



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: February 14, 2023

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 10 present, 1 absent (C. Mercier).

M. Chau presiding.

M. Chau requested moment of silence in darkened chamber for Josephine Wrobel.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom - [HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

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

2.2. Citation - Black History Month - Tracy Mitchell.

In City Council, **Motion** "To accept and place on file" by C. Robinson, seconded by C. Jenness. So voted. C. Robinson presented citation. Mr. Mitchell thanked the body.

2.3. Citation - Brandon Estrella.

In City Council, **Motion** "To accept and place on file" by C. Yem, seconded by C. Scott. So voted. M. Chau presented citation and Mr. Estrella thanked the Council.



3. CITY CLERK

3.1. Minutes Of Neighborhoods SC February 7th; City Council Regular Meeting February 7th For Acceptance.

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

Motion by C. Gitschier, seconded by C. Drinkwater to take Item #9.9 out of order. So voted.

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance - Amend Zoning.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Nuon, seconded by C. Drinkwater. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses

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

A) Motion Response - LTLC Process and Procedures – C. Robinson commented on need to meet with LTLC. Maura Fitzpatrick (Homeless Coordinator) stated that a meeting can be scheduled. Manager Golden, Jr. commented on positive relationship with LTLC and that there can be a site visit or a meeting at City Hall.

B) Motion Response - Miniature Shelter Units – C. Nuon noted the information on Shattuck Hospital set up and that a visit or presentation before Council would be helpful. C. Yem commented on the report and the ideas put forward and that he favored the Navigation Center.

C) Motion Response - DEI Policies from BPDA – C. Jenness noted the amount of information and that an outside consultant may be needed to move forward and that it highlighted the need for a DEI Director to be put in place. Manager Golden, Jr. commented on moving forward along with the partnership of Middlesex Community College and that there will be added resources through ARPA funding. C. Nuon noted City is lacking in some areas and that a new DEI officer will improve it. C. Drinkwater noted all of the resources available for workforce diversity.

D) Motion Response - Body Worn Cameras Presentation – C. Nuon requested presentation in Executive Session. C. Gitschier requested presentation be done in open session if possible. City Solicitor Helene Thomlison noted that it could be possible to do in open session. C. Nuon noted that if done in open session the Superintendent



would have to be on board with the approach. Manager Golden, Jr. indicated that there should be further review if moving to an open session. C. Jenness questioned if City had actual possession of the camera. Manager Golden, Jr. noted contracts were signed not sure if in possession at this point. C. Rourke noted that Manager would report back regarding Executive Session. C. Nuon noted need to understand the roll out procedures.

5.2. Informational Reports

Informational Report - Free Cash Certification and Recommendation – Conor Baldwin (CFO) noted the report on free cash and the accompanying vote. C. Gitschier requested breakdown of funds through MUNIS report. Mr. Baldwin noted they can provide and end of the year report and commented on State process to certify free cash. C. Jenness commented on some expenditure beginning with the Law Department. Manager Golden, Jr. hoped the transfer would be sufficient but that there were no guaranties. **Motion** by C. Jenness, seconded by C. Gitschier to request Law Department provide ligation summary in Executive Session. So voted. C. Jenness commented on expenditure regarding Lowell High School flood. Mr. Baldwin outlined the expenditure and coverage for City property. C. Jenness noted that proceeds from insurance should only cover City property. C. Jenness commented on deficits in grant funding. Mr. Baldwin noted that this expenditure was standard practice and best accounting practice. C. Jenness questioned why mailing costs for census was not included in original budget. Mr. Baldwin noted it was a supplemental request from the Law Department. C. Jenness questioned OPEB expenditures. Mr. Baldwin noted it was below the best practice of five percent funding. C. Nuon questioned Lowell Fire Department appropriations. Mr. Baldwin noted funds going to staffing issues as well as developing opioid reductions programs. C. Nuon commented on Parking Enterprise funds. Mr. Baldwin noted some predictions that were not as severe currently and that it could have positive effect on any possible rate changes but noted there is still debt service on new garages. C. Gitschier noted that OPEB funding was far less than the five percent.

Informational Report - Community Preservation Act Funding Request (WITH ATTACHMENTS) – **Motion** by C. Gitschier, seconded by C. Robinson to refer to Finance SC joint with Neighborhoods SC. So voted. Dylan Ricker (Developmental Services) outlined accepted applications. C. Leahy questioned if money has been disbursed. C. Yem questioned status of money if applicants cannot move forward with plans. Mr. Ricker noted money would then be returned to fund.

Motion by C. Leahy, seconded by C. Jenness to take Item #5.4 out of order. So voted.

5.3. Communication - Planning Board Recommendation Zoning Amendment Off Street Parking DMU Zoning District.

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



5.4. Communication - Appointment Of Allison Dolan-Wilson To Planning Board.

In City Council, **Motion** to adopt by C. Nuon, seconded by C. Yem. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

Motion to take Items #6.3; 6.4; and 6.6 out of order. So voted.

