

**CITY OF LYNN**

**City Council Meeting, August 8, 2023  
Council President John M. Walsh**

**10 Councilors Present (Councilor Alinsug Absent).**

**Moment of Silence. Councilor LaPierre asked that the Family of Laural Feinberg be remembered.**

**Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Starbard to accept the Meeting Minutes of July 11, 2023.**

**Motion Carried.**

**Motion made by Councilor LaPierre and seconded by Councilor Hogan to suspend the rules and move to two agenda items under NEW BUSINESS.**

**Motion Carried.**

**ORDER** to approve an Order of Takings of portions of certain parcels of land consisting of permanent easements and/or temporary construction easements, more particularly described in the plans attached. The Order of Takings are for improvements to the Northern Strand, including but not limited to Market Street, South Common Street, the Lynnway, South Street, Commercial Street, Huss Court, Shepard Street, Blossom Street, Church Street and Market Square, more specifically described as a project undertaken by the Massachusetts Department of Transportation Highway Division (MassDOT) to improve the transportation construction project on the Northern Strand On Road Extension to Nahant Beach with the use of Federal Aid funds. The Project will include the following: The Northern Strand On Road Extension to Nahant beach will provide a separated, two-way bike lane and shared-use path facility for non-motorized transportation and will supply a key missing link to the larger Northern Strand Trail Network. The project will extend 1.9 miles from the current terminus at Western Avenue in Lynn to the Lynn/Nahant Shore. Further Ordered that His Honor the Mayor is hereby authorized to execute any and all documents necessary to effectuate the purposes of this project.

**Motion made by Councilor Chakoutis and seconded by Councilor LaPierre to grant.**

**Motion carried by the following yea and nay vote:**

**8 YES 2 NO (Councilors Colucci and Starbard voting NO; Councilor Alinsug absent).**

*\*On August 9, 2023 at 7:38 a.m., received Reconsideration Notice from Councilor LaPierre. At 4:24 p.m. on the same day, received request from Councilor LaPierre to Withdraw Motion for Reconsideration.*

*\*Council President Walsh scheduled a Special City Council Meeting on Friday, August 11, 2023 at 5:30pm in the Council Chambers for discussion.*

**ORDER** to approve an Order of Takings of portions of certain parcels of land consisting of permanent easements and/or temporary construction easements, more particularly described in the plans attached. The Order of Takings are for improvements to Broadway, more specifically described as a project undertaken by the Massachusetts Department of Transportation Highway Division (MassDOT) to improve to full depth pavement reconstruction and new vertical granite curb along Broadway from Bacheller Street to Miller Place. New sidewalks and wheelchair ramps within the project limits will be ADA-compliant. The improved drainage system will include deep sump pump catch basins with hoods for water quality, new manholes and drainage pipe. Existing traffic signals at Broadway/Euclid Avenue/Pickering Terrace and Broadway at Warwick Street/Jenness Street will be reconstructed with modern traffic light equipment. Rectangular Rapid Flashing Beacons (RRFB's) will be installed along Broadway and Conomo Avenue and Miller Place crosswalks, New signage and pavement markings will clearly define travel ways for vehicles and bicyclists along Broadway. Broadway will have 11- foot travel lanes, a 5-foot dedicated bike lane with a 2-foot buffer zone and a 7-foot parking lane in each direction. Further Ordered that His Honor the Mayor is hereby authorized to execute any and all documents necessary to effectuate the purposes of this project.

**Motion made by Councilor Chakoutis and seconded by Councilor Colucci to TABLE.**

**Motion carried by the following yea and nay vote:**

**7 YES 3 NO (Councilors Field, LaPierre, Net voting NO; Councilor Alinsug absent).**

### **COMMUNICATIONS:**

Dear President Walsh and Councilors:

Pursuant to Sections 3-9 and 6-10 of the Lynn City Charter, I am hereby appointing George Potter to DPW Associate Commissioner for the City of Lynn effective August 14, 2023. This appointment is the result of a thorough screening process that included two rounds of comprehensive interviews with a screening committee and myself. I expect this appointment will create additional capacity for the DPW leadership team, strengthen management of and the reporting structure for DPW's critical functions and enhance the planning, oversight and administration in support of our hard-working DPW team including the two frontline positions added in the FY 2023 supplemental budget. Pursuant to Sections 3-9 and 6-10 of the Charter, I am

respectfully requesting that the Council confirm Mr. Potter's appointment at your August 8, 2023 Council meeting. Sincerely, Mayor Jared Nicholson

**Motion made by Councilor Lozzi and seconded by Councilor Hogan to appoint George Potter to DPW Associate Commission, effective August 14, 2023.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

**PUBLIC HEARINGS:**

Petition of the CMCC Executive Director Darrell Murkison, to allow a Place of Assembly Recreation Permit at 298 Union Street, 7 days a week from 10am -12am.

The following appeared in Favor:

Darrell Murkison, CMCC

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Colucci and seconded by Councilor Colucci to Grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Duane Patrick, 40 Spencer Street, to operate a Detail Shop for mobile vehicles at 2 Bickerton Street, Mon-Sat 9am-5pm. **(Chakoutis)**

-Petition of Robert C. Dwyer, 70 Atkins Ave, for an Auto Repair and Flammable License for the repair and maintenance of company vehicles and small equipment along with office space included at 106 Oakville Street. **(Hogan)**

-Petition of James Connors, Shepard Street Trust, 28 Oakville St Lynn, MA for permission to construct a 5 Unit residential dwelling with fewer than 5 stories pursuant to WF1 Zone located at 149-151 Shepard Street. **(Hogan)**

-Petition of Frank C. Barrera, owner of Barrera & Sons Auto Body and Repair for permission to add a Class II Auto Dealer License to his existing business location at 475R Lynnway. Hours are 7 days per week, 7:00am to 6:00pm. **(Hogan)**

-Petition of Comcast to excavate from the existing Comcast Manhole on Exchange St to place PVC Conduit to number 74 Mount Vernon Street. **(Chakoutis)**

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

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

## **COMMITTEE REPORTS:**

### **Report of the August 8, 2023 Committee on Public Property and Parks recommending the following to be accepted:**

Discussion re: Request from DPW Commissioner to dispose of surplus equipment.(See list attached)- **Granted**

Discussion re: Request from Ascendus Lodge (Masons), Lynn to replace/install 5 or 6 (18"x24") signs on major streets entering Lynn - **Granted**

#### **OTHER BUSINESS**

ORDERED to approve the planting of 3-5 dwarf apple trees and native pollinator plants in the South Street Terrace Garden. Also seeking approval to hang two pieces of public art/murals in the space and commission an additional mural from Raw Artworks. – **Granted**

**REPORT ACCEPTED.**

### **Report of the August 8, 2023 Committee on Ways and Means recommending the following to be accepted:**

#### **TRANSFERS LAID OVER FROM JULY 11, 2023:**

Transfer the sum of ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (100,000.00)

From the Account of	311755-1700	Unemployment-Exp	100,000.00
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To the Account of	71031175-1700	Stat UE-Exp	100,000.00
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To fund Statutory Unemployment Benefits Fund under Ch 40. Sec 5E from FY24 General Fund Appropriated Amount. This fund was initially adopted in FY19.

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following ye and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Transfer the sum of NINE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (900,000.00)

From the Account of	11764-1700	WC-PR	900,000.00
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To the Account of	71021176-1700	Stat WC-PR	900,000.00
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To fund Statutory Workers Compensation Fund under Ch 40. Sec 13A from FY24 General Fund Appropriated Amount. This fund was initially adopted in FY19.

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following ye and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

**TRANSFERS:**

Transfer the sum of ONE MILLION ONE HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED TWENTY FOUR DOLLARS AND ZERO CENTS (\$1,194,424.00)  
 From the Account of 98055-7827 Wage Stabilization-Exp \$ 700,000.00  
 From the Account of 88010005-9515 Wage Stabilization-Exp \$ 494,424.00  
 To the Account of 22104-1000 LFD-Payroll \$1,194,424.00  
 To fund a retroactive contractual labor settlement between the City of Lynn and Local 739.

