



# Lowell City Council

## Regular Meeting Minutes

Michael Q. Geary  
City Clerk

**Date:** March 8, 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 (C. Gitschier – Zoom).

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Nancy E. Achin and William M. (Billy Z) Zounes. C. Rourke requested moment of silence in darkened chamber for Brenda C. (Plante) Roux-Foerst.

### 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. Jenness. So voted.

#### 2.2. Communication - Patricia Hiort (Matthew 2535) Organization Mission.

In City Council, **Motion** “To accept and place on file” by C. Robinson, seconded by C. Nuon. So voted. M. Chau recognized Ms. Hiort and she addressed body regarding her organization. C. Mercier noted the Homeless Commission could assist the organization. Manager Donoghue noted the current response regarding homeless initiatives. C. Robinson questioned how one could be added to list of providers. Christine McCall (DPD) commented on the procedures and public participation.



### **3. CITY CLERK**

#### **3.1. Minutes Of Rules SC March 1st; City Council Regular Meeting March 1st, For Acceptance.**

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

### **4. AUDITOR BUSINESS**

#### **4.1. Communication - Payroll Direct Deposit.**

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Jenness. So voted. C. Gitschier commented on the report noting the procedures. C. Mercier questioned cost associated with getting more automated. Auditor Oakes noted that office is automated but there is a need for added staffing to assist with procedures. C. Robinson questioned if hard checks are still provided. C. Leahy questioned cost savings with direct deposits. Auditor Oakes noted that cost would be greater if went to bi-weekly payroll.

### **5. COMMUNICATIONS FROM CITY MANAGER**

#### **5.1. Motion Responses.**

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

**A) Motion Response - Snow Emergency Parking Options** – C. Scott commented on information for additional options should be included in the report, per example use of shuttle busses and alternate side of road parking. C. Robinson noted report needs to include more option and address areas most affected.

**B) Motion Response - Vacant and Abandoned Properties** – C. Mercier commented on building on Merrimack Street being in bad shape and would be pristine if could be addressed. C. Yem noted an affordable housing trust may be helpful with such development. Manager Donoghue noted each property has distinctive needs. C. Robinson questioned benefit of City ownership. Manager Donoghue noted City support to non-profits to develop these properties. Ms. McCall commented on the development programs. C. Robinson questioned status of empty courthouses in the City. Manager Donoghue noted that DCAM has not finished their review and categorizing of the property. C. Mercier noted many bank owned properties in the City. C. Leahy questioned when next tax auction would take place. Solicitor O'Connor noted they are preparing for next auction and noted delay due to Covid. Eric Slagle (Inspectional Services) commented on receivership program with Attorney General's Office. **Motion** by C. Nuon, seconded by C. Robinson to have Manager review restoring receivership program with the Attorney General's Office. So voted. C. Yem commented on maintain bank owned properties.

**C) Motion Response - HCID Construction** – None.



**D) Motion Response - Homelessness Initiatives with NonProfits** – Registered speaker, Carl Howell, addressed the body. C. Nuon commented on the report and the success of partnerships in the City. Ms. McCall commented on the coordinated effort of all partners and further commented on funding approaches regarding affordable housing. C. Nuon noted complications with identifying homeless individuals and questioned status of hire coordinator. Manager Donoghue noted still in hiring process and has some challenges and further noted the new hire would be part of the Health Department. C. Robinson noted may need to alter hiring process. C. Scott commented on the report regarding housing and funding. Ms. McCall noted that some funding programs will end this summer.

**E) Motion Response - Signature Bridge Traffic** – C. Jenness noted changes that improved traffic flow.

**F) Motion Response - Affordable Housing Trust** – Registered speaker, Carl Howell, addressed the Council. C. Drinkwater commented on the creation of the trust. **Motion** by C. Drinkwater, second by C. Jenness to refer matter to Housing, Zoning and Neighborhoods SC. So voted. C. Yem questioned the use of the trust with CDBG funding and that Neighborhoods SC should be involved with discussions. C. Nuon noted all resources and revenues must be explored.

**G) Motion Response - Moss Art** – C. Robinson questioned funding sources. Ms. McCall noted they would have to research source of funds for this program. **Motion** by C. Robinson, seconded by C. Yem to refer matter to Arts and Cultures SC. So voted.

**H) Motion Response - South Common** – None.

**I) Motion Response - Canal Way Snow Removal** – C. Jenness noted the chart which helped with communication to the community.

**J) Motion Response - Traffic Calming** - C. Robinson commented on list of places in need of some traffic measures. C. Mercier noted Broadway Street light issue at Senior Center. Ms. McCall noted that goal is to make permanent changes.

**K) Motion Response - Rapid Recovery Plan** – **Motion** by C. Nuon, seconded by C. Robinson to refer matter to Economic/Downtown Development SC. So voted.

