



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: September 8, 2020
Time: 6:30 PM
Location: Zoom / Remote Participation

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC as well as Zoom and recorded due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Leonard Tarmey and Edward Walsh (former DPW commissioner). C. Chau requested moment of silence in darkened chamber for Nissay Liek. M. Leahy requested moment of silence in darkened chamber for William Wilson.

2. MAYOR'S BUSINESS

2.1. Communication Remote Participation.

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members of the public may view the meeting via LTC and 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 tele-conferenced in to the meeting. Email address is mgeary@lowellma.gov. If no access to email you may contact City Clerk at 978-674-4161.

For Zoom - <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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

3. CITY CLERK

3.1. Minutes Of Zoning SC August 25th; City Council Meeting August 25th, For Acceptance.



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

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance-Amend Ch 150 Fees.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Samaras, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Monument Committee Actions – C. Samaras noted the report. Craig Thomas (DPD) commented on the formation of the committee and the work being done regarding rules, regulations and procedures for monuments in the City. C. Mercier noted the report addresses many issues but questioned the procedures for naming of parks. Mr. Thomas noted the efforts moving forward would include such naming rights. C. Mercier requested that all the information be forwarded to the Board of Parks. C. Nuon commented on the public participation regarding the guidelines. Mr. Thomas outlined the public process. C. Chau questioned maintenance of the monuments. Mr. Thomas commented on process of maintaining the structures.

B) Motion Response - Dutton St Soil Stockpile – C. Mercier noted the report answered many citizen concerns.

C) Motion Response - SiFi Network – Motion to refer matter to Technology \$ Utilities SC by C. Nuon, seconded by C. Samaras. So voted. C. Samaras noted all cable companies should be involved in the discussion. C. Nuon requested all companies be invited to subcommittee meeting.

D) Motion Response - Reopening Plans at Academic Institutions – C. Conway noted the many educational partnerships in the City and that each institution have many people involved with it. C. Conway lauded the efforts of the City. Manager Donoghue provided a report regarding upgrading of school building to meet and exceed DESE requirements. Manager Donoghue noted the efforts of the DPW and other departments in furnishing the work needed. Manager Donoghue commented on the high costs involved with the effort and the work being done with respect to air purifiers, windows, HVAC equipment and third party assessments for the building to be compliant. Manager Donoghue noted they were waiting on the lists of rooms that the school department intends to use in the upcoming year. Christine Clancy (DPW) noted all buildings were attended to which totaled about 3600 working hours this past summer. Ms. Clancy outlined the costs and the possible reimbursement by the Cares Act. C. Conway noted the window issues and the need for circulation of air in classrooms. C. Rourke requested list of schools which are one hundred percent compliant. Ms. Clancy



noted the schools in full compliance and further commented that remaining schools are very close to that threshold and will be in compliant in timely manner. C. Rourke requested that information be provided to the teachers' union. C. Nuon commented education should be done in a safe environment and that staff need protections and requested Council be fully updated moving forward. C. Mercier questioned if costs could be attributed to maintenance of effort number. Manager Donoghue noted it is an open question by much could be applied to maintenance of effort numbers. C. Samaras questioned process in keeping schools sanitized throughout the year. C. Drinkwater noted report and commented on third party assessments. M. Leahy noted that there is no agreement between the schools and the union at this point.

E) Motion Response – USPS – C. Chau noted letter of support sent to legislators and the importance to have sufficient mail process for upcoming election.

F) Motion Response - 150 Fetherston Ave. – C. Mercier commented on report noting her concern to resolve the problem for existing. Eric Slagle (Inspectional Services) commented on history of the property being in probate and that a tax lien was sold which does not allow the lien holder to enter the property it can only foreclose on the property. Mr. Slagle noted that there is an issue with service on one of the heirs of the estate. Solicitor O'Connor noted that efforts to clean the property are effective measures to maintain property. C. Mercier noted that the search for the heir should not be that complicated as others are representative by an attorney and the City must explore all possible solutions.

G) Motion Response - Billings and Barker Intersection – C. Elliott noted that report had good recommendations.

