



# Lowell City Council

## Regular Meeting Minutes

Michael Q. Geary  
City Clerk

**Date:** April 4, 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. Scott).

M. Chau presiding.

M. Chau requested moment of silence in darkened chamber

### 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@LOWELLMMA.GOV](mailto:MGEARY@LOWELLMMA.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. Robinson, seconded by C. Rourke. So voted.

#### 2.2. Citations:

##### 1) John Long - Boys and Girls Club Youth of the Year.

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Mercier. So voted. M. Chau presented the citation. Mr. Long addressed the body thanking them and the Boys and Girls Club.



## **2) Chili and Stew Contest Winners: Professional - CTI Youthbuild Culinary Program; and Amateur - Douglas Bergeron.**

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Mercier. So voted. M. Chau presented the citation to Mr. Bergeron, the amateur winner. Mr. Bergeron addressed and thanked the Council. CTI Youth Build was unable to attend.

### **2.3. Proclamation - National Public Health Week.**

In City Council, **Motion** "To accept and place on file" by C. Yem, seconded by C. Jenness. So voted. M. Chau presented the proclamation to Lisa Golden (HHS) who thanked the body and recognized the department. C. Mercier stated she was proud of the department. C. Robinson recognized the efforts of the department.

**Motion** by C. Leahy, seconded by C. Gitschier to take Item #11.2 out of order. So voted.

## **3. CITY CLERK**

### **3.1. Minutes Of City Council Regular Meeting March 21st/25th; Transportation SC March 28th; City Council Regular Meeting March 28th, For Acceptance.**

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

## **4. UNFINISHED BUSINESS**

### **4.1. Vote - Authorize Payment Of Bills Incurred In Excess Of Appropriations - Schools.**

In City Council, M. Chau withdrew the item from agenda with no objection to allow additional time for school administration to supply information.

## **5. GENERAL PUBLIC HEARINGS**

### **5.1. Loan Order - MSBA Accelerated Repair To Various School Buildings. (\$21,108,052)**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt and refer to Clerk's Office for 20 days by C. Rourke, seconded by C. Nuon. Adopted by Roll Call vote 10 yeas, 1 absent (C. Scott). So voted. C. Jenness wanted to ensure that language was run by the Law Department. Manager Golden, Jr. indicated that it was a standard vote that was reviewed by the department.

**Motion** to bundle and take Items #12.5, #12.7 and #12.10 out of order. So voted.



## 6. COMMUNICATIONS FROM CITY MANAGER

### 6.1. Motion Responses.

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

#### **A) Motion Response - Line Striping Schedule for Parking Lots in Schools**

**Complete** – C. Gitschier noted the report and commented on the lack of staffing for such a long period of time. Manager Golden, Jr. noted the shortage due to retirement and injury. Deputy Chief LeBlanc (LPD) commented on the department. C. Gitschier questioned if position could be filled while someone is out injured. Manager Golden, Jr. noted they were researching that possibility. C. Gitschier noted concern with the amount of time it takes to fill positions. C. Yem noted there must be staff to ensure safety of roads. C. Robinson noted that problem is that there needs to be more oversight with anticipated vacancies. **Motion** by C. Gitschier, seconded by C. Jenness to request City Manager provide a report regarding time frame and process for hiring in the City. So voted.

#### **B) Motion Response - Police Calls on Main Number Not Answered By Live**

**Dispatcher** – C. Mercier noted the new system and the need to ensure all calls have a live contact and not answered by a machine. **Motion** to suspend rules to take up C. Mercier's motion regarding police presence at Shrine by C. Mercier, seconded by C. Yem. So voted. **Motion** by C. Mercier, seconded by C. Yem to request City Mgr. have police presence (walking the beat) after the 8 AM and 12 NOON Masses at the Shrine, so the elderly will not be preyed upon after every Mass, 7 days a week. So voted. C. Mercier commented on the Mass schedule and the need for police presence. C. Leahy noted the areas where the homeless are living and that they should be moved.

**C) Motion Response - Senior Work Off Property** - C. Nuon noted the number of positions in the program and how many are unfilled. Manager Golden, Jr. noted the program is run through Assessor's Office. C. Mercier requested what qualifies to be allowed into the program. Ellen Brideau (Chief Assessor) outlined the qualifications needed. C. Leahy noted the need for position to have ability to translate languages. C. Nuon noted that positions should be filled post Covid.

**D) Motion Response - Union Contracts HR** – C. Gitschier noted it is first time all contracts are on website and that they should be easier to access them. Manager Golden, Jr. note that they were working on reorganization of the front page of the site. C. Jenness made a suggestion regarding navigation of the website.

**E) Motion Response - All Paid Invoices** – C. Gitschier noted improvement with collection of fees and they must continue being tracked.

