted December 7, 2004, as amended, as follows:

1. Amend Article II Definitions by inserting a new paragraph as follows:

DATA CENTERS: a building or series of buildings, with the intended primary use being commercial, that houses and supports the high-performance servers, storage systems, networking equipment, and related computing infrastructure and equipment necessary for storing, processing, and distributing data and applications.

2. Amend Article VII Special Regulations by inserting a new Section 7.11 as follows:

7.11 360-DAY MORATORIUM ON "DATA CENTERS"

1. The purpose of this temporary moratorium is to provide the City an opportunity to better understand the impacts, if any, that the construction, expansion, and operation of Data Centers will have on City infrastructure and, more generally, the overall quality of life for the residents of Lowell. As a result, the City shall conduct an analysis and/or comprehensive study to determine the impact of said construction on police, fire, and emergency public safety, the school district, water, sewer, roadway infrastructures and the safety of the general public. This list of potential impacts is not exhaustive and may include additional impacts, as identified.
2. There is hereby imposed, effective immediately, a 360-day moratorium on any new construction and development within the City of Lowell, MASSACHUSETTS, of "Data

Centers”, as defined above. Said moratorium prohibits acceptance by the City of Lowell of any new applications and permits for zoning permissions and decisions for the intended purpose of the development and operation of a Data Center. Should the Lowell Zoning Code be amended prior to the expiration of the 360-day period to regulate Data Centers, the moratorium shall terminate on the effective date of amendment. The moratorium period may be extended, one (1) time, by a 2/3 vote of the City Council, not to exceed 180 days.

3. During the term of this moratorium, City staff shall review current Zoning Codes and Regulations, seek recommendations and input from industry experts and professionals with specific knowledge of Data Centers and any impacts these facilities have on the community, and to propose revisions to the Lowell Zoning Code, when deemed appropriate, to be placed before the Lowell City Council for consideration.
4. The Department of Planning and Development shall consult with other City departments to ensure any recommendations address the impact on power, water, sewer availability and capacity limitations, noise, as well as any potential legal implications. Said recommendations shall also consider the impact on traffic and any other adverse impact on adjacent infrastructure.
5. Emphasis should also be given to enforcement of regulations following construction and development, including operational limitations reasonably intended to ameliorate public concerns of legitimate land uses.
6. The Lowell Department of Planning and Development shall develop a timeline, within the 360-day period, to allow for recommendation and adoption of amendments to the Lowell Zoning Code in accordance with the procedures set forth in M.G.L. c. 40A. If during this study, staff find and conclude any provisions of the Lowell Zoning Code require revision(s), recommendation(s) shall be made accordingly to the Lowell City Council.

3. Amend Article XII: 12.9 Table of Industrial Uses, by inserting a new section “w” as follows:

<u>12. 9. INDUSTRIAL USES</u>	Suburban	Traditional Neighborhood	Urban	Special Purpose	Industrial
w. Data Centers	N	N	N	N	N

4. This Ordinance shall take effect upon its passage in accordance with Section 1.7 of the "Lowell Zoning Ordinance" and the provisions of Chapter 43 and 40A of the General Laws of Massachusetts.

APPROVED AS TO FORM:

Corey Williams  
City Solicitor



Thomas A. Golden, Jr.  
*City Manager*

Shawn Machado  
*Assistant City Manager*

February 3, 2026

Mayor Erik R. Gitschier  
And  
Members of the Lowell City Council

RE: 360-Day Moratorium on “Data Centers”

Dear Mayor Gitschier and Members of the City Council:

Enclosed with this letter please find a proposed ordinance to amend Chapter 290 of the Code of Ordinances City of Lowell by adding language to place a 360-day moratorium on any new construction or development of “Data Centers” within the City.

With the proliferation of Data Center expansion in Massachusetts, many cities and towns have taken moratoriums under advisement, in order to review their zoning and land use, and to formulate regulations governing the impacts of these facilities. The purpose of this temporary moratorium is to provide the City an opportunity to better understand the impacts on infrastructure and overall quality of life for residents that the construction, expansion, and operation of Data Centers will have on City.

This ordinance amendment comes before you by way of a request by the City Council on January 13, 2026, with a further request for amendment on January 27, 2026. With guidance from the Department of Planning and Development, the Law Department has prepared a vote to authorize the passage of this proposed ordinance amendment.

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

Sincerely,

Thomas A. Golden, Jr.  
City Manager

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 222, entitled “Peace and Good Order,” by adding § 222.24 entitled “School Bus Violation Detection and Enforcement.”