H) Motion Response - Andover Street – C. Conway noted the constant concern with the amount of traffic on the street. Natasha Vance (Transportation Engineer) commented on proposed improvements and implementation. C. Conway commented on crossing issue for children. Ms. Vance recognized the issue and suggested that a pedestrian island may be beneficial. M. Leahy voiced his concern with that suggestion. C. Mercier noted improper use of the center lane and suggested possible use of speed humps to prevent that. Ms. Vance noted it could be a pilot program if implemented. C. Samaras noted the attempt to address concerns and the action of working with State and real steps have been taken.

I) Motion Response - Traffic Calming on Varnum Ave. – C. Elliott commented on the number of accidents in the area and noted that there should be recommendations that cover the whole corridor. C. Elliott noted that speed limit attention needs constant oversight. Ms. Vance noted the report needed more recommendations. C. Rourke noted the increase in police presence. C. Leahy noted that speed humps on that main street would alleviate the problem. Ms. Vance noted that traffic study by Market Basket could be beneficial in regards to traffic calming measures to be implemented. M. Leahy stated that too much time as passed with no action and the area needs traffic calming measures in place. C. Elliott noted there are a lot of cars and much speeding on the



street. C. Rourke noted speed humps may be too severe for that area and that all options should be explored.

5.2. Informational Reports

J) Informational - MassDOT Safety Analysis of Pawtucket Blvd and VFW Highway

– See discussion under Item #5.1(I).

K) Informational - FY2021 Budget Presentation – Manager Donoghue noted that public hearing will be held on September 22. **Motion** to refer to Finance SC by C. Elliott, seconded by C. Mercier. So voted. C. Mercier commented on possible layoffs of cafeteria workers in the schools and if such is true it must be done fairly. C. Mercier noted that any issues with Revolving Fund must be addressed.

L) Informational - School Appropriation Letter – C. Rourke questioned process. Conor Baldwin (CFO) noted that all information has been provided to the school administration. C. Rourke noted that there is no agreement with teachers' union and stated if they are not reporting to work then City should lessen the appropriation as they should not be paid. M. Leahy noted that there was no agreement and if they don't work there should be no pay. Solicitor O'Connor noted they would research the ability of the Council to reduce the appropriation before budget public hearing. Manager Donoghue noted that if there is no contract then terms of prior contract dictate. C. Rourke noted that if there is a violation of the contract then there should be no pay. Solicitor O'Connor noted that if services are not rendered that will need to be addressed.

M) Informational - School Facility Preparation Update (report to be provided during meeting) – See discussion under Item #5/1(D).

5.3. Communication-Appoint Erin Gendron To Board Of Health.

In City Council, **Motion** to adopt by C. Samaras, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept Timely Receipt Of Budget FY21.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.

6.2. Vote-Appropriation Order - FY2021 Budget.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Nuon, seconded by C. Mercier. So voted.

Motion to bundle Items #6.3 to #6.5 inclusive by C. Rourke, seconded by C. Mercier. So voted.



6.3. Vote - Accept Expend Fire SAFE Grant.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted.

6.4. Vote- Accept Expend MCC Grant From LMA.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted.

6.5. Vote- Accept.Expend 20K Greening The Gateway Program.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted.

7. ORDERS FROM THE CITY MANAGER

7.1. Order-60 Day Trial (Various)

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance- Amend Fees Ordinance Ch.150.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Samaras, seconded by C. Conway. So voted.

8.2. Ordinance- Amend Metered Service Water.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

8.3. Ordinance- Amend Revolving Fund C.28 S.28-31.1.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Nuon, seconded by C. Drinkwater. So voted.

8.4. Ordinance-Amend Annual Sewer Use Charge.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on September 22, 2020 at 7PM by C. Mercier, seconded by C. Chau. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Wire Insp. - National Grid - Req. Installation Of (1) SO Pole On Andrews Street.



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

9.2. Wire Insp. - National Grid - Req. Installation Of PVC Conduit From New Pole To Existing Manhole On Andrews Street.

In City Council, **Motion** to adopt and accept accompanying order by C. Chau, seconded by C. Mercier. So voted. C. Mercier requested City Manager have National Grid replace a light on 7th Street.

