



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: July 26, 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 Peter Theokas and Alice Santos. C. Scott requested moment of silence in darkened chamber for Margaret McNamara.

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. Gitschier. So voted.

2.2. Items:

Introduction - Mayor of Sao Domingo (Honorable Dr. Isaias Varela).

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Leahy. So voted. M. Chau noted the guest and the pursuit of re-establishing a Sister City with Sao Domingo. Dr. Varela addressed the Council through an interpreter.



Information - Lowell Folk Festival.

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Leahy. So voted. Arthur Sutcliffe (Lowell Folk Festival Foundation) commented on the upcoming festival after two years and was hoping for a big success. M. Chau commented on the efforts of the foundation and all of the volunteers.

Citation - BAPS Charities.

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Nuon. So voted. Mr. Pater from BAPS addressed the Council and commented on the charity work done by the organization. C. Mercier commented on the service of the charity and success in the City.

Citation - Toy Vongpheth.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Robinson. So voted. Ms. Vongpheth addressed and thanked the Council for their recognition. A representative from Lowell Community Health Center outlined all of the work done by Ms. Vongpheth.

3. CITY CLERK

3.1. Minutes Of Municipal Facilities Joint With Lowell School Committee Facilities SC July 12th; City Council Regular Meeting July 12th; Public Safety SC July 19th, For Acceptance.

In City Council, minutes read, **Motion** "To accept and place on file as amended" by C. Gitschier, seconded by C. Robinson. So voted.

Motion to take Items #12.6; #12.14; #12.15 and #12.18 out of order by C. Robinson, seconded by C. Yem. So voted.

Roll Call at 8:22 PM upon return from Executive Session noted 11 present. **Motion** to take Item #7.3 out of order by C. Scott, seconded by C. Rourke. So voted.

4. UNFINISHED BUSINESS

4.1. Ordinance - Amend Zoning Section 4.3.3 Home Occupation - As Of Right.

In City Council, Given 2nd Reading, hearing continued from July 12, 2022. **Motion** to adopt by C. Rourke seconded by C. Scott. Defeated by Roll Call vote 4 yeas, 7 nays (M. Chau, C. Gitschier, C. Leahy, C. Mercier, C. Nuon, C. Robinson, C. Rourke). So voted. Speaking in opposition was Robert Hunt. C. Leahy questioned if changes had been made regarding limiting number. Christine McCall (DPD) requested it be approved as proposed and in accordance with Planning Board recommendation. C. Nuon noted there should be a limit on the number allowed as to limit interruptions in the neighborhoods. Motion to suspend rules by C. Leahy, seconded by C. Robinson to entertain motion to refer matter after defeat per Roll Call vote. So voted. **Motion** by C.



Nuon, seconded by C. Scott to refer matter to Zoning SC and DPD to investigate use of cap in the ordinance. Adopted per Roll Call vote 11 yeas. So voted.

5. GENERAL PUBLIC HEARINGS

5.1. Ordinance - Amend C.270 Waste And Recycling.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Gitschier seconded by C. Jenness. Adopted by Roll Call vote 11 yeas. 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 - Informational Sessions Tax Exemption Process – C. Rourke noted the report was informative.

B) Motion Response - Boulevard Street – None.

C) Motion Response - Feasibility Report on Sludge Plant or Regional Sludge Plant – **Motion** by C. Scott, seconded by C. Nuon to refer to Municipal Facilities SC. So voted. C. Gitschier noted the issue arises as to what area to put the facility in. C. Yem commented on costs which could be covered by increased fees to use facility. C. Rourke commented on the recommendation in the report.

D) Motion Response - Burnham Road Berm-Curbing – C. Leahy commented on the report and noted difficulties but stated that case by case review may be warranted in some situations. C. Gitschier noted that adding berm is not a best practice and is costly with no results. Manager Golden, Jr. noted City will always try and help citizens and noted new roads are getting granite curbing. C. Mercier requested update regarding end of Andover Street project. Ms. McCall noted upcoming meeting where she will gather information.

E) Motion Response - Park And Business District Trash – None.

F) Motion Response - Employee Training for Commercial Drivers – C. Gitschier noted that move to in-house training is best approach. C. Yem commented that employment restrictions with license is warranted as it is an expensive process to obtain the license. C. Mercier noted need a return when you invest in employees. Manager Golden, Jr. noted the attempt to have a training facility in the City. C. Robinson commented that the need is there as there is a backup in getting these licenses.

