



# Lowell City Council

## Regular Meeting Minutes

Michael Q. Geary  
City Clerk

**Date:** March 1, 2022

**Time:** 6:30 PM

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

### 1. ROLL CALL

Roll Call showed 11 present.

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for John A. Nappi, Donna A. Vaillancourt, and William “Steve” Panagiotakos. C. Leahy requested moment of silence in darkened chamber for James L. Cooney. C. Gitschier and C. Yem expressed sympathy for the people of the Ukraine.

### 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](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)**

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

#### 2.2. Communication - Regarding Lowell Memorial Auditorium 100th Anniversary.

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



### **3. CITY CLERK**

#### **3.1. Minutes Of City Council Executive Session February 8th; City Council Regular Meeting February 15th; Auditor/Clerk Oversight & Personnel SC February 22nd; Youth Services SC February 24th, For Acceptance.**

In City Council, minutes read, **Motion** “To accept and place on file” by C. Leahy, seconded by C. Jenness. So voted. C. Jenness questioned when Executive Session minutes would be available to the public. City Clerk informed body they would be available tomorrow.

### **4. GENERAL PUBLIC HEARINGS**

#### **4.1. Loan Order - Historic Preservation Bonds.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt and refer to the Clerk’s Office for 20 days by C. Nuon, seconded by C. Rourke. Adopted per Roll Call vote 11 yeas. So voted.

#### **4.2. Loan Order - Open Space And Recreation Bonds.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. Speaking in favor was Jack Moynihan. No Remonstrants. **Motion** to adopt and refer to the Clerk’s Office for 20 days by C. Nuon, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

### **5. UTILITY PUBLIC HEARING**

#### **5.1. Boston Gas D/B/A National Grid - Request Installation Of New 2 Inch Gas Main From 73 Beech St. To 6th Street.**

In City Council, Given second reading, hearing held, no remonstrants, **Motion** to refer to Wire Inspector for report and recommendation by C. Leahy, seconded by C. Jenness. So voted.

### **6. COMMUNICATIONS FROM CITY MANAGER**

#### **6.1. Motion Responses.**

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

**A) Motion Response - City Facility Mask Policy – None.**

**B) Motion Response - Equity and Inclusion Stabilization Fund –** C. Drinkwater commented on the fund and questioned if perhaps the City should not be put in a position to solicit money and it may be better left to private organization to do that with the assistance of City resources.

**C) Motion Response - ARPA Parks Improvements and Business Assistance –** C. Nuon commented on additional report on agenda regarding use of funds. C. Nuon



noted disbursement amount for Cawley Stadium and commented that public should have input regarding disbursement of these funds. C. Drinkwater noted added report on agenda and stated that the best use of these funds to use them to avoid Capital Projects that would need loan orders to achieve. C. Drinkwater looked at Cawley Stadium and Shedd Park as proper use of those funds but would need more information on scope of those projects. Manager Donoghue noted the report was informational and first step in the process which would include public input. Manager Donoghue noted that Cawley and Shedd Park are areas used the most by all citizens of Lowell. C. Robinson noted other parks were being shorted and that every neighborhood should have a Cawley type facility and attendance should not drive the funding formula.

**Motion** by C. Robinson, seconded by C. Rourke to refer matter to Finance SC along with Item# 6.2Q (ARPA Budget Plan). Adopted per Roll Call vote 11 yeas. So voted.

**D) Motion Response - Tax Billing Communication** – Manager Donoghue questioned if Council wished to proceed with mailing. C. Scott noted information was out there and mailing would be wasting resources. C. Rourke noted it appears the public has been informed and they seem to be satisfied with it. C. Gitschier noted public has information. Manager Donoghue noted there have not been many calls regarding issue.

**E) Motion Response - Chapter 90 Funding** – C. Gitschier noted the increase with the funding as was pleased with result.