10. PETITIONS

10.1. Claims - (2) Property Damage.

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

10.2. Misc. - Residents Of East Sixth Street Request East Sixth Street Be Added To Paving List And That Efforts Be Made To End Noise Pollution In The Area.

In City Council, **Motion** to refer to City Manager / DPW for report and recommendation by C. Rourke, seconded by C. Chau. So voted.

10.3. Misc. - McBee Development, LLC (Thomas Broderick, Sr.) Request Permission To Address City Council Regarding Traffic And Parking Issues On Cherry Street Which Affect Access For Police, Fire, Ambulance And Sanitation For Residents On The Street.

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

10.4. Misc. - Melissa Laurin (For The Benefit Of Rosa Castro) Request Installation Of Handicap Parking Sign At 327 East Merrimack Street.

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

C. Chau requested that his motions (#11.1, 11.2, and 11.3) be discussed as one and that registered speaker could address all three. No objections.

11. CITY COUNCIL - MOTIONS

11.1. C. Chau - Req. City Mgr. Implement The Repainting Of Vehicle Lane Safety Markings On Thorndike Street At YMCA Drive And In The Areas Adjacent To The Entrance To The Lowell Connector.



In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, William Daly, addressed all three motions offered by C. Chau. C. Chau noted each area and the concerns with those areas.

11.2. C. Chau - Req. City Mgr. Investigate The Addition Of A Left Turning Arrow Traveling Inbound From Chelmsford Street Onto Plain Street (At J. Poitras Shoe Company) And Repaint All Crosswalks At This 3-Street Intersection.

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

11.3. C. Chau - Req. City Mgr. Investigate The Addition Of A Left Turning Arrow Traveling Outbound From Chelmsford Street (At The 99 Restaurant) Onto Industrial Avenue.

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

11.4. M. Leahy - Req. City Mgr. Look Into Possible Use Of New Technology For Filling In Potholes Throughout The City.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. M. Leahy noted machine was worth looking into new technology as it could save on resources in the long run.

11.5. M. Leahy - Req. City Mgr. Work With Proper Departments In Order To Establish A Permanent Home In The City For The Aide Therapeutic Day School.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. M. Leahy commented that City work with the schools as this facility needs a new home in the district. C. Elliott noted that there are a sufficient number of students in the system in need of services and that City should explore in-house coverage.

12. ANNOUNCEMENTS

In City Council, Manager Donoghue noted a less than stellar recycling audit which will result in higher trash costs to the City. Manager Donoghue commented on the end of the "Stop the Spread" campaign. C. Elliott noted the recycling audit which puts the City in trash deficit and there is a need to revamp the program. C. Rourke noted the high costs associated with the program and changes must be made as price is too significant. C. Elliott questioned if any changes in City Hall hours. Manager Donoghue noted that none have been raised. M. Leahy raised issue of Health Department report regarding return to Council Chamber for meetings. Manager Donoghue noted report was sent in packet and that recommendation was that if you can continue zoom you should. M. Leahy noted School Committee has been meeting in chamber for some time. C. Samaras noted majority of surrounding communities have held meetings without public and he would favor that approach. C. Chau noted possible use of a hybrid approach. Manager Donoghue noted that LTC and MIS could work that option. C. Nuon noted decision should be left to experts. **Motion** by C. Rourke, seconded by



C. Mercier to return to City Council chamber without public beginning on the meeting of September 22, 2020. Adopted per Roll Call vote 9 yeas. So voted. C. Conway noted zoom was safe practice and the chamber must be safe environment and that best practices must be utilized. M. Leahy noted past preparations of the chamber. **Motion** by C. Elliott, seconded by C. Chau to continue meeting in accordance with summer schedule on the second and fourth Tuesdays of each month. Adopted per Roll Call vote 9 yeas. So voted. M. Leahy questioned that it may cause more time in the Chamber. C. Samaras noted it was a good practice to continue to follow.

13. ADJOURNMENT

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

Meeting adjourned at 9:00 PM.

Michael Q. Geary, City Clerk