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

“The Code of Ordinances City of Lowell, Massachusetts” hereinafter the “Code,” adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 222 with the establishment of a new Section 24 entitled “School Bus Violation Detection and Enforcement,” as follows:

**§ 222-24 School Bus Violation Detection and Enforcement.**

A. INTENT.

- (1) The Commonwealth of Massachusetts authorizes municipalities to use a school bus violation detection monitoring system to enforce traffic violations pursuant to Sections 14 and 14C of Chapter 90 of the Massachusetts General Laws and impose monetary liability on vehicles that illegally pass a school bus.
- (2) The City of Lowell accepts and adopts M.G.L c. 40 section 71 pursuant to sections 14 and 14C of chapter 90.

B. AUTHORITY

- (1) The City hereby establishes a school bus violation detection monitoring system program to impose monetary penalties pursuant to the Massachusetts General Laws against vehicle owners who fail to stop for a school bus in violation of M.G.L. c. 90 Section 14.

C. DEFINITIONS.

**Violation**

The failure of an operator of a motor vehicle to comply with M.G.L. c. 90 Section 14 and any other laws, codes, regulations, by-laws, ordinances, rules or requirements governing traffic control for school buses stopped to allow pupils to alight from or board the bus.

**School Bus Violation Detection Monitoring System**

A camera system that monitors and detects a motor vehicle overtaking or passing a school bus when the bus is stopped and displaying front and rear alternating flashing red signal lights, when the bus has been stopped to allow pupils to alight from or board the bus. A school bus violation detection monitoring system shall meet the requirements described in M.G.L. c. 90 Section 14C and M.G.L. c. 30B.

#### D. INSTALLATION AND OPERATION OF SCHOOL BUS VIOLATION DETECTION MONITORING SYSTEMS

- (1) The City, in compliance with M.G.L. c. 30B, may enter into an agreement with a private vendor or manufacturer to provide a school bus violation detection monitoring system, including the installation, operation and maintenance of such systems, on each bus within its fleet whether the school bus is owned or leased. Such agreement may become effective after consent by a school district, through a vote of a majority of its governing school committee.
- (2) All school buses equipped with school bus violation detection monitoring system shall post signage indicating that such system is in use on such bus.
- (3) A school bus violation detection monitoring system shall record video images and still photographic images of the motor vehicle with at least:
  - (a) one (1) photographic image and one (1) recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign;
  - (b) one (1) photographic image and one (1) recorded video image recording the motor vehicle passing the stopped school bus with the stop arm traffic control sign in violation of the stop arm traffic control sign; and
  - (c) one (1) photographic image and one recorded video image that clearly identify the license plate of the motor vehicle.
- (4) Other than for purposes of enforcement of a violation of this section or M.G.L. c. 90 Section 14 or for purposes of an owner of a vehicle defending a violation of this section, recorded video images and photographs taken or created under this section shall only be made available under an order by a court of competent jurisdiction.

#### E. REVIEW AND ISSUANCE OF CITATIONS.

- (1) Evidence files from school bus violation detection: monitoring system shall be reviewed by law enforcement or a law enforcement officer's approved technician who shall issue a citation by first class mail if satisfied that a violation of M.G.L. c. 90 Section 14 was committed and the vehicle committing the violation can be identified from its registration plate.
- (2) A certificate, or a facsimile thereof, sworn to or affirmed by a police officer or other law enforcement officer authorized to issue motor vehicle citations for violations of traffic laws stating that based upon inspection of the evidence file produced by

a school bus violation detection monitoring system the vehicle was in violation of M.G.L. c. 90 Section 14 shall be prima facie evidence of the facts contained therein.

- (3) Any recorded video images or still photographic images produced by a school bus violation detection monitoring system evidencing a violation of M.G.L. c. 90 Section 14 of Chapter 90 shall be available for inspection in any proceeding to adjudicate the liability for the violation.
- (4) All systems installed on a school bus shall produce an evidence file that includes:
  - (a) a live visual video image viewable remotely;
  - (b) recorded video image of the license plate of a vehicle committing a violation of the stop arm traffic control sign; and
  - (c) the capacity to record the date, time and location of the vehicle committing a violation of the stop arm traffic control sign; provided, however, that all recordings in an evidence file under this section shall be destroyed in accordance with Sections J and K of this ordinance.
- (5) A system's recorded video images and still photographic images shall record the rear of the motor vehicle with at least:
  - (a) One (1) photographic image and one (1) recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign;
  - (b) One (1) photographic image and one (1) recorded video image recording the motor vehicle passing the stopped school bus with the stop arm traffic control sign in violation of the stop arm traffic control sign; and
  - (c) One (1) photographic image and one (1) recorded video image that clearly identify the license plate of the motor vehicle; provided, however, that all recordings in an evidence file under this section shall be destroyed in accordance with state statute.