**Motion made by Councilor LaPierre and seconded by Councilor Field to Grant.**

**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 Alinsug absent).**

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

**10 YES 0 NO (Councilor Alinsug absent).**

Transfer the sum of SEVENTY THOUSAND NINE HUNDRED THIRTY EIGHT DOLLARS AND ZERO CENTS (\$70,938.00)

From the Account of 87010005-7800 Rainy Day Stab-Exp \$70,938.00  
 To the Account of TBD Northern Strand ROW Project-Exp \$70,938.00

To fund settlements for the Broadway ROW project approved by the State.

**Councilor Field and seconded by Councilor LaPierre to Grant.**

**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 Alinsug absent).**

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

**10 YES 0 NO (Councilor Alinsug absent).**

**CERTIFIED FUNDS:**

Certify as an "Available Fund" the amount of FIFTY TWO THOUSAND NINE HUNDRED TWENTY DOLLARS AND ZERO CENTS (\$52,920.00) as allotted to the City of Lynn Special Needs Camp from the Department of Early Education and Care (EEC) for the FY24 Stabilization Grant. Grant Period 07/01/23-06/30/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of ONE HUNDRED NINETY THOUSAND FORTY TWO DOLLARS AND ZERO CENTS (\$190,042.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education

(DESE) for FC 237 CFCE Grant. Grant Period 08/15/23-06/30/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of SIXTY THOUSAND DOLLARS AND ZERO CENTS (\$60,000.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for FC 589 Civics & Teaching Grant. Grant Period 08/15/23-06/30/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of TWO HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$200,000.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for the Comprehensive School Health Services Grant. Grant Period 07/01/23-06/30/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of ONE HUNDRED SEVENTY ONE THOUSAND THREE HUNDRED DOLLARS AND ZERO CENTS (\$171,300.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for FC181 English Learn Ed Summer Grant. Grant Period 07/01/23-08/31/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of TWENTY ONE THOUSAND SEVEN HUNDRED SEVENTY FIVE DOLLARS AND ZERO CENTS (\$21,775.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for FC189 Proficiency-based Outcomes in WL Summer Grant. Grant Period 07/01/23-08/31/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of TWENTY THOUSAND DOLLARS AND ZERO CENTS (\$20,000.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for FC644 21<sup>st</sup> CCLC Summer Grant. Grant Period 07/01/23-08/31/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Alinsug absent).**

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 Early and Secondary Education (DESE) for Parent Child Plus Grant. Grant Period 08/15/23-06/30/24

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.  
Motion carried by the following ye and nay vote:  
10 YES 0 NO (Councilor Alinsug absent).**

Certify as an "Available Fund" the amount of FIFTY THREE THOUSAND SEVEN HUNDRED SEVENTY ONE DOLLARS AND SEVENTEEN CENTS (\$53,771.17) as allotted to the City of Lynn Public Schools by North Shore Workforce Investment Board for 2023 (FY24) Summer YouthWorks Jobs. Grant Period 07/01/2023 – 08/31/2023

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.  
Motion carried by the following ye and nay vote:  
10 YES 0 NO (Councilor Alinsug absent).**

**ORDERS:**

**ORDERED** that His Honor the Mayor is hereby authorized to execute a Memorandum of Understanding and all necessary documents with National Grid and the Town of Swampscott for a Mass Save Massachusetts Community Partnership Agreement to institute a three-year Energy Efficiency Plan.

**Motion made by Councilor Net and seconded by Councilor Starbard to grant.  
Motion carried by the following ye and nay vote:  
10 YES 0 NO (Councilor Alinsug absent).  
REPORT ACCEPTED.**

**Report of the August 8, 2023 Committee on Utilities recommending the following to be accepted:**

**PUBLIC HEARINGS:**

**Extenet Petition:**

Permission to construct and operate a wireless telecommunication facility attached to an existing utility pole jointly owned by National Grid and Verizon located in the public way at 27 North Franklin Street. - **Granted**

**Comcast Petition:**

Install a new underground conduit to provide services to 585 Essex Street.  
- **Granted**

