

CITY OF LYNN

**City Council Meeting, October 25, 2022
Council President John M. Walsh, Jr.**

9 Councilors Present (Councilor Colucci and Councilor Lozzi absent).

Moment of Silence. Motion made by Councilor Starbard and seconded by Councilor Chakoutis to remember the Family of Gail Trahant.

Pledge of Allegiance

Motion made by Councilor Starbard and seconded by Councilor Alinsug to accept the Meeting Minutes of October 11, 2022.

Motion carried.

PUBLIC HEARING:

\$3,372,500 School Roof Replacement Bonds

Ordered: that \$3,372,500 is appropriated for the purpose of paying costs of designing and replacing the roof at the Captain William G. Shoemaker Elementary School located at 26 Regina Road, Lynn, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve assets that otherwise are capable of supporting the required educational programs, and for which the City of Lynn may be eligible for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the School Building Committee; that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under Chapter 44 or Chapter 70B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that the amount of borrowing authorized pursuant to this loan order shall be reduced by any grant amount received by the City pursuant to the Project Funding Agreement that may be executed between the City and the MSBA for the Project.

Further Ordered: that the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized to be borrowed pursuant to this loan order and to provide such information

and execute such documents as such officials of the Commonwealth may require in connection therewith.

Motion made by Councilor Barton and seconded by Councilor Chakoutis to grant.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Presentation by Aaron Clausen, City Planner re: Update and Presentation on the Status of Vision Lynn (City-Wide Comprehensive Plan).

COMMITTEE REPORTS:

Report of the October 25, 2022 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$125,000.00)

From the Account of 98035-7800 Reserve-Exp \$125,000.00

To the Account of 44065-3000 DPW-Exp \$125,000.00

To fund appraisal services for the right of way for DPW Projects.

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Transfer the sum of FOUR MILLION THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$4,300,000.00)

From the Account of 88200005-9510 School Ops Stab-Exp \$4,300,000.00

To the Account of D8234-1101 School-Exp \$4,300,000.00

To provide school additional funding

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Transfer the sum of TWO HUNDRED NINETY NINE DOLLARS AND ZERO CENTS (\$299.00)

From the Account of 22505-2600 FAO-Exp \$299.00

To the Account of 98025-2250 FAO-Bill of PY \$299.00

To fully fund invoice received after clean up warrant done and FY end close process began.

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Certify as an "Available Fund" the amount of NINETY NINE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS AND ZERO CENTS (\$99,418.00) as allotted to the City of Lynn Inspectional Services Division by the Green Communities Division (GCD) for a Green Community Grant to replace a transformer at Lynn English High School. Grant Period is 10/06/22-09/30/24

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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 Early and Secondary Education (DESE) for the FY23 Special Support Earmark for E-Machine Job Training Program. Grant Period 10/30/22-06/30/23

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Certify as an "Available Fund" the amount of SIXTY FOUR THOUSAND NINE HUNDRED SEVENTY TWO DOLLARS AND ZERO CENTS (\$64,972.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security to support the FFY23 Municipal Road Safety (MRS) Program. Grant Period is 10/25/22-09/15/23

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Certify as an "Available Fund" the amount of SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$7,000.00) as allotted to the City of Lynn School Department by the Bill and Melinda Gates Foundation for the Accelerate{ED} Grant, affiliated with the Massachusetts Alliance for Early College. Grant Period 10/30/22-06/30/23

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

Pursuant to votes of the Lynn City Council dated July 13, 2021 and September 28, 2021 regarding the American Recovery Plan Act, the Lynn City Council hereby authorizes that the City shall allocate the sum of THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) for American Rescue Plan Act for consulting and outreach services for Capital Strategic Solutions, Inc.

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:

9 YES 0 NO (Councilors Colucci and Lozzi absent).

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

9 YES 0 NO (Councilors Colucci and Lozzi absent).

REPORT ACCEPTED.

Report of the October 25, 2022 Committee on Utilities recommending the following to be accepted:

Petition of National Grid to install one Joint Owned Pole at the intersection of Shepard and LaGrange Terrace. Install JO on the sidewalk near 32 Shepard St. - **Granted**

Petition of National Grid to install 2-4" duct from existing pole 11-1 in front of 65 Shepard St & continuing through the sidewalk to property at 65 Shepard St. - **Granted**
REPORT ACCEPTED.

NEW BUSINESS: Clean Energy Program – PACE MA

WALSH / Order Authorizing the City of Lynn to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)

WHEREAS, pursuant to M.G.L. c. 23M, as amended (the "PACE Act"), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program ("PACE Massachusetts") to provide a financing mechanism ("PACE financing") to private owners of commercial and industrial properties for certain qualifying commercial energy improvements ("improvements"); and

WHEREAS, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency ("MassDevelopment"), in consultation with the Massachusetts Department of Energy Resources; and

WHEREAS, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the "benefitted property") is required to repay the PACE financing through the payment of a betterment assessment (a "PACE betterment assessment") placed on such benefitted property by the municipality in which the benefitted property is located; and

WHEREAS, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

WHEREAS, the City of Lynn (the "Municipality") has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a "participating municipality," as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

WHEREAS, NOW THEREFORE, BE IT VOTED, as follows:

The City Council of the City of Lynn with the approval of the Mayor hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Mayor to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Mayor may approve as being in the best interest of the Municipality. The Collector/Treasurer of the City of Lynn may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City of Lynn without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.

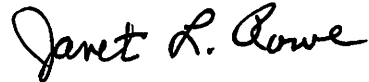
**Council President Walsh passed the Gavel to Council Vice-President Barton
Motion made by Councilor Walsh and seconded by Councilor Field to grant.**

**Motion carried by the following ye and any vote:
9 YES 0 NO (Councilors Colucci and Lozzi absent).**

Motion made by Councilor Barton and seconded by Councilor Field 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 R. Rowe". The signature is written in a cursive style with a large initial 'J' and 'R'.

CITY CLERK