**F) Motion Response - Outdoor Dining Regulations** – C. Yem commented on the ordinance and how it relates to alcohol consumption and the need for fees to be included. Allison Carter (DPD) commented on the consumption of alcohol and following State regulations and that fees being administrated. C. Robinson noted the process



should be streamlined and permanent. Manager Golden, Jr. noted they were working on making process easier and permanent. C. Gitschier commented that there is no loss of parking revenue with this program as vehicles would just go to different location. Ms. Carter commented on studies indicating that. C. Yem commented on additional insurance coverage needed. M. Chau noted the need to make program permanent.

**G) Motion Response - Field Improvements** – C. Robinson noted the report lacked substance and was void of information. C. Gitschier noted the request was for a specific response and that it did not do that. C. Yem noted the need to address concerns in the North Common. C. Drinkwater noted that it appears the outside vendor did not do what was required. C. Leahy noted deadline for end of month and that they still have time to complete tasks. C. Robinson noted he had no information regarding contract or the scope of work. C. Rourke indicated that all the fields in Pawtucketville were satisfactory. **Motion** by C. Gitschier, seconded by C. Robinson to request Manager revisit and update the report. So voted. C. Gitschier questioned the contract currently in place. Yovani Baez-Rose noted there was one contractor and outlined scope.

**H) Motion Response - Archdiocese Property** – C. Leahy indicated he was satisfied with the report.

**I) Motion Response - Petition Reserve Dwelling Ordinance With Attachment – Motion** by C. Gitschier, seconded by C. Yem to have City Manager provide a report regarding fees of the program. So voted. C. Gitschier noted fees were not reflective and should be increased. C. Leahy noted that signs are often abused by owners. C. Mercier commented on such abuse. C. Yem noted the need to increase fees and commented on abuse of the system. C. Gitschier noted program was not being fair to all. C. Jenness commented on the stress involved with parking.

**J) Motion Response - Subdividing HCID Properties – Motion** to refer to Neighborhoods SC by C. Robinson, seconded by C. Nuon. So voted.

**K) Motion Response -School Street Cemetery Wall Repair** – C. Yem noted repairs were a long time coming. M. Chau noted the number of motions on this issue and was pleased it was being completed.

**L) Motion Response - Fort Hill Ave Sidewalk Request** – C. Mercier noted the challenges with request as to retaining wall and utility pole. Manager Golden, Jr. noted challenge of constructing an ADA compliant sidewalk.

## 6.2. Informational Reports

**Informational Report - Impact Task Force** – Manager Golden, Jr. recognized Lloyd Dejesus (Inspectional Services) who provided update regarding task force outlining the members and the scope. Manager Golden, Jr. noted task force enhances neighborhoods and makes them safer. C. Yem noted the need to spruce up areas. C. Mercier noted walking the area is more productive than driving through. C. Gitschier noted the staffing in the department. Mr. Dejesus noted the need for plumber and



building inspector. C. Gitschier noted budget transfer to cover force. Manager Golden, Jr. outlined the transfer noting the fund would be replenished through fines rendered. C. Robinson noted the need for the task force. Shawn Machado (Asst. Manager) noted that neighborhood tours would continue and this is in addition to.

### **6.3. Communication - City Manager Request Out Of State Travel (1) LPD And (1) MassHire.**

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

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

### **7.1. Vote - Authorize CM Ex. PFA With MSBA.**

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

### **7.2. Vote - Transfer \$20,000 – DPD.**

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

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

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

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. Scott). So voted.

## **9. ORDINANCES FROM THE CITY MANAGER**

### **9.1. Ordinance - Amend Chap 266 Vehicles And Traffic - Commercial Parking**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Law Department for further review by C. Rourke, seconded by C. Robinson. So voted. C. Gitschier noted corrected fine was in place and more reflective of the circumstance. Deputy Chief LeBlanc commented on the definition of commercial vehicle through Massachusetts legislation. C. Gitschier noted the use of commercial plates. C. Jenness noted there should be review by Law Department and once in place notice should go out to neighborhood groups. C. Leahy noted ordinance must be fair to all. C. Robinson noted ordinance would give teeth to enforcement.

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

### **10.1. Neighborhoods SC April 3, 2023.**



In City Council, C. Mercier provided report of the meeting outlining attendance and discussion of ARPA funding for neighborhood parks and outlined improvements.

**Motion** to accept the report as a report of progress by C. Gitschier, seconded by C. Jenness. So voted.

## **10.2. Housing SC Joint With Zoning SC April 4, 2023.**

In City Council, C. Drinkwater provided report of the meeting outlining attendance at current and prior meetings and discussion of Accessory Dwelling Units (ADU). C. Drinkwater noted subcommittee adopt motion to recommend approval of the draft ordinance with the stipulation of a one year data review. **Motion** to accept the report as a report of progress put forth recommendation by C. Jenness, seconded by C. Mercier. So voted.