**L) Motion Response - Applicant Tracking System** - C. Gitschier noted that procedure is a function of the City Manager's Office.

**5.2 Informational – Lowell High School Project Update** – **Motion** to suspend rules due to emergency situation to discuss update by C. Scott, seconded by C. Robinson. So voted. Manager Donoghue noted that this information would also be available for next meeting for public participation and just commented there was a need to clarify information that was in the public. Manager Donoghue noted consultants were present and that the final budgeted amount has not been set and that there would be some overage. Rex Radloff (Suffolk) provided brief overview of the budget and that there has



been reconciliation with each bid package received. Mr. Radloff noted uptick in the budget moving along so work was done to address this and further noted an issue arose when material bid packages were received in excess of estimated amount. Mr. Radloff noted they were still awaiting final budget number and that this project is not different than other similar projects affected by Covid. C. Robinson noted that at prior briefing the picture was much clearer and on budget schedule. C. Mercier commented on the overage noting difference with prior report. Mr. Radloff noted that major packages of the project regarding raw materials was in over 22 million dollars. C. Mercier noted that the MSBA would not contribute to any overages. Marianne Williams (Skanska) noted the enormous increase with later bid packages for raw materials. C. Mercier noted that there are still costs associated with the taking for the project and if project was started from scratch at Cawley then would be less costly. C. Rourke noted that project was over budget by 11% and questioned if contingency funds could assist. Mr. Rex outlined what remained in contingency funds. Manager Donoghue noted that the MSBA will not alter the agreement that was reached but supported any effort by the City to obtain further state funding for overages due to Covid. Manager Donoghue noted that all bid packages will be done and final budget number available next week. C. Gitschier noted last report and the differences and that shows the need for tight oversight of line items in the budget to show directly where money is being spent to prevent the project from getting out of control. C. Scott recognized that it is a difficult for a large construction project during this time. Manager Donoghue noted there has been no changes to scope of project. C. Drinkwater commented on prior report and that line item review would be helpful and understood increase due to the return of large trade package bids. C. Drinkwater noted overages due to Covid should be covered with some type of relief money. C. Yem noted need to work with state delegation for funding. Manager Donoghue noted it would be a collaborative effort. C. Jenness noted the significant financial challenges ahead but project should stay on design and that there is a need to pursue different funding options, per example, use of ESSR Funds. C. Nuon noted body will need constant updates as they move to final budget number. M. Chau requested Manager Donoghue communicate with the school administration regarding use of ESSR Fund. C. Leahy noted the need to stick with design and work with state partners for funding. M. Chau noted there should be full information provided to Council regarding budget and reconciling that budget.

**Motion** to suspend rules to take Items #10.12 and #10.13 out of order by C. Mercier, seconded by C. Drinkwater. So voted.

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

### **6.1. Vote - Approve TIF Agreement-330 Jackson Street LLC.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Nuon. Adopted per Roll Call vote 11 yeas. So voted. Registered Speaker, Gerry-Lynn Darcy (Lupoli Dev.), addressed the body. C. Jenness questioned agreement and whether it was standard for this type of project and favorable to City. Ms. McCall commented on new traffic pattern to be used during construction and how it will be communicated to the community. C. Nuon noted the garage was needed in the City and requested specifics of the agreement. Ms. McCall provided elements of



the contract noting time and promised full time employment. Manager Donoghue noted the agreement had proper balance for development. Ms. McCall noted the terms of the agreement were workable. C. Scott commented on the use of the crane and how it would effect road closures. Ms. McCall noted closure plan would be completed by end of the month. C. Leahy noted traffic concern during construction as well as financial concerns. Ms. McCall outlined financial aspects of the agreement.

**Motion** to suspend rules to take Items #5.1(D) and (F) by C. Mercier, seconded by C. Yem. So voted.

## **6.2. Vote - Declare Surplus Property At 93 Mammoth Road.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Jenness. Adopted per Roll Call vote 11 yeas. So voted. C. Mercier noted the building had been dedicated before and requested that dedication be remembered in some manner. Manager Donoghue commented that the dedication will be preserved.

## **6.3. Vote-Accept.Expend \$15,000 FY22 First Responder Naloxone Grant.**

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

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

### **7.1. Order - 60 Day Trial.**

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

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

### **8.1. Finance SC March 8, 2022.**

In City Council, M. Chau noted the meeting had been postponed until March 15, 2022.

## **9. PETITIONS**

### **9.1. Claims - (10) Property Damage.**

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

### **9.2. Misc. - Joseph Jussaume Request To Address Council Regarding Declaration Of April 8, 2022 As Civics Day In The City Of Lowell**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Leahy, seconded by C. Scott. So voted. Mr. Jussaume addressed the body and indicated that April 4, 2022 should be the day.



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

### **10.1. C. Scott - Req. City Mgr. Have The Appropriate Department Place No Parking Signs Or Paint No Parking Markings On The Corner Of Meadowbrook St. At Moore St. To Allow Truck Turning Access.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Scott noted residential concern and a large amount of traffic in the area.