**F) Motion Response - Open Gym Activities** - C. Robinson noted the effort of departments and Youth SC.

**G) Motion Response - Miscellaneous Sidewalk Repair** – C. Gitschier commented on the bid and how it was formulated. Ting Chang (City Engineer) outlined the process noting it was a rough estimate based on budgeted amount. C. Gitschier noted the need to do a citywide sidewalk assessment and that is the best practice for municipalities and then go out to bid and set budget on those assessments. C. Gitschier noted that assessment will save on costs in the long run. C. Scott noted the need to prioritize of an assessment. Manager Donoghue noted agreement with assessment but commented that response was to repair and replace handicap accessible areas. C. Robinson noted the need for such repairs. C. Leahy noted there are apparent needs for repairs in the City right now. C. Gitschier noted the goal proactive not reactive responses. Manager Donoghue noted the line item for this area has been increased with this budget.

**H) Motion Response - Light Request at Cupples Square Parking Lot** – M. Chau noted the repairs are in progress.

**I) Motion Response - Light Request at Burrell Place** – C. Robinson noted residents are pleased with the response.

**J) Motion Response - Bulky Pick-Up Items** – C. Jenness questioned procedures for large residential multi units for assistance with pick-ups. Manager Donoghue noted it



could be addressed with new disposal contract. C. Rourke noted condo associations are involved with the pick-ups.

**K) Motion Response - Pothole Rapid Response** – M. Chau commented on the working team at DPW. C. Gitschier questioned number of hot boxes the City uses. Christine Clancy (DPW) noted there were two and that they were aged and not efficient as they should be. C. Gitschier noted that manufacture should be notified if not working properly. C. Gitschier questioned pothole procedures regarding clean up after job. Ms. Clancy noted that some crews only have the one truck and that clean up would be later. C. Mercier noted the number of claims against the City due to potholes. Ms. Clancy outlined the pothole response team procedure. C. Robinson noted maybe adding some different equipment would better repair holes.

**L) Motion Response - Muldoon Park Kayak Launch** – C. Scott noted the DPD report and hoping for funding for a safe use of a great resource.

**M) Motion Response - Veterans Park** – C. Leahy questioned who point person was regarding park. Christine McCall (DPD) noted that there is a hold up as surveys are being conducted regarding placement of neighboring fence.

**N) Motion Response - Youth Programming Information on Website** – C. Robinson noted the effort being done regarding communication sharing among various groups. Manager Donoghue noted that Phil Geoffroy would be point person for her office.

**O) Motion Response - Election Polling Locations and Supplies** – C. Scott commented on number and location of polling booths. Solicitor O'Connor noted work with Secretary of State Office to add potential district and that Election Commission would be part of the process. **Motion** by C. Robinson, seconded by C. Nuon to refer matter to Election Laws and Redistricting SC. So voted.

**P) Motion Response - Changing Voting System to Elect Mayor** – C. Yem requested summary of the report. Solicitor O'Connor noted referral to Election Laws and Redistricting SC for review of process as done in Worcester. C. Yem commented that Worcester had different system which may not fit Lowell. C. Nuon commented on the non-binding referendum and the Consent Decree adding Worcester would not be best system for Lowell. Solicitor O'Connor noted plaintiff's counsel was just awaiting information after discussion. C. Rourke noted there were different ways of going about selection and he further noted that referendum may have been more about a strong mayor. C. Robinson noted discussion should start at the subcommittee. C. Drinkwater noted subcommittee would provide guidance from new Council to plaintiff's counsel. C. Rourke noted any system must be fair. C. Nuon commented on future election being more efficient than prior ones.

## 6.2. Informational Reports

**Q) Informational - ARPA Budget Plan** – Matter was referred to Finance SC (See Item# 6.1C. Registered speaker, Yun-Ju Choi, addressed the Council. C. Gitschier commented on the final set of regulations by Federal Government and that there should



be an effort to secure funds for infrastructure and LHS project. C. Mercier noted this was currently just in draft form. Conor Baldwin (CFO) commented on use of funds for infrastructure purposes.

**Motion** suspend rules to take Items #7.5; 8.1; and 10.13 out of order by C. Mercier, seconded by C. Gitschier. So voted.

### **6.3. Communication - Appointment Of Judith Davidson To Library Board Of Trustees.**

In City Council, Read. **Motion** to adopt by C. Gitschier, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted.

**Motion** by C. Mercier, seconded by C. Gitschier to bundle and waive second reading for Items #7.1 to #7.4, inclusive. So voted.