G) Motion Response - Recycling Contamination Rate and Enforcement – C. Scott questioned staffing in the department. Manager Golden, Jr. noted there were only two employees and that shortage effects ticketing. Mark Byrne (DPW) commented on



applicants for the coordinator position and that a recommendation will be made within the week. C. Yem noted concerns with recycling mixing with trash.

H) Motion Response - Open Space Requirements – Motion by C. Nuon, seconded by C. Jenness to refer matter to Zoning SC. So voted.

I) Motion Response - Tree Ordinance and Attachment – Motion by C. Nuon, seconded by C. Jenness to refer matter to Environmental and Flood Issues SC. So voted. C. Gitschier questioned if there was an arborist on staff. Manager Golden, Jr. noted there may be only one. C. Gitschier commented on the need for resources to enhance success of ordinances. C. Jenness noted that UMass-Lowell has a sustainability council that would be able to assist with these issues.

J) Motion Response - Greenhalge School Playground and Attachment – M. Chau noted there was a search for funding to complete work. C. Leahy noted school administration committed to the project and they are responsible. Ms. McCall commented on how the City assists with developing the playgrounds and they never had any advance notice with this playground as the school administration had committed to it. C. Leahy noted it was the school's responsibility. **Motion** to suspend rules to allow speaker to address the Council by C. Gitschier, seconded by C. Mercier. So voted. Sandra McNamara addressed the body.

6.2. Communication - City Manager Request Out Of State Travel (1) DPD.

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

Motion to bundle and waive full reading Items #7.1 and #7.2 by C. Nuon, seconded by C. Mercier. So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Authorize CM Ex. License Agreement With Granite State Giants.

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

7.2. Vote - Authorize CM Ex. License Agreement With Lowell Festival Foundation.

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

7.3. Vote - Authorize Purchase And Sales Agreement For Sale Of LeLacheur Park.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Gitschier, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted. C. Gitschier noted that former City Manager Brian Martin was present in Chamber but called away and he wished to be recorded in favor of the Vote. Manager Golden, Jr.



commented on the effort to be at this point and noted the negotiations with different groups to get here. Manager Golden, Jr. noted efforts of the Council with the agreement and outlined various aspects of the agreement which he believed was in the best interests of the taxpayers of Lowell. C. Rourke noted the effort was over a year and a half long which resulted in putting the City in the best position possible. C. Gitschier noted the debt that the City would be out of as well as the maintenance costs deleted and that University was in a better position to move the facility forward. C. Gitschier noted the effort of the current and prior administrations. C. Drinkwater recognized the facility was an asset for Lowell but ownership was not best management practice. C. Robinson noted all the partners benefited from the sale. C. Scott noted that the taxpayers were well represented by the administration as resources could go towards other vital needs. C. Nuon noted facility is in good ownership hands and was best result for City. C. Jenness lauded the efforts of all partners in the sale and noted that result was in best interest of the City.

Motion to suspend rules to put a motion on the floor by C. Mercier, seconded by C. Gitschier. So voted. **Motion** by C. Mercier, seconded by C. Gitschier to request City Manager address the rat/rodent issue in and around the Middlesex Street DPW garage. C. Mercier described the area. C. Gitschier noted it was due to trash issues. Ms. McCall noted current vendor is dealing with issue and are using best procedures as found in other communities. C. Robinson noted the concerns of the residents and information should be passed along to them to assist.

Motion by C. Scott, seconded by C. Nuon to take Item #11.1 out of order. So voted.

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance - Create Position - Deputy Commissioner-Facilities.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on August 9, 2022 at 7 PM by C. Leahy, seconded by C. Rourke. So voted.

9. RESOLUTIONS

9.1. Resolution - Declare Lowell A Right-To-Choose Sanctuary City.

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

10. REPORTS (SUB/COMMITTEE, IF ANY)

10.1. Public Safety SC July 19, 2022.

In City Council, C. Rourke noted attendance and provided report outlining discussion of 25 MPH City wide speed limit and procedures to implement it. C. Rourke noted discussion will continue on September 13, 2022. **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Gitschier. So voted.



10.2. Housing SC Joint With Zoning SC July 26, 2022.

In City Council, C. Drinkwater noted attendance and provided report outlining continued discussion regarding Accessory Dwelling Units in the City. C. Drinkwater commented on the proposed ordinance before the body and that discussion would continue around the issue. C. Yem noted the efforts of DPD and that body would proceed with caution. **Motion** to accept the report as a report of progress by C. Leahy, seconded by C. Nuon. So voted.