### **10.2. C. Scott - Req. City Mgr. Have The Appropriate Department Provide A Report On How Projects Are Prioritized From The Open Space And Recreation Plan And How Funding Sources Are Identified.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Scott requested process used to prioritize and to fund.

### **10.3. C. Scott - Req. City Mgr. Provide A Report On The Status Of The Plan To Transform The Lowell Transitional Living Center (LTLC) On 193 Middlesex Street From An Overnight Only, Sober Shelter To A 24/7, "Low-Barrier" Shelter And To Provide Social Services During The Day.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Scott noted prior working group and requested update.

### **10.4. C. Scott - Req. City Mgr. Report On What Steps Have Been Implemented To Bring The Recycling Contamination Rate Down And What Enforcement Efforts Have Been Happening.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Scott commented on the increase in tipping fees and the need to lower them.

### **10.5. C. Nuon - Req. City Mgr. Invite The School Department To Share Elementary And Secondary Emergency Relief (ESSER) Funding To Help Pay For The Improvement Of Cawley Stadium.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted motion spoke for itself.

### **10.6. C. Nuon - Req. City Mgr. Provide City Council With A Report Concerning What Actions Lowell Public Schools Are Taking Relative To Youth Homelessness In The City.**

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Nuon noted the challenge identifying specific groups and that the report should cover the many different categories within this group.

### **10.7. C. Nuon - Req. City Mgr. Update The City Council On The Status Of Licenses For Lowell's Marijuana Retailers To Deliver Product Directly To Customers As**





**Outlined In The Cannabis Control Commission's New Rules Approved October 2019.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted the need to have available resources to ensure proper distribution. C. Yem questioned what zoning regulations are these establishments governed by. Manager Donoghue noted that ordinances were adopted to regulate these businesses.

**10.8. C. Nuon - Req. City Mgr. Work With City Solicitor To Provide The City Council With A Legal Opinion Concerning Whether The City Has A Legal Responsibility To Ensure Homeless Individuals Moved Off Encampments On Public Property Are Provided Other Housing Opportunities.**

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Nuon commented on current encampments and legality in moving them.

**10.9. C. Gitschier - Req. City Mgr. Have The Proper Department Provide The City Council With A List Of Road Surface Treatments (Crack Sealing, Fog Sealing, Microsurfacing And Cape Sealing) Planned For The Upcoming Paving Season.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Gitschier noted motion spoke for itself.

**10.10. C. Gitschier - Req. City Mgr. Provide The City Council With A List Of Water Main Breaks Repaired By Outside Contractors During FY22 (July 21 - Current), The Locations Of Each Of The Water Main Breaks, The Date Of Each Water Main Break, The Size Of The Water Main And The Cost Of Each Repair.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Gitschier noted motion spoke for itself. C. Leahy questioned reason for motion. C. Gitschier noted increase in budget item and wanted to see what the expenditures were.

**10.11. C. Gitschier - Req. City Mgr. Provide The City Council With An Update On Available Overtime Funds In The Fire Department To Keep All Fire Companies Open Until June 30, 2022.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Gitschier noted need for report and recognized the Manager's effort in keeping the firehouses open.

**10.12. C. Robinson - Req. City Mgr. Have Proper Department Work With Residents In The Beaulieu Street Area Of Centralville To Create A Winter Operation Agreement.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speaker, Sandra MacNamara, addressed the Council and provided photos for record. C. Robinson noted need to update snow operations in dense areas which would remove



piles quickly from the area. C. Gitschier noted DPW department head should be heard regarding accusations made by speaker as well as information on the plan. Manager Donoghue noted there would be a full report. C. Nuon noted the need to clean area right away especially in areas that are dense and near schools.

**10.13. C. Drinkwater - Req. City Mgr. Partner With The Lowell School Department To Find The Ways And Means To Install Alternative Communication Boards At City And School Playgrounds, In Order To Aid In The Communication On Nonverbal Children.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speaker, Amy Harris, addressed the body. C. Drinkwater recognized the speaker and noted that other communities have this resource which is helpful and not costly. C. Leahy noted it was not electronic and is useful.

**Motion** to take Items #9.2 and #6.1 out of order by C. Mercier, seconded by C. Drinkwater. So voted.

**10.14. C. Leahy - Req. City Mgr. Have Proper Department Explore Feasibility Of Allowing More Than One Business Being Conducted From Your Home Address.**

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Leahy requested legal opinion. Ms. McCall noted language in ordinance.

**11. ANNOUNCEMENTS**

In City Council, C. Jenness recognized International Woman's Day. C. Mercier noted mask mandate had been lifted.

**12. ADJOURNMENT**

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

Meeting adjourned at 9:45 PM.

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Michael Q. Geary, City Clerk