

CITY OF LYNN

City Council Meeting – September 7, 2021 Council President Darren P. Cyr

The Lynn City Council Meeting will be available to view on Lynn Community Television Government (LCTV) Government Channel and also streamed on the LCTV Facebook Page. Any individual interested in speaking for or against or regarding the proposed Zone Amendment may call (781) 586 – 6783 at the date and time of the public hearing. All individuals will be permitted to speak via a speaker phone function. In some instances, the Lynn City Council will call back a person wishing to speak to ensure an orderly meeting. Individuals wishing to speak may provide their name and phone number to the Lynn City Council and will be called at the appropriate date and time to speak. This information should be submitted to Terry Young via email: tyoung@lynnma.gov or telephone: (781) 586-6740. The e-mail or telephonic message requesting to speak must be received at least one hour prior to the scheduled meeting. Any individual desiring to submit written materials either for or against the Zoning Amendment should submit the same via email to: tyoung@lynnma.gov or regular mail to: Lynn City Council, c/o Terry Young, Lynn City Council Office, Lynn City Hall, Lynn, MA 01901.

Eleven Councilors Present

Moment of Silence

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Lozzi to accept the Meeting

Minutes of August 10, 2021.

Motion carried.

COMMUNICATIONS:

Communication from His Honor the Mayor:

Dear Councilors; Pursuant to Section 6-5 of the City of Lynn Charter, and Section 5 of the Ordinance titled "Reorganizing the Office of City Solicitor", approved by the City Council on July 15, 2015, I am hereby re-appointing Attorney James Wellock as the Third Assistant City Solicitor of the City of Lynn, effective October 29, 2021. Pursuant to Section 3-9 of the Lynn City Charter, I am respectfully requesting that the Council confirm Attorney Wellock's re-appointment at your September 7, 2021 Meeting. Sincerely, Thomas M. McGee, Mayor

Motion made by Councilor Colucci and seconded by Councilor LaPierre to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Michael Bertino, CFO:

Dear Councilor Cyr:

I am respectfully requesting that the Lynn City Council approve an Agreement of Services between the City of Lynn and Mr. Donald Castle for a term of five years to engage Mr. Castle to serve as the City's American Rescue Plan Act Compliance officer. Please be advised that this position will be funded entirely out of the ARPA Funds. As the amount of this Agreement exceeds \$50,000., the City Council will also be required to approve the expenditure of the ARPA funds for this position as part of the approval process. Thank you for your consideration in this matter.

Respectfully submitted, Michael Bertino, Chief Financial Officer.

Motion made by Councilor Lozzi and seconded by Councilor Field to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

Zone Ordinance Amendment: Rezone the southeasterly side of Parrot Street from Chatham Street to Fayette Street closed to the commuter rail tracks as an R-1 District. As a result, both sides of Parrot Street will be zoned for single family homes.

The following Spoke in Favor:

Darrall Betty Meharg, 32 Parrott Street, Lynn

Sandra Moore, Parrott Street, Lynn

Richard Moore, 24 Parrott Street, Lynn

Cheryl DiLisio, 14 Parrott Street, Lynn

Angela Morera, Parrott Street, Lynn

No one Spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Starbard and seconded by Councilor LaPierre to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Good Chemistry for a Sign Permit at 696 Western Ave

The following spoke in Favor:

Mark Conserver, Lynn

No one spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Hogan and seconded by Councilor Lozzi to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mass General Brigham for a Sign Permit at 480 Lynnfield St.

No one spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Lozzi and seconded by Councilor Field to grant with the stipulation that the sign lights are turned off when the building is closed.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Roosbel Ruiz, owner of Tipico Centro Americano for permission to add a Wine and Malt license at an existing restaurant at 68 Market Square.

The following spoke in Favor:

Attorney Sam Vitali

No one spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Hogan and seconded by Councilor Colucci to grant with the stipulations that the business close at 10:30 p.m. and that this will be revisited in two years.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of K & K Development Corp for 181 residential units with shortage of first floor commercial space at 50 Friend and Silsbee Street.

Isaas Hodes, 28 Flint Street spoke in Opposition.