**National Grid Petitions:**

Install conduit at the centerline of Washington St and along Essex Street and a manhole on Washington Street. - **Granted**

Install conduit at the corner of Summer and Vine, the intersection of Summer and Prospect and the intersection of Shepard and Summer. Also including an expansion of MH17 to accommodate new cables. - **Granted**

Relocate 2 joint owned poles on Broadway beginning at the intersection of Lynnfield St. and continuing approximately 2000 feet in a north direction. - **Granted**

Open the sidewalk near Oxford and Willow for an underground sidewalk transformer vault to be the permanent electric service for the building at 87 Oxford Street.  
- **Granted**

Install an underground duct from existing handhole on Eastern Ave through the sidewalk to customer's property at 14 Eastern Ave. - **Granted**

Install a new manhole and conduits with trenching from the intersection of Route 1A and Hanson to the customers property. Also, install conduits between two existing manholes on Commercial Street. – **Granted**  
**REPORT ACCEPTED.**

**Report of the August 8, 2023 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATOR – NEW (Tabled from July 11, 2023-No Show)**

Candelario Acosta, Michael Orlando, 108 Franklin St. - UNION TAXI - **Granted**

Medrano, Gerardo, 11 Cherry St. - UNION TAXI - **DENIED**

Ould-Sahraouia, Salahaddine Yasser, 48 Hawthorne St. – GARCIA'S TAXI - **DENIED**

**LIVERY COMPANY – NEW**

GCLUXRIDE LLC, Owner Oliver Cabrera / Julio Guzman - 7 Howard St. - **Granted**

Masks Limo Service, Owner Mhretab Gerbremichael – 181 Nichols ST. - **Granted**

Above And Beyond Ellas Home Care LLC, Owner Vashon Johnson – 15 Fayette Court - - **Granted**

**LIVERY OPERATOR – NEW**

Cabrera Oliver – 7 Howard St. - **Granted**

Gebremichael – 181 Nichols St - **Granted**

Guzman, Julio – 7 Howard St. - **Granted**

Johnson, Vashon – 15 Fayette Ct- **Granted**

**CLASS II AUTO DEALER – TRANSFER NEW OWNER:**

1071 Western Ave, Bonia Motors LLC, Owner, Robert J. Bonia Jr.

(former Ernesto Auto Sales, owner Alejandro Ernesto Perez) - **TABLED**

**AUTO REPAIR/FLAMMABLE LICENSE -NEW OWNER**

240 Western Ave., Western Ave Gas Inc. d/b/a Gibbs Auto Service, Jewel Saeed owner (former JVS Gas, Owner Juan Valera) - **Granted**

**EXTENDED HOURS RENEWALS: The following were GRANTED**

60	Boston St	McDonalds	Drive Thru 24 Hours (with stips)
65	Boston St	CVS Pharmacy	24 Hours (with stips)
80	Boston St	Dunkin Donuts	24 Hours (with stips)
108	Boston St	Burger King	Sun-Thurs. 6am-2am/Fri.-Sat

16	Boston St	Wendy's	(6am-3am (with stips) Drive Thru till 4am (6:30am – 4am) (with stips)
122	Boston St	Nouria	Gas Station & Kiosk 5am – 11pm (with stips)
124	Boston St	Taco Bell	7am-1am
124	Broad St	George's Roast Beef	Mon-Sat 10:30am-2am/Sun 12pm-2am
668	Chestnut St	Cumberland Farms	24 Hours (7 Days a week)
364	Lynnway	Dunkin Donuts	24/7 Days a week
377	Lynnway	Wendy's	7:30am-1am (Fast food drive thru service)
525	Lynnway	Gulf	24/7 Days a week
535	Lynnway	Nouria	24 /7 Days a week
567	Lynnway	McDonald's	5am-10pm Dining Rm/ Drive Thru 24/7
16	Market Sq.	Guatemala Restaurant	6am-2am (7 Days a week)
707	Western Ave	Domino's Pizza	10am-3am (7 Days a week)
969	Western Ave	AL Prime Energy	24/7 Days a week
341	Union St	Domino's Pizza	10am-3am (7 Days a week)