10.3. Wire Inspector Reports:

1) National Grid - Request Installation Of Underground Electric Conduit At Thorndike And Summer Street; 2) National Grid/Verizon NE - Request Installation (1) JO Pole #3 At Pine Hill Street ; 3) National Grid/Verizon NE - Request Installation Of (1) JO Pole On Summer Street; And 4) National Grid - Request Installation Of Electric Underground Conduit To Service Middlesex Street (Boys And Girls Club).

In City Council, **Motion** to accept and adopt accompanying orders by C. Robinson, seconded by C. Nuon. So voted.

11. PETITIONS

11.1. Claims - (5) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Nuon, seconded by C. Leahy. So voted. Ms. Jasalin Sabater spoke to one of claims. C. Mercier noted her effort and that attention should be given to her. Asst. City Solicitor Jenness noted that matter would be handles expeditiously.

11.2. Misc. - Gary Benoit Request To Address City Council Regarding Tax Rebates / Abatements.

In City Council, **Motion** to refer to City Manager for report and recommendation by C. Nuon, seconded by C. Mercier. So voted.

11.3. Misc. - Sajid/Jennessa Durrani Request Removal Of Handicap Parking Sign At 29-31 Crowley Street.

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

Motion to bundle Items #11.4 and #11.5 by C. Nuon, seconded by C. Robinson. So voted.



11.4. Boston Gas D/B/A National Grid - Request Installation Of Scada Box And Vent Pole On Boston Road At Spencer Street.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on August 9, 2022 at 7 PM by C. Nuon, seconded by C. Jenness. So voted.

11.5. National Grid - Request Installation Of Underground Conduit At Varnum Avenue And Boulevard Street.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on August 9, 2022 at 7 PM by C. Nuon, seconded by C. Jenness. So voted.

12. CITY COUNCIL - MOTIONS

12.1. C. Mercier - Req. City Mgr. Have Proper Department Put Light On Pole #2 On Castle Road Behind 28 Hally Road In Pawtucketville.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Mercier commented on the area and the concerns.

12.2. C. Mercier - Req. City Mgr. Have LPD Increase Patrol On Lower Gorham Street, In And Around, The Area Of The Keep And Towers News.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Mercier noted the crowd moved into the area from other section of City. C. Gitschier need increased police presence in the area. Manager Golden, Jr. noted still looking for site for police substation.

Motion by C. Jenness, seconded by C. Gitschier to Waive Rule 5. Adopted per Roll Cal vote 10 yeas, 1 nay (C. Mercier). So voted.

12.3. C. Nuon - Req. City Mgr. Have Appropriate Department Provide A Status Update On "The Douglas Road Project" To Include: Scope, Funding, Timeline And Interdependencies.

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

12.4. C. Nuon - Req. City Mgr. Invite Mass Save To Partner With CMAA To Establish A Program That Utilizes Mass Save Resources In Targeting Areas To Improve Energy Efficiency For Lowell Residents And Businesses.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Nuon commented on the need for information from City Manager.

12.5. C. Nuon - Req. City Mgr. Schedule A Commissions And Boards Recruitment Fair Once Per Season With A Focus On Reaching Underrepresented Residents.

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



12.6. C. Nuon - Req. City Mgr. Provide A Report Regarding Operation Of The Elevator In Pollard Memorial Library.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. Registered speaker, Donna Richards, addressed the Council. C. Nuon noted the need of an elevator in building for customers and staff. C. Nuon noted air conditioners need repair as well. C. Gitschier questioned if in-house work can be done at facility. Manager Golden, Jr. noted it was contracted work that was repaired but failed shortly thereafter. Manager Golden, Jr. noted air conditioning needs upgrades. C. Gitschier question is whether units are old or service is not being done properly. Manager Golden, Jr. noted his displeasure with latest fix. C. Mercier noted building is a gem in the City and should be maintained.

12.7. C. Robinson - Req. City Mgr. Have Proper Department Look At Bus Stop In Area Of 115 Merrimack Street And Report Alternatives As It Is Inhibiting Parking For Small Businesses After Operating Hours.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Robinson noted spaces could be available when bus in not operating. C. Jenness noted Career Center is located there and have many clients who use bus service. C. Mercier noted same situation with the Association of the Blind organization.

12.8. C. Robinson - Req. City Mgr. Have Proper Department Look Into Feasibility Of Issuing And Enforcing Fines For Illegal Dumping Of Residential Trash In Public Waste Receptacles.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Robinson noted it had been done in past with success.

12.9. C. Robinson - Req. City Mgr. Have Proper Department Provide A Process And A Cost Analysis Regarding Repainting Gage Basketball Court.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Robinson noted it could be a low cost job with partners.