## **7. VOTES FROM THE CITY MANAGER**

### **7.1. Vote - Merrimack St\_375 CPC Funding Recommendation.**

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

### **7.2. Vote - Varnum Ave\_1413 1415 CPC Funding Recommendation.**

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

### **7.3. Vote- Auth City Manager Accept Expend MA Elder Affairs Formula Funding.**

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

### **7.4. Vote-Accept.Expend 40,000 MA Dept Of Mental Health Grant\_03.01.22.**

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

### **7.5. Vote-Auth City Manager Exec First Amendment To Building And Rooftop Lease Agr.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted. Registered speaker, Tom Hildreth (Verizon)(Zoom), addressed the body.

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

### **8.1. Subcommittee Reports:**

**Auditor/Clerk Oversight & Personnel SC February 22<sup>nd</sup>.**



In City Council, C. Gitschier provide report outlining meeting and attendance. Registered speakers, Judith Durant, Mary Tauras (Zoom) and Sally Coulter, addressed the Council. C. Gitschier noted the public comments at the subcommittee and that all eleven Councilors attended. C. Gitschier noted that three motions were passed; (1) posting 3/2 to 3/18; (2) salary range of \$195,000 to current manager salary; and (3) add range of salary to job description. **Motion** to accept the report as a report of progress and adopt motions of subcommittee by C. Gitschier, seconded by C. Mercier. Adopted per Roll Call vote 7 yeas, 4 nays (C. Jenness, C. Yem, C. Nuon, C. Leahy) So voted. C. Jenness noted there were issues raised by community to slow process down and have more public input and that extending posing period would be best solution. C. Rourke noted process of subcommittee and that it is here before the Council as indicated. C. Nuon noted concern with timing and public input. C. Yem wished to extend time until end of March.

### **Youth Services SC February 24<sup>th</sup>.**

In City Council, C. Robinson provide report outlining meeting and attendance commenting on information sharing among groups and maintenance of fields. C. Yem noted there was motion to create a Youth Commission in accordance with Mass General Laws. Manager Donoghue noted they would begin process through Law Department. **Motion** to accept the report as a report of progress and adopt motions of the subcommittee by C. Robinson, seconded by C. Jenness. So voted.

### **Rules SC March 1st.**

In City Council, C. Jenness provide report outlining meeting and attendance commenting on proposed rule changes to adopt to current Council structure as well as developing Zoom regulations. **Motion** to accept the report as a report of progress and adopt motions of the subcommittee by C. Leahy, seconded by C. Gitschier. So voted.

## **9. PETITIONS**

### **9.1. Claims - (19) Property Damage.**

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

### **9.2. Misc. - Maria Keratsopoulos Request Removal Of Handi-Cap Sign From In Front Of House At 63 Mt. Vernon Street.**

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

### **9.3. National Grid - Request Installation Of 4 Inch Gas Main From 114 South Whipple To Sidney Street.**



In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on March 15, 2022 at 7 PM by C. Jenness, seconded by C. Leahy. So voted.

## **10. CITY COUNCIL - MOTIONS**

### **10.1. C. Mercier - Req. City Mgr. Have Proper Department Report Revenues Derived From Meals Tax To The City; Specifically In Business Such As Popeye's Chicken At Drum Hill.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Mercier requested motion be amended to include report regarding revenue from sewer hook-up for Middlesex Training School and was just a request for information.

### **10.2. C. Mercier - Req. City Mgr. Prepare A Report That Will Give An Update On The Progress And Strategies Of The Monthly Meetings Between The City And School Finance Department.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier commented on the procedures to be followed and that they are needed to ensure proper operations.

### **10.3. C. Yem - Req. City Mgr. Create A Pothole Hotline.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Yem commented on Civic Plus platform that may have challenges so there may be a need to email and have a dedicated line to receive information. Manager Donoghue noted calls to her office and the DPW that are responded to quickly and it would be beneficial if contact information was put out there constantly. C. Scott questioned use of 311 line. Manager Donoghue note that Civic Plus serves that purpose.