**Stipulations are: Keep area clean and/or Landscape**

3 Lynnfield St 7-11 24/7 Days a week (with stips)-**DENIED**

**Hours to Revert to former hours / 5am to 12 am**

50 Western Ave 7-11 24/7 Days a week- **TABLED**

**AUTO REPAIR/FLAMMABLE LICENSE -RENEWAL**

613 Lynnway, RevHead Automotive- **Granted**

471A Western Ave., Luxury Auto Services\_- **Granted**

**FLAMMABLE LICENSE -RENEWAL**

423 Boston St., A.L. Prime- **Granted**

205 Market St., Goodyear Auto Service- **Granted**

760 Summer St., A.L. Prime- **Granted**

969 Western Ave., A.L. Prime- **Granted**

**SIGN-LICENSE-RENEWAL**

555 Boston St., Boston Tattoo- **Granted**

318 Broadway, Lucky Dragon- **Granted**

319 Broadway, Century 21 Tradition- **Granted**

121 Central Sq., Union Cafe- **Granted**

348 Chestnut St., Chestnut Street Liquors- **Granted**

617 Chestnut St., Casa Latina Rest. Tortilleria- **Granted**

6-14 Commercial St., M.C. Heald Co. - **Granted**

51 Essex St., Bibi's Beauty Salon- **Granted**

61A Essex St., Pizza Lovers - **Granted**

105 Essex St., T.C. Nails & Spa- **Granted**

161 Essex St., Alnour Market- **Granted**

197 Essex St., Merengue Market- **Granted**  
 208 Essex St., Palace Auto Music- **Granted**  
 268-272 Essex St., Tony Tipico Inc- **Granted**  
 391 Essex St., Zhazz Corp -Vista Market- **Granted**  
 395 Essex St., Centro Liquors- **Granted**  
 411-413 Essex St., Mi Provencia Market- **Granted**  
 608 Essex St., Post Quam Boston- **Granted**  
 68 Exchange St., One Mighty Mill- **Granted**  
 148 Fayette St., Rojas Auto Body- **Granted**  
 143 Franklin St., New England Laundry- **Granted**  
 160 Franklin St., La Shingada Bar- **Granted**  
 2 Lafayette Pk., VIP Unisex Salon- **Granted**  
 125 Lynnfield St., Michael Satterwhite- **Granted**  
 16 Market St., Taqueria Mexico Lindo- **Granted**  
 180 Union St., Antojitos Chapines- **Granted**  
 203-205 Union St., Lesli's Market- **Granted**  
 57 Western Ave., Salon 495- **Granted**  
 101 Western Ave., Greg Rogers- **Granted**  
 117 Western Ave., Hermes Barbershop- **Granted**  
 471A Western Ave., Luxury Auto Service- **Granted**  
 518 Western Ave., Hines Liquors- **Granted**  
 659 Western Ave., La Barberia Favorita- **Granted**  
 793 Western Ave., Salvy The Florist- **Granted**  
 860 Western Ave., Larry & Sergio's Auto Service- **Granted**  
 898 Western Ave., Taqueria The Three Olives Mexican Food- **Granted**  
 1069 Western Ave., Fisher Auto Parts – **Granted**

### **CANNING**

Lynn Rams (Adults Only) – August 18, 19, 20, 2023- **Granted**  
 Lynn Classical Girls Basketball (Adults Only) – October 21, 22, 28, 2023- **Granted**  
 Lynn Jets Hockey (Adults Only) – November 10, 11, 12, 2023 - **Granted**

### **OTHER BUSINESS**

**REPORT ACCEPTED**

### **NEW BUSINESS:**

**Discussion: Acceptance of Magnolia Avenue as a Public Way.**

**ORDER:** Pursuant to Massachusetts General Laws Chapter 82, Section 21, the City of Lynn hereby accepts Magnolia Avenue as a public way as shown on "City of Lynn, Massachusetts Street Acceptance Plan Portion of Magnolia Avenue" prepared by Samiotis Consultants, Inc. dated June 27, 2023.