Motion by C. Nuon, seconded by C. Yem to bundle and waive second reading Items #6.2; 6.2 and 6.5. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote - Accept/Expend \$5,500 MCC Grant- CASE.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Rourke. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

6.2. Vote - Accept/Expend \$75,000 MCC Grant – Library.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Rourke. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

6.3. Vote - Authorize CM Ex. Temporary Access Agreement With Edward Page Corporation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Gitschier. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted. Registered speaker, George Little (National Parks), noted the changes on dates of the agreement and vote included those updates. Mr. Little outlined the project as requested. Camilo Espitia (DPD) commented on access agreement.

6.4. Vote - Authorize CM Ex. Temporary Access Agreement With Henry General Contractors, Inc.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Gitschier. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted. Registered speaker, George Little (National Parks), noted the changes on dates of the agreement and vote included those updates.

6.5. Vote - Transfer \$106,000 - DPW/DPD.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Rourke. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted. C. Gitschier questioned training and if contract includes commitment to City in return. Manager Golden, Jr. noted it was not included at this juncture but it will be part of contract. C. Gitschier noted there is good language for this



in bus contracts. C. Robinson noted the cost of training and indicated there would be other expenses as well.

6.6. Vote - FY22 Free Cash Certification And Recommendation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Nuon. Adopted by Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted. Registered speaker, Jackie Doherty, addressed the Council. C. Gitschier had a question regarding the vote and the two thirds requirement of adoption. Mr. Baldwin commented on vote and transfer request.

Motion by C. Leahy, seconded by C. Nuon to take Items #9.8 and 9.12 out order. So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Public Safety SC February 14, 2023.

In City Council, C. Rourke provided report outlining attendance and discussion of crisis management team commercial parking. C. Rourke noted motion was adopted by the subcommittee to have the Law Department draft ordinance regarding commercial vehicles and that fines should be assessed beginning at \$250.00 and escalate for each offense. **Motion** to adopt motion and report as a report of progress by C. Nuon, seconded by C. Yem. So voted.

7.2. Wire Insp. - Boston Gas DbA National Grid To Relocate Approximately 26 Ft Of An Existing 6 In Gas Main.

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

8. PETITIONS

8.1. Claims - (2) Property Damage.

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

8.2. Mass Electric DbA National Grid - Install 1 JO Pole 5-3 And Extend Secondary To New Pole On Burnside St.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on February 28, 2023 at 7 PM by C. Gitschier, seconded by C. Leahy. So voted. C. Leahy noted that there is a question regarding location of the pole and that it should be resolved. C. Gitschier noted the need to have pole in right position before public hearing. Sean Machado (Asst. City Mgr.) commented on conversations with neighbors regarding new location.



9. CITY COUNCIL - MOTIONS

9.1. C. Robinson - Req. City Mgr. Work With Proper Department And The Neighbor To The Greenhalge School On Ennell Street To Remove Old Gate, Adjust Signage, Consider Installing Section Of Walkway And Develop A Beautification Plan To The Area.

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

9.2. C. Robinson - Req. City Mgr. Look Into Training Surrounding Art Installation Projects For Members Of Administration Tasked With This Responsibility Via NEFA "Making It Public For MA Artists" Program.

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

9.3. C. Robinson - Req. City Mgr. Have Proper Department Provide A Report On The Weight Difference With Old And New Vacs For Downtown And Are The Newly Acquired Equipment Suitable To Be Operated On Our Aging Infrastructure.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Robinson noted the need for proper equipment be used with regards to our infrastructure.

9.4. C. Robinson - Req. City Mgr. Provide A Copy Of Current LAZ Insurance Policy And Update On Parking Garages Infrastructure Status.

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

9.5. C. Robinson/C. Gitschier/C. Jenness - Req. City Mgr. Work With Proper Departments And Lowell Youth Baseball And Softball League To Coordinate A Citywide "Opening Day" Ceremony/Parade In Downtown, Similar To Festival Of Lights Parade.

In City Council, no second needed, referred to City Manager. So voted. C. Robinson noted that a centralized league is best for the City and the organizations. C. Jenness noted event is good for families and businesses. C. Gitschier noted the league was one unit. C. Rourke noted local events helps the downtown. C. Nuon noted the need to invite outside agencies to assist with planning.

9.6. C. Robinson/C. Gitschier - Req. City Mgr. Work With The University And Lowell Youth Baseball And Softball League To Establish And Plan A Date For Tournament Utilizing LeLacheur Park.

In City Council, no second needed, referred to City Manager. So voted. C. Robinson noted it was a good experience for children. C. Gitschier noted other entities could be invited to local tournament. C. Jenness noted it was a good opportunity for children.



9.7. C. Robinson/C. Gitschier - Req. City Mgr. Provide An Update On The Anticipated Upgrades To All Baseball And Softball Fields, Citywide Including Details Such As Laser Grading As Well As Timeline.

In City Council, no second needed, referred to City Manager. So voted. C. Gitschier noted the work has started and need to have it prepared for opening day. C. Robinson noted the need to get ahead on the planning.

