

**City Council Meeting, December 12, 2023
Council President John M. Walsh, Jr.**

Eleven Councilors Present

Moment of Silence - Councilor Alinsug asked that his brother be remembered in their prayers as he underwent heart surgery today.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Field to accept the Meeting Minutes of November 28, 2023.

Motion carried.

PUBLIC HEARINGS:

100 Ford St.- Petition for a Sign Permit by the Greatest Hits Cannabis Company

The following spoke in Favor:

Calvin Anderson, Lynn

No one spoke in Opposition

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Colucci to Grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Ordinance creating a Cultural Council in the City of Lynn pursuant to MGL Chap. 10, Sec. 58

The following appeared in Favor:

Emily, 21 Shepard Street, Lynn

No one appeared in Opposition

Public Hearing Closed

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Ordinance establishing a City of Lynn Disability Commission pursuant to MGL Chapter 40, Section 8J.

No one appeared in Favor

No one appeared in Opposition

Public Hearing Closed

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Ordinance establishing a Problem Property Task Force in the City of Lynn.

No one appeared in Favor

No one appeared in Opposition

Public Hearing Closed

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

National Grid: Set down a Public Hearing to install a new underground conduit to provide service to 580 Essex St. **(Colucci)**

National Grid: Set down Public Hearing to install underground conduit from Pole #3 to the property at