### **10.4. C. Gitschier - Req. City Auditor Provide The City Council With The Current Policy For Wire Transfers For Paying Invoices.**

In City Council, seconded by C. Drinkwater, referred to City Auditor. So voted. C. Gitschier commented on issues in surrounding towns. City Auditor noted wire payments to long term vendors with large balances and that there are safeguards in place.

### **10.5. C. Gitschier - Req. City Mgr. Outline The Upcoming Plans For Spring Fields To Be Ready For Sports.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Gitschier noted the many organizations that have concerns.

### **10.6. C. Robinson - Req. City Mgr. Update The Council On The Current Cross Connection/Back-Flow Survey Underway.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson commented on changes being made and the need for updated information.



**10.7. C. Robinson - Req. City Mgr. Have The Proper Department Take A Look At The Current Overhead Traffic Light Situation At The Intersection Of Andover And High Street.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Robinson noted it was a citizen concerns.

**10.8. C. Robinson - Req. City Mgr. Have The Proper Department Look At Mt. Pleasant Street As It Is Beginning To Be Used As A High Speed Cut-Through For Afternoon Commuters.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Robinson noted motion was self-explanatory.

**10.9. C. Robinson - Req. City Mgr. Provide Council With An Update From Coordinated Outreach And Engagement Team (COET) On Homeless Crisis.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Robinson noted the ongoing efforts

**10.10. C. Robinson - Req. City Mgr. Provide A Report On Total Number Of Reported Weather Related Accidents On Saturday, February 19, 2022 From 2:00pm - 12:00am.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Robinson noted the weather situation which caused many accidents.

**10.11. C. Nuon - Req. City Mgr. Provide Report On Status Of Smith Baker Building And Any Potential Future Owner Or Occupant And What Happens Without That Potential.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Nuon noted motion was self-explanatory. C. Rourke noted the building came with many development restrictions and there have been several RFPs yielding no results. Manager Donoghue noted it was a tough property to develop. C. Rourke noted there may be a need to attempt to ease the restrictions in place. C. Yem commented on possible private investment and perhaps another RFP attempt is warranted.

**Motion** by C. Mercier requesting suspension of rules to discuss lighting in the City, seconded by C. Leahy. So voted. C. Mercier noted bridges being lit up in Ukraine colors and it was a proper tribute and it should be done at Lucy Larcom Park canal.

**10.12. C. Nuon/C. Jenness - Req. City Mgr. Have Appropriate Department Present Rapid Recover Plan And Convene A Stakeholder Meeting To Discuss Implementation With An Emphasis On Incentivizing Downtown Building Owners To Renovate And Lease Upper Floors As Residential Units.**





In City Council, no second needed, referred to City Manager. So voted. C. Nuon commented on the work of the DPD being done presently. C. Rourke noted that historic restrictions may effect outcomes.

**10.13. C. Nuon - Req. City Mgr. Work With Appropriate Staff To Ensure That All Communications From The City Intended For Public Reading Be Presented In English, Khmer And Spanish.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. Registered speakers, Sothea Chiemruom (Zoom), Mary Tauras (Zoom) and Johanna Davis addressed the Council. C. Nuon noted the need for this to ensure accurate information is provided. C. Jenness noted it was important for all materials and a communication department within the City could help address any issues.

**11. CITY COUNCIL - EXECUTIVE SESSION**

**11.1. Executive Session - Regarding Litigation Update, Public Discussion Of Which Could Have A Detrimental Effect On The City's Position.**

In City Council, M. Chau stated reason for Executive Session, **Motion** by C. Jenness, seconded by C. Scott to enter Executive Session for stated purpose and to adjourn from Executive Session (9:20 PM). Adopted per Roll Call vote 11 yeas. So voted. M. Chau stated that body would adjourn from the Executive Session.

**12. ANNOUNCEMENTS**

In City Council, Manager Donoghue noted that the DPD were doing a second round of covid assistance for small businesses. C. Mercier was informed that it is open to all including prior recipients and applicants. C. Robinson commented on Art Up Project. C. Yem noted tour of Acre for interested residents tomorrow.

**13. ADJOURNMENT**

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

Meeting adjourned in Executive Session at 9:59 PM.

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Michael Q. Geary, City Clerk