9.8. C. Gitschier/C. Robinson - Req. City Mgr. Withhold All Funding To The LTC (Lowell Telecommunications) Until The Employees Union Dispute Is Resolved.

In City Council, no second needed, no action taken, matter withdrew. Registered speakers, Wednesday Klevisha and Courtney Covillo, addressed the body. C. Robinson noted he was glad to see organization by workers. C. Gitschier noted it was an important step forward. C. Gitschier and C. Robinson noted matter was addressed and it was proper to withdraw motion. C. Drinkwater noted importance of union and hoped that LTC would negotiate in good faith. C. Yem congratulated the union on organizing. C. Nuon wished union the best of luck.

9.9. C. Gitschier - Req. City Mgr. Update The City Council On Repairs Made To The Voting Machine For The Hearing Impaired.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. Registered speaker, Yasmin Weil-Poursard, addressed the Council. C. Gitschier noted that remedies need to be put forward. C. Jenness noted vendor change may have added to the issue.

9.10. C. Scott - Req. City Mgr. Have The Appropriate Department Provide An Update On The Current Status Of The Vacant Property At 48 Kinsman Street And Other Similar Properties That Have Fallen Into Disrepair And Any Improvements That Can Be Made To The Process.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Scott noted property has been an eyesore for a long period of time and further noted issue with probate of estate.

9.11. C. Scott/C. Robinson - Req. City Mgr. Provide A Report On The Process Used For Appointment To The LTC (Lowell Telecommunication) Seats Dedicated To The City Council And The City Manager Appointments.

In City Council, no second needed, referred to City Manager. So voted. C. Scott requested an update on the process. C. Nuon noted appointments by Manager and Mayor. C. Jenness noted one person should be charged with tracking of board members and openings.



9.12. C. Nuon/C. Robinson - Req. Mayor Urge The Lowell School Committee To Withhold Retaining Outside Counsel For 6 Weeks To Enable The City Law Department To Investigate Any Possible Claims.

In City Council, no second needed, no action taken as makers of motion withdrew it after discussion. Registered speaker, Jackie Doherty, addressed the body. C. Robinson noted there needs to be due diligence and not a witch hunt to see if outside counsel is needed. C. Nuon noted frustration but must be responsible and follow proper investigative. C. Rourke noted wording of motion as just a request to the Mayor. C. Scott noted wording of request and that there is a process in place for grievance resolution that should be followed. C. Leahy noted City Council should stay out of School Committee business as they vote as they wish. C. Yem commented best approach is to get our Law Department involved to provide further information. C. Drinkwater noted school committee has their own authority but that this scenario portrays and unusual process that may need further review as not sure what is being alleged. M. Chau noted that there are currently no written complaints. Atty. Thomlison (City Solicitor) noted no paperwork was provided by prior Solicitor. C. Jenness questioned staffing amount in Law Department and if they were equipped to handle such a matter. Atty. Thomlison noted commitment to get it done. C. Robinson requested roll call. C. Gitschier noted wording urges Mayor to act and stated no motion needed as Mayor is in that position to act on behalf of Council and can move without Council approval; further requested makers of motion withdraw same. C. Leahy noted motion sets bad precedent. C. Drinkwater noted that Mayor has authority already without need of a motion. C. Nuon understood position of members and withdrew motion with consent of C. Robinson.

9.13. C. Drinkwater/C. Robinson/C. Gitschier - Req. City Mgr. Have The Law Department Draft An Ordinance Requiring That All Contractors And Subcontractors Working On City Construction Projects Valued At Over \$1 Million Employ Apprentices Registered In A Bona Fide Apprentice Training Program, And Establishing Minimum Apprentice Ratios.

In City Council, no second needed, referred to City Manager. So voted. C. Drinkwater noted apprentice programs have gained momentum and they will open up many work opportunities. C. Gitschier noted Lowell was a working class city with opportunity for those to enter workforce. C. Robinson noted the opening of many opportunities. C. Jenness noted programs drive equity and that City should look to other communities regarding programs.

9.14. C. Leahy - Req. City Council Approve Of Allowing The School Department To Contribute To Building A Permanent Building That Would House Office Space, Concession Stand And Weight Room At Cawley Stadium.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Leahy noted request from private group regarding Cawley restoration.



9.15. C. Leahy - Req. City Mgr. Work With DPD To Develop A Plan For 2nd And 3rd Floor Downtown Building Space Using All Means To Help Finance Grants And Other Bank Programs.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Leahy noted need programs to fill vacant floors downtown. C. Nuon noted Council have provided motions to achieve that result of encouraging economic development downtown.

10. ANNOUNCEMENTS

In City Council, C. Robinson noted this weekend was WinterFest. Manager Golden, Jr. noted trash pickup schedule is same for holiday. Manager Golden, Jr. noted ARPA funding is released this week.

11. ADJOURNMENT

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

Meeting adjourned at 9:10 PM.

Michael Q. Geary, City Clerk