Motion made by Councilor Colucci and seconded by Councilor Starbard to grant with the following Stipulations:

5 % of the total units (10) will be affordable at 60% of the Average Median Income (AMI) for the greater Lynn area as defined by the United States Department of Housing and Urban Development. These units will include five 1-bedroom and/or 5 studios units. In the event that the property owner fails to have 10 units at 60% AMI residing at the property, the occupancy permit will be revoked. The property owner shall submit documentation on a quarterly basis to both the department of Inspectional Services and the Lynn Housing Authority and Neighborhood Development demonstrating compliance with this express condition.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Salinas Market at 361 Boston St. for a Sign Permit. **(Hogan)**

-Petition of Crunch Fitness at 43 State St. for a Sign Permit. **(Chakoutis)**

-Petition of Grace City Church/East Coast International Church at 31 Stetson St., for retail use for "The Loft at Stetson", a thrift/boutique shop. **(Chakoutis)**

-Petition of East Coast International Church/The Haven Project to create 24 Studio units of affordable housing in the vacant 3rd and 4th floor at 57 Munroe St. **(Chakoutis)**

-Petition of National Grid for a grant of location to install conduits in front of 77 Broad Street. **(Colucci)**

-Petition of Comcast for a grant of location to install a new conduit to provide service to 98 Market Street. (*Chakoutis*)

Motion made by Councilor Colucci and seconded by Councilor Hogan to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the September 7, 2021 Committee on Licensing recommending the following to be accepted:

TAXI OPERATOR- NEW

Luis E. Diaz. 16 Nottingham CT. - **Granted**

Jaime E. Perez Arevalo. 358 Chestnut St Apt #3 - **Granted**

Juan Carlos Vilorio Diaz. 24 Grant CT Apt #3 Marlborough, MA- **Tabled**

Yenit De Gracia, 43 Cottage St. Apt #2- **Tabled**

Nolan R. Morel, 8 Joyce St. Apt 16 - **Tabled**

Mayra Mercedes, 117 Weatherly Drive Apt 302 Salem, MA - **Granted**

TAXI OPERATOR – NEW (ALL TABLED FROM 8-10-21)

Adid Arias Frias. 7 Cressey pl. Apt#2 - **DENIED**

Rosebert M. Chery. 15R Lyman St. Rear 1- **DENIED**

Winder Gonzalez Encarnacion. 500 Essex St. Apt #49 - **Granted**

Zaul Perez. 77 Centre St. Apt#1- **DENIED**

LIVERY OPERATOR- NEW (TABLED FROM 8-10-21)

Kelly A. Marrero, 23 Nahant St. Apt # 3 Lynn, MA (*Tabled from 8-10-21*) - **Granted**

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE- RENEWAL

9 Green Street, Legere Auto Body- **Granted**

FLAMMABLE LICENSE-RENEWAL

599 Lynnway, O'Reilly Auto Parts- **Granted**

REPORT ACCEPTED.

Report of the September 7, 2021 Committee on Public Property and Parks Committee recommending the following to be accepted:

1. Discussion with Dr. Tutwiler regarding the property at
40 Commercial Street – Granted
Order to authorize His Honor the Mayor to contact the owners of the property located at 40 Commercial Street to explore first right of refusal to purchase the Jackie Robinson Head Start Facility for Lynn Public School Use.
Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent at vote).
2. Discussion re: Removing Deed Restriction on the property located

at 91 Collins Street Ordered that the Law Department is authorized to prepare and His Honor the Mayor is hereby authorized to execute a Confirmatory Deed removing all conditions contained in a Deed from the City of Lynn dated February 23, 1990 filed at Southern Essex County Registry of Deeds Book 10340, Page 470 for the property at 91 Collins Street, Lynn, MA.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

3. OTHER BUSINESS

REPORT ACCEPTED.

Report of the September 7, 2021 Committee on Utilities recommending the following to be accepted:

PUBLIC HEARINGS

NATIONAL GRID

Petition to install one jointly owned pole between #60 and #62 Dearborn Ave to feed to the new home at 62 Dearborn Ave. *(Walsh) – Granted with the Stipulation that abutters are given sufficient notice if power is to be shut off.*

CROWN CASTLE

Petition for a trench and installation of communication conduit to the building located at 8 Silsbee Street. *(Chakoutis) – Granted*

REPORT ACCEPTED.

Report of the September 7, 2021 Committee on Ways and Means recommending the following to be accepted:

WAYS AND MEANS

Transfer the sum of FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (400,000.00)

From the Account of <u>86010005-7800</u>	Capital Stab Fund	\$400,000.00
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To the Account of <u>11935-2412S</u>	ISD-Exp Prof Contracts	\$400,000.00
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To fund City portion of Roof Repair for Callahan School.

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Transfer the sum of TWENTY NINE THOUSAND THREE HUNDRED SIXTY DOLLARS AND ZERO CENTS (29,360.00)

From the Account of <u>98035-7800</u>	Reserve	\$29,360.00
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To the Account of TBD \$29,360.00
 To fund City portion of Match for Grant for Fire Dept in the AFG Grant recently awarded by FEMA.