## F. OWNER LIABILITY

- (1) In all actions of civil traffic violations based on evidence obtained from a school bus violation detection monitoring system under M.G.L. c. 90 Section 14C, the registered owner of the motor vehicle shall be primarily responsible except as provided in M.G.L. c. 90 Section 14E and this ordinance.
- (2) If the registered owner of a vehicle operated in violation of M.G.L. c. 90 Section 14 was not the operator of the vehicle at the time of the violation, the registered owner of the vehicle shall:
  - (a) Assume liability for the violation by paying the fine;
  - (b) Upon written receipt of the citation, provide the issuing authority within 30 days of the date of issuance of the citation with the name, address and registration plate number of the operator of the vehicle who was responsible along with a signed affidavit acknowledging such information and attesting to its veracity; or

- (c) Defend the violation pursuant to the procedures established for traffic violations under this ordinance.
- (3) A corporation that owns or leases a vehicle identified as being in violation of M.G.L. c. 90 Section 14 by a school bus violation detection monitoring system under this section shall be primarily responsible for such violation even if a person who normally operates the vehicle for the corporation denies that such person was operating the vehicle at the time of the violation; provided, that no violation entry shall be made on the person's driving record.

#### G. CITATION REQUIREMENTS

- (1) Pursuant to Chapter 90, the chief of police, or any designee of the chief, shall issue the owner of the vehicle a citation which is mailed to the owner of a vehicle involved in the traffic violation. The citation and mailing shall contain the following information:
- (a) The name and address of the owner of the motor vehicle;
  - (b) The number plate of the motor vehicle;
  - (c) The date, location and time of the alleged violation;
  - (d) A copy of or information on how to view, through electronic means, the recorded images produced by a school bus violation detection monitoring system evidencing an alleged violation of M.G.L. c. 90 section 14.
  - (e) A certificate, or a facsimile thereof, sworn to or affirmed by a police officer or other law enforcement officer authorized to issue motor vehicle citations for violations of traffic laws stating that based upon inspection of the evidence file produced by a school bus violation detection monitoring system the vehicle was in violation of M.G.L. c. 90 section 14;
  - (f) The amount of the fine imposed;
  - (g) Instructions to the violator that within twenty (20) days of the date of the citation the violator must either pay the scheduled assessment or contest responsibility for the infraction by following the procedures under M.G.L. c. 40U.
  - (h) Notice of the right to contest the citation pursuant to M.G.L. c. 90 section 14E; and
  - (i) Information advising the owner of the motor vehicle of the procedure for disclaiming liability by providing the issuing authority within 30 days of the date of issuance of the citation with the name, address and registration plate number of the operator of the vehicle who was responsible along with a signed affidavit acknowledging such information and attesting to its veracity.

#### H. PENALTIES

- (1) A penalty imposed for a violation of M.G.L. c. 90 Section 14 as evidenced by a school bus violation detection monitoring system shall not be considered a criminal conviction and shall not be considered a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to

Section 113B of Chapter 175; provided, however, that the violation shall be noted on the registered owner or operator's driving record.

- (2) The fines pursuant to M.G.L. c. 90 Section 14 for a failure to stop for a school bus shall apply to a violation of said M.G.L. c. 90 Section 14 whether the violation is detected through the use of a school bus violation detection monitoring system or by a police officer on scene who issues a written citation to the operator of the motor vehicle
- (3) Fines:
  - (a) First Offense: not less than \$250;
  - (b) Second Offense: not less than \$500 nor more than \$1,000; and
  - (c) Subsequent Third Offense: not less than \$1,000 nor more than \$2,000.
- (4) Pursuant to M.G.L. c. 280 section 2, all fines imposed for a violation of M.G.L. c. 90 Section 14 that is detected by a school bus violation detection monitoring system or by a police officer at the scene who cites the operator in hand shall be paid to the treasury of the city or town where the offense was committed.

#### I. CONTESTING LIABILITY

- (1) Upon receiving a citation, the owner of the motor vehicle may elect to defend the violation pursuant to the procedures established for traffic violations under M.G.L. c. 90 and M.G.L. c. 40U.

#### J. RECORD KEEPING AND REPORTS

- (1) The City shall submit an annual report to the Massachusetts Department of Transportation regarding the use and operation of each school bus violation detection monitoring system.
- (2) The report shall contain:
  - (a) Data on the number of citations issued, organized by intersection, and of those citations shall detail:
    1. The number of alleged violators who paid the applicable fine without a request for a hearing;
    2. The number of violators found responsible after a hearing; and
  - (b) The cost to maintain each system and the amount of revenue obtained from each system.

#### K. USE OF DATA CAPTURED

- (1) All recorded video and photographic images and other information obtained through the use of a school bus violation detection monitoring system, as authorized in this section, that do not identify a violation shall be destroyed by the City of Lowell or its vendor within 30 days of the date the image was recorded, unless otherwise ordered by a court of competent jurisdiction.
- (2) All recorded video and photographic images and other information that identify a violation shall be destroyed within one (1) year of the final disposition of proceedings related to the enforcement or defense of a violation, unless otherwise

ordered by a court of competent jurisdiction. Annually, within 30 days of the close of the fiscal year, the City of Lowell and its vendor under agreement utilizing at least one (1) school bus violation detection monitoring systems shall file a notice attested under penalties of perjury with the state secretary that records have been destroyed in accordance with this paragraph.