12.10. C. Robinson - Req. City Mgr. Work With Proper Authority To Publish Recreational Water Testing Reports On City's Website, Similar To Newburyport.

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

12.11. C. Robinson/C. Scott - Req. City Mgr. Have Proper Department Explore Excluding Pre-Employment Screening For 18 Plus Applicants In Regards To Marijuana / Cannabis, For Non-DOT Regulated Positions.

In City Council, no second needed, referred to City Manager. So voted. C. Robinson noted need to fill many vacancies and it was in no measure pressuring City Manager.



C. Scott noted it was a pre-employment test and not for on the job. C. Yem questioned legal age for consumption of product. C. Robinson noted motion would coincide with what the legal age is.

12.12. C. Scott/C. Yem - Req. City Mgr. Work With Appropriate Department To Develop Traffic Calming Measures For Andrews Street.

In City Council, no second needed, referred to City Manager. So voted. C. Scott commented on the area. C. Yem noted residents' concerns,

12.13. C. Yem - Req. City Mgr. Have The Appropriate Department Provide An Update For Council Regarding The Lord Overpass Project; As To The Progress And Completion Time.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Yem noted the effect on businesses in the area.

12.14. C. Yem - Req. City Mgr. Have The Appropriate Department Provide An Update Regarding Abandoned Building Located At 138 Cross Street.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speaker, Yun-Ju Choi, addressed the Council. C. Yem noted concern of neighborhood and that property should be maintained even if empty.

12.15. C. Yem - Req. City Mgr. Have The Appropriate Department Renovate The Bathroom With Concession Stand On The North Common For Use By Little League Baseball.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. Registered speakers, Keith Rudy and Maria Claudio (through interpreter), addressed the Council. C. Yem commented on the field and the existing structure which could be upgraded as there is a need. C. Robinson noted he advocates this type of projects involving neighborhoods and organizations. C. Nuon noted partners who can be involved in the project. C. Gitschier noted that it only needs renovations and the State may have some type of assistance. C. Leahy noted Greater Lowell Tech may have manpower for the project.

Motion by C. Robinson, seconded by C. Jenness to take Item #13.1 out of order (8:00 PM). So voted.

12.16. C. Gitschier - Req. City Mgr. Have The Proper Department Provide The City Council With A List Of All Properties That Are Tax Exempt; The Properties Assessed Value, The Owner Of The Property And The Location Of Each Property.

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



12.17. C. Leahy - Req. City Mgr. Compare Current Health Insurance Rates To Blue Cross Blue Shield Rates To Determine If There Would Be Savings With New Provider.

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

12.18. C. Rourke - Req. City Mgr. Begin The Process Of Naming The Basketball Floor At The Lowell High School Field House After Ramon Rivera.

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote 11 yeas. So voted. Registered speakers, Keith Rudy and Dennis Canney, addressed the Council. C. Rourke noted family was present and that Mr. Rivera was a Lowell Hall of Fame athlete and individual as well as evidence by his involvement in the community. C. Robinson noted every City should have a Ramon Rivera, noting he was truly a legend.

12.19. M. Chau - Req. City Mgr. Have National Grid Investigate Installing A Power Line To The Light Pole Directly In Front Of Palin City Plaza On 6 Branch Street.

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

12.20. M. Chau - Req. City Mgr. Consider Having All City Departments Host A Food Drive In September Of 2022 For The Merrimack Valley Food Bank To Support Their Mission To Fight Food Insecurities And Help Our Struggling And Most Vulnerable Citizens.

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

13. CITY COUNCIL - EXECUTIVE SESSION

13.1. Executive Session - To Consider And Discuss Negotiations Relative To LeLacheur Baseball Stadium Pursuant To The Provisions Of Mass. Gen. Laws C. 30A Sect. 21(6) (For The "Possible Purchase, Exchange, Lease, Or Value Of Real Property;") Public Discussions Of Which May Have A Detrimental Effect On The Negotiating Position Of The City.

In City Council, M. Chau stated reason for Executive Session, **Motion** by C. Robinson, seconded by C. Nuon to enter Executive Session for stated purpose and to adjourn from public session. (8:02 PM). Adopted per Roll Call vote 11 yeas. So voted. M. Chau stated that body would return to public session after Executive Session.

14. ANNOUNCEMENTS

In City Council, C. Robinson noted Centerville Little League City champion. C. Jenness wished Asst. City Solicitor Jenness a happy birthday.



15. ADJOURNMENT

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

Meeting adjourned at 10:16 PM.

Michael Q. Geary, City Clerk