***Motion made by Councilor Lozzi and seconded by Councilor Colucci to grant.***

***Motion carried by the following yea and nay vote:***

***10 YES 0 NO (Councilor Alinsug absent).***

**Discussion: Confirmatory Taking of Magnolia Avenue Playground.**

Order to allow Confirmatory Taking of Magnolia Avenue Playground

**COMMONWEALTH OF MASSACHUSETTS - ESSEX, SS. - CITY OF LYNN****CONFIRMATORY ORDER OF TAKING**

**WHEREAS**, the City Council of the City of Lynn, a body politic and corporate and political subdivision of the Commonwealth of Massachusetts, and wishes to construct a new Pickering Middle school and associated parking facilities on a portion of the Magnolia Avenue Playground; and

**WHEREAS**, following a diligent effort to conduct a title search to ascertain ownership interests in certain lands within the magnolia avenue Playground, certain portions of said playground have no title references in the Southern Essex County Registry of Deeds; and

**WHEREAS**, The City of Lynn is making this taking, which is confirmatory in nature, to cure and hence remove any cloud on title to the Property that may have arisen or if any there be and to clarify the boundaries thereof in order to confirm title in the name of the City of Lynn.

**WHEREAS**, the said City Council deems it necessary for such municipal purposes to take the fee simple absolute interest in a parcel of land located in said City of Lynn, Essex County, Massachusetts as described in more complete detail herein.

At a regularly convened meeting of the CITY COUNCIL of the CITY OF LYNN held this day, it was voted and ordered:

**ORDERED** that the City Council of the City of Lynn duly elected, qualified, and acting as such on behalf of said City and by virtue of and in the accordance with the authority of the provisions of Chapter 40, Section 14 and Chapter 79 of the Massachusetts General Laws, as amended, and of any and every power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City of Lynn, the fee simple absolute interest in the parcel of land, described in Exhibit A Attached.

**ORDERED** that the taking shall include along with the land described in Exhibit A any and all easements and rights and privileges as specifically referred to if any, but not limited thereto, and all claims, rights and interests of any kind or nature therein, whether vested or otherwise, including the trees, buildings, structures, bridges, overhead bridges, standing upon or affixed thereto, including air rights and the fee, if any, in all streets and passageways in said area and rights, if any, either contiguous or nearly contiguous and adjacent or nearly adjacent to the Properties taken hereby.

**ORDERED** that no betterments are to be assessed under this taking.

**ORDERED** that in accordance with the provisions of the General Laws, awards are made by the City of Lynn for damages, if any, sustained by the unknown owner or owners and all other persons including mortgagees of record having any and all

interest in each parcel. No damages associated with this Confirmatory Order of Taking have been deemed warranted.

**ORDERED** that a copy of this Confirmatory Order of Taking and related plans, if any, be recorded at the Southern Essex Registry of Deeds, and the Land Registration Section thereof, if applicable, in compliance with M.G.L. Chapter 79 within 30 days of this vote.

The following parties hold interests in land of record in the above-described parcel as of the date of this taking:

***Motion made by Councilor Lozzi and seconded by Councilor Colucci to grant.***

***Motion carried by the following yea and nay vote:***

***10 YES 0 NO (Councilor Alinsug absent).***

**PUBLIC HEARING** on a Proposed Home Rule Petition to authorize the City of Lynn to use certain park land for school purposes.

### **AN ACT AUTHORIZING THE CITY OF LYNN TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES**

*Be it enacted by the Senate and House of Representatives in general Court assembled, and by the authority of the same as follows:*

**SECTION 1.** The City of Lynn is hereby authorized to use a portion of certain parcels of lands known as the Magnolia avenue playground utilized by the City for park and playground purposes for the construction, maintenance and use of schools and educational facilities, facilities for athletic, sports and community programs and activities, and for general recreational uses. The parcel of lands is further described as follows:

A certain parcel of land situated in Lynn, Essex county, Massachusetts, shown as Magnolia avenue playground n/f City of Lynn (park department) pid: 0-73-103-034 on a plan entitled "pickering middle school and Magnolia avenue playground Lynn, Massachusetts perimeter plan of land" dated June 27, 2023 by samiotos consultants, Inc., bounded and described as follows:

Beginning at a point on the westerly line of Magnolia avenue, it being southeastern most corner of the parcel; thence turning and running

N 43° 40' 32" W	a distance of 627.80 feet to a point; thence turning and running
N 77° 36' 16" E	a distance of 260.45 feet to a point; thence turning and running
S 42° 51' 14" E	a distance of 137.47 feet to a point; thence turning and running
S 52° 16' 24" E	a distance of 48.48 feet to a point; thence turning and running
N 29° 13' 26" E	a distance of 56.61 feet to a point; thence, turning and running
S 46° 35' 26" E	a distance of 178.38 feet to a point; thence turning and running

S 78° 45' 14" E a distance of 135.30 feet to a point of non-tangency; thence turning and running

Southwesterly along a curve to the right having a radius of 443.41 feet, a distance of 303.55 feet to a point of tangency; thence turning and running

S 56° 33' 16" W a distance of 76.34 feet to the point of beginning.

containing ±154,982 square feet of land, more or less and

A certain parcel of land situated in Lynn, Essex county, Massachusetts, shown as n/f City of Lynn (park department) cert. 11695 doc. 34388 (pid: 074-103-005 & PID: 074-103-025 combined) on a plan entitled "pickering middle school and Magnolia avenue playground Lynn, Massachusetts perimeter plan of land" dated June 27, 2023 by samiotos consultants, inc., bounded and described as follows:

Beginning at a point on the southwestern most corner of the parcel; thence turning and running

N 77° 36' 16" E a distance of 695.64 feet to a point; thence turning and running

S 42° 51' 14" E a distance of 137.47 feet to a point; thence turning and running

S 52° 16' 24" E a distance of 48.48 feet to a point; thence turning and running

N 29° 13' 26" E a distance of 156.61 feet to a point; thence turning and running

N 79° 39' 44" W a distance of 416.71 feet to a point; thence turning and running

S 10° 20' 16" W a distance of 100.00 feet to a point; thence turning and running

N 79° 39' 44" W a distance of 300.00 feet to a point; thence turning and running

N 10° 20' 16" E a distance of 50.04 feet to a point; thence turning and running

N 72° 08' 54" W a distance of 138.35 feet to a point; thence turning and running

S 08° 36' 16" W a distance 280.60 feet to the point of beginning.

containing ±98,985 square feet of land, more or less.

**SECTION 2.** In consideration for the change of use of the land described in Section 1, the City of Lynn shall dedicate 319,485 square feet, more or less, or 7.3344 acres of the land of the City of Lynn, which is presently owned by the City of Lynn, and such lands shall be dedicated for park purposes which shall be deemed as remediation for the 253,967 square feet, more or less, of land that the public will not have access to at Magnolia avenue playground due to the new school authorized in said Section 1. The remediation land is further described as follows:

A certain parcel of land situated in the City of Lynn, county of Essex, Commonwealth of Massachusetts, depicted as lot a on "compiled plan of land" by Hayes Engineering, Inc. dated March 24, 2023, described as follows.

Beginning at the southerly corner of the parcel herein described at a point on the northerly sideline of Parkland Avenue; thence running

N 38° 23' 40" W a distance of 200.05 feet; thence turning and running

N 37° 28' 45" W a distance of 237.56 feet; thence turning and running

N 56° 33' 23" E a distance of 250.60 feet; thence turning and running

N 33° 55' 37" W a distance of 194.34 feet; thence turning and running

N 61° 30' 00" E a distance of 175.00 feet; thence turning and running S 32° 00' 00" E a distance of 435.00 feet; thence turning and running N 39° 00' 00" E a distance of 325.00 feet; thence turning and running N 81° 30' 00" E a distance of 381.42 feet to a point on the northerly sideline of Parkland avenue; thence turning and running southwesterly along the northerly sideline of Parkland avenue on a curve turning to the right with an arc length of 543.80 feet, with a radius of 1434.72 feet; thence running S 55° 40' 10" W along the northerly sideline of Parkland avenue a distance of 504.90 feet to the point of beginning.

containing an area of 319,485 square feet, or 7.3344 acres.