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an "Available Fund" the amount of TWENTY THREE THOUSAND FIVE HUNDRED FORTY SEVEN DOLLARS AND ZERO CENTS (\$23,547.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety & Security (EPS) State 911 Department Emergency Medical Dispatch Grant Program. Grant Period is 8/10/21 to 6/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an "Available Fund" the amount of SIXTEEN THOUSAND EIGHT HUNDRED EIGHTY SEVEN DOLLARS AND FORTY CENTS (\$16,887.40) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety & Security (EPS) State 911 Training Grant. Grant Period is 8/12/21 to 6/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an “Available Fund” the amount of ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY22 FC 106 CVTE Equitable Access Grant Program. Grant Period is 07/07/21 to 06/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an “Available Fund” the amount of ONE HUNDRED FOUR THOUSAND SIX HUNDRED NINETY TWO DOLLARS AND ZERO CENTS (\$104,692.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY22 FC 412 Comp Career and Tech Grant Program.

Grant Period is 07/01/21 to 06/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an “Available Fund” the amount of TWO HUNDRED NINETY THREE THOUSAND SIX HUNDRED DOLLARS AND ZERO CENTS (\$293,600.00) as allotted to the City of Lynn Fire Department by Federal Emergency Management Agency (FEMA) for the FY20 Assistance to Firefighters Grant (AFG) Grant Period is 8/12/21 to 6/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an “Available Fund” the amount of TWO HUNDRED NINETY NINE THOUSAND ONE HUNDRED SEVENTY EIGHT DOLLARS AND ZERO CENTS (\$299,178.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety & Security (EPS) State 911 Department Support and Incentive Grant. Grant Period is 8/15/21 to 6/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an “Available Fund” the amount of FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00) as allotted to the City of Lynn Public Library by the Massachusetts Board of Library Commissioners (BLC) State Plan for Library Services and Technology Act LTSA utilizing APRA funds. Grant Period is 8/01/21 to 9/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an “Available Fund” the amount of ONE HUNDRED FORTY TWO THOUSAND NINE HUNDRED NINETY THREE DOLLARS AND ZERO CENTS (\$142,993.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY22 Coordinated Family and Community Engagement Grant 237 Program. Grant Period is 07/01/21 to 06/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an "Available Fund" the amount of SIXTY TWO THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$62,500.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY22 FC 406 Career and Technical Ed Grant Program. Grant Period is 07/01/21 to 08/31/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

Certify as an "Available Fund" the amount of ONE HUNDRED SIX THOUSAND NINE HUNDRED THIRTY THREE DOLLARS AND ZERO CENTS (\$106,933.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the Parents plus 237 Grant Program. Grant Period is 07/01/21 to 06/30/22

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

ORDERED that His Honor the Mayor is hereby authorized to execute a three year contractual extension for a total of six years with Ticketmaster, LLC for the purpose of providing ticketing vending services for the City of Lynn Memorial Auditorium.

Councilor Net attached the following Emergency Preamble:

WHEREAS, A special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent at vote)

REPORT ACCEPTED.

OLD BUSINESS:

Tabled on August 10, 2021

Petition of Theodore Kontos, for an apartment house use totaling 12 units with 2 elderly restricted at 56-58 Ocean Street.

Council President passed the gavel to Councilor Field.

Motion made by Councilor Cyr and seconded by Councilor Barton to remove the Petition of Theodore Koutos from the Table.

Motion carried.

The following Spoke in Favor:

Attorney Sam Vitali

Resident, 47 Ocean Street

The following Spoke in Opposition:

Joe Thornton, Ocean Street, Spoke in Opposition of Size and Scope

Resident, 12 Ocean Terrace

Public Hearing Closed.

Motion made by Councilor Cyr and seconded by Councilor Barton to grant the prayer of the Petitioner with the following stipulations:

- 1. Two (2) of the units shall be reserved for elderly residents over the age of 62.*
- 2. In the event that the property owner fails to have two (2) reserved for persons over the age of 62, the Occupancy Permit for the entire complex will be revoked.*
- 3. The property owner shall submit documentation on a quarterly basis to both the Department of Inspectional Services and the Lynn Housing Authority Neighborhood Development demonstrating compliance with this express condition.*

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilor Chakoutis and Councilor Lozzi absent at vote; Councilor Field ABSTAINED).

NEW BUSINESS:

Councilor Barton stated "I know that each of the members of the Lynn City Council have had an opportunity over the past six months to read the proposed Housing Plan for the City of Lynn. I believe we all know the contents of the Plan and have made up our own minds."

Motion made by Councilor Barton and seconded by Councilor Chakoutis to approve and adopt the Housing Lynn: A Plan for Inclusive Growth.

Motion carried by the following yea and nay vote:

8 YES 2 NO (Councilor Cyr and Councilor Starbard voting NO; Councilor Lozzi absent at vote).

Motion made by Councilor Colucci and seconded by Councilor Hogan to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

A handwritten signature in black ink that reads "Janet L. Rowe". The signature is written in a cursive style with a large initial "J" and "R".

CITY CLERK