## **11. PETITIONS**

### **11.1. Claims - (3) Property Damage.**

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

### **11.2. Misc. - 8th Grade Students (Room #129) From Dr. An Wang Middle School Request Permission To Address Council Regarding Addition Of Bike Lanes In The City Of Lowell.**

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Jenness, seconded by C. C. Gitschier. So voted. The 8<sup>th</sup> graders provided a presentation to the Council noted the safety need for bike lanes and further providing data and research on the subject. C. Leahy noted the presentation. C. Jenness noted the relevancy of the presentation. C. Robinson commented on the need for lanes. C. Mercier noted City Hall was open for all, young and old. C. Nuon recognized students and teachers. C. Gitschier noted presentation was important. M. Chau noted children are making things happen.

## **12. CITY COUNCIL - MOTIONS**

### **12.1. C. Gitschier - Req. City Mgr. Provide The City Council With A List Of The Number Of AEDs (Automated External Defibrillator) The City Owns (Excluding Police And Fire), And The Locations In Municipal Buildings.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Gitschier noted it was an important piece of equipment.

### **12.2. C. Gitschier - Req. City Mgr. Report On Which Department Is Responsible For Identifying Damage Caused By Equipment Contractor After The Winter Season Is Over.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Gitschier noted that the City should not pay for the negligence of others. C. Jenness



noted that insurance for contractors should be used if they are responsible. C. Robinson noted a lot of damage is done by contractors.

**12.3. C. Jenness/C. Gitschier/C. Nuon - Req. City Mgr. Provide A Report On The Current Status Of Recommendations From The 2019 Clifton Larson HR Audit; Including What Has Been Implemented To Date And The Current Status Of Other Suggested Improvements.**

In City Council, no second needed, referred to City Manager. So voted. C. Jenness noted it was time to check the status and reset and move forward.

**12.4. C. Nuon - Req. City Mgr. Ensure That Noise Amplification Is Not Used In A Way That Negatively Impacts Community During The Spring Weather.**

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

**12.5. C. Nuon - Req. City Mgr. Have Transportation Engineer Conduct A Traffic Study At The Intersection Of Varnum Avenue And The VFW Highway.**

In City Council, seconded by C. Robinson, referred to City Manager. So voted. Registered speaker, Niten Patel, addressed the Council. City Manager Golden, Jr. noted that work is being done on this item and Item #12.10; indicating the work on Varnum Avenue and the ghost calls on traffic signals. C. Nuon noted solution was being worked on.

**12.6. C. Robinson - Req. City Mgr. Have Proper Department Provide A Report If Any Further Steps Are Necessary To Streamline "Streeteries" Process.**

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

**12.7. C. Robinson - Req. City Mgr. Have The Proper Department Provide A Detailed Update On The Store 38 And Fairmount Street Intersection.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speaker, Niten Patel, addressed the body. C. Robinson noted it was an ongoing problem that needs a solution. C. Nuon noted the many prior motions regarding area and the State needs to address them. C. Leahy noted the Council as a whole should pressure the State to redesign a clear mistake. Manager Golden, Jr. noted they would pressure the State and that the City has resources they could use as well. C. Rourke note that prior motions had many signatures supporting changes.

**12.8. C. Robinson - Req. City Mgr. Provide A Report On What Percentage Of Our Employees Are Currently In Compliance With The State Mandated, Computerized Ethics Training.**

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





**12.9. C. Robinson - Req. City Mgr. Have The Proper Department Provide A Report On Why We Removed The LRTA Bus Hub From Downtown And Explore If It Would Be Feasible To Bring A Central Bus Hub Back.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Robinson noted the bus hub could assist with driving economics downtown. C. Jenness noted it would improve service. C. Yem noted the need for hub downtown.

**12.10. C. Robinson - Req. City Mgr. Have Proper Department Provide An Update On The Traffic Lights On Varnum Avenue And University Avenue Intersections.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speaker, Niten Patel, addressed the body. See discussion at Item #12.10.

**12.11. C. Robinson - Req. City Mgr. Have Proper Department Provide A Detailed Timeline; Including Scope Of Work For Clean-Up Of All City Green Space, As Well As, A Report With Correction Timeline On Damage Caused From Winter Operations.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson noted the work to be done and requested process for doing it.

**12.12. C. Robinson/C. Yem - Req. City Mgr. Create A Focus Group Tasked With The Creation Of, Management Of, Maintenance Of, And Marketing Of The Lowell Experience; Including Utilizing Capital Resources.**

In City Council, no second needed, referred to City Manager. So voted. C. Yem commented that goal should be to make City a better destination experience and that lighting is an important element of that. C. Robinson noted there should be a lot of discussions to elevate the City.

**13. ANNOUNCEMENTS**

In City Council, C. Yem wished C. Gitschier a happy birthday. C. Noun noted upcoming Cambodian Non-Profits collective dinner as well as the opening of Clemente Park and upcoming Water Festival. Manager Golden, Jr. noted unveiling of Mayor's portrait.

**14. ADJOURNMENT**

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

Meeting adjourned at 9:40 PM.

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**Michael Q. Geary, City Clerk**