- (3) All recorded video and photographic images and other information, however stored or retained, obtained through systems authorized in this section shall be the property of the City of Lowell under agreement with a vendor or manufacturer under section 71 of chapter 40 and shall not be used by a vendor or manufacturer for any other purpose.
- (4) Upon the expiration of any agreement authorized under this section, all such video and photographic images and other information shall be delivered within 30 days to the City of Lowell who is a party to the agreement unless otherwise ordered by a court of competent jurisdiction.

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 Massachusetts General Laws.

APPROVED AS TO FORM:

Corey Williams  
City Solicitor



Thomas A. Golden, Jr.  
*City Manager*

February 3<sup>rd</sup>, 2026

Mayor Erik R. Gitschier  
And  
Members of the Lowell City Council

Dear Mayor Gitschier and Members of the Lowell City Council,

I am writing to recommend the establishment of a fee structure to support the implementation of automated traffic enforcement cameras on school buses, as authorized under Chapter 399 of the Acts of 2024. This step is essential to ensure the program's success and sustainability while reinforcing our commitment to student safety.

Other municipalities have successfully implemented similar programs, demonstrating both feasibility and positive impact. By establishing a clear fee structure now, we position Lowell to protect our students effectively and responsibly. I respectfully request that the Council approve the establishment of this fee.

Sincerely,

Thomas A. Golden, Jr.  
City Manager

CC: William Skinner, Superintendent Lowell Public Schools

CITY OF LOWELL  
PETITION

TO THE  
CITY COUNCIL

*Demetria Mahoney-Burn*

*Re: Concerns on the  
construction at the  
Mahoney softball  
field/ playground*

In City Council

*F. Whaley 3/20/16*

Read and

Clerk

**Fw: Feb. 2026 city council meeting**

---

**From** jen brum <jinx657035@yahoo.com>  
**Date** Thu 1/29/2026 6:21 AM  
**To** Geary, Michael <mgeary@lowellma.gov>

Good Morning,  
I would like to be added to the agenda for the next City Council meeting in February 2026, regarding concerns me and my family have on the construction at the Mahoney Softball field/ monument.

Thank you  
Jennifet Mahoney-Brum  
978-314-9469.

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, January 28, 2026, 7:35 PM, Gitschier, Erik <EGitschier@lowellma.gov> wrote:

Good evening Jen,

You would have to reach out to the City Clerk and petition the city council. The items for the agenda need to be in before Friday at 10am.

He can be reached by email at mgeary@lowellma.gov

If you need anything else, please let me know.

Erik

Get Outlook for iOS

---

**From:** jen brum <jinx657035@yahoo.com>  
**Sent:** Wednesday, January 28, 2026 6:28:36 PM  
**To:** Gitschier, Erik <egitschier@lowellma.gov>; Councilor Rita Mercier <rmercier@lowellma.gov>; Machado, Shawn <smachado@lowellma.gov>; krudy@lowellma.gov <krudy@lowellma.gov>  
**Subject:** Feb. 2026 city council meeting

Hello Mayor Gitschier,

I would like to be added to the agenda on the next city council meeting in February 2026.

I am not sure who to email directly to be added.

Thank you  
Jennifer Mahoney Brum.  
978-314-9469

Sent from Yahoo Mail for iPhone

# Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Utility (Select one)  
Electric

Project Address  
242 Church St

Reason  
This work is necessary to support the electrical demands of a building renovation project at 242 Church Street. The upgraded service will ensure adequate and reliable power supply to the redeveloped property

Date Submitted  
6/6/2025

Review done by  
Joseph Cady

Sidewalk Material Concrete

Note: Sidewalk material to be replaced in kind (Concrete in full panels only)

Are Sidewalk Vaults present? YES  NO

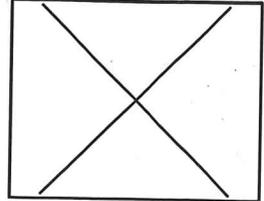
Is Work on Street under a Paving Moratorium? YES  NO

Is this location within the Flood Plain? YES  NO

Are ADA requirements being met? YES  NO

Comments  
No comment

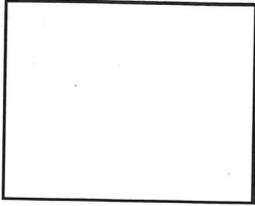
Outcome of Review



Recommended



Recommended With  
Comments



Not Recommended

David Beaty, P.E.  
Assistant City Engineer

*D. Beaty*

Rev. 3/23/2021