**SECTION 3.** If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the City of Lynn park commission for public park purposes.

**SECTION 4.** The change in use of said portions of said park lands is contingent upon suitable replacement park lands being provided, as approved by the City of Lynn park commission, the secretary of environmental affairs and the National Park Service, where applicable.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

***Motion made by Councilor Lozzi and seconded by Councilor Colucci to grant.***

***Motion carried by the following yea and nay vote:***

***10 YES 0 NO (Councilor Alinsug absent).***

**ORDER** to authorize the City Council to petition the Legislature to enact legislation to authorize the City of Lynn to use certain park lands for school purposes; provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

***Motion made by Councilor Lozzi and seconded by Councilor Colucci to grant.***

***Motion carried by the following yea and nay vote:***

***10 YES 0 NO (Councilor Alinsug absent).***

**Motion made by Councilor Colucci and seconded by Councilor Starbard 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:

*Janet L. Rowe*  
CITY CLERK

**Public Property and Parks Committee Meeting – August 8, 2023  
Request from DPW Commissioner to dispose of Surplus Equipment**

City of Lynn Surplus Equipment for Auction as of July 2023			
Lot Number	Internal ID	Description	VIN Number
1	D-215	1997 F350	1FDKF38FOVEC39460
2	ISD 42	2009 Chevy Van 2500	1GCGG25C99118323
3	P 109	2011 Ford Crown Vic	2FABP7BV3BX176296
4	P 108	2007 Ford Crown Vic	2FAFP71W97X134301
5	ISD 22 M95.833	2006 Ford Explorer	1FMEU73E06UB58006
6	Fire E8	2001 Fire Truck	4ENRAAA81Y1002649
7	Cushman	1998 Cushman	98004493
8	Fire E4	1996 Fire Truck	4ENRAAA8951005404
9	P lexus ES300	2001	JTHBF30G725004993
10	DPW 202	Ford 550	1FDAF57P26ED09589
11	DPW 28	Ford 250 01	1FTNF21L61EC91407
12	DPW 5	Ford Escape 08	1FMCU93138KC19010
13	DPW 209	Ford 350 1998	1FTHF36H8VEC25048
14	DPW	Ford Escape 2006	1FMYU93157KB68730
15	P 35	Ford Explorer 2016	1FM5K8ARX66A08373
16	P 21	Ford Explorer 2015	1FM5K8RRX66A08390
17	DPW 201	Ford 550 2006	1FDAF57P06ED09588
18	P 109	Ford Crown Vic 2008	2FAFP71V78X179228
19	Police	Ford Crown Vic 2010	1FABP7BV4AX102092
20	M95-355	Walter 78	VIN 006880
21	Police	Ford Crown Vic 06	2FAFP71WX6X138078
22	House	Ford 250 05	1FTNF21L1XEE51329
23	DPW 4	Ford Escape 06	1FMCU94177KA14478
24	Police	Ford 07 5 Hundred	1FAHP241276151636
25	I.S.D 37	Ford Van 2500 08	1FTNE24W58DB49722
26	DPW 14	Ford 2500 2001	1FTNF21L81EC91408
27	DPW 13	Ford 2500 01	1FTNF21L21EC91405
28	DPW 12	Ford 250 01	1FTNF21141EC91406
29	Police 12	Ford Explorer 13	1FM5K8AR4D61378983
30	Police 7	Ford Explorer 15	1FM5K8AR366A08375
31	Police	Honda Odyssey 02	5FNRL18683B073071
32	Police	Ford Crown Vic 2004	2FAFP71W95X108701
33	DPW LS175	2021 Madvac	Modsd175EML000010
34	Police 101	2006 Nissan Altina	1N4BL11036N422966
35	Police 19	2013 Ford Explorer	1FM5K8AR4DGA51571
36	Police 110	2007 Ford Crown Vic	2FAFP71W57X134313
37	I.S.D 37	06 Ford Explorer	1FMEU73E06UB58006
38	I.S.D M63887	99 F450 Bucket Truck	1FDXF4657YEB77720
39	I.S.D 41 M96268	13 Ford E150 Van	1FTNE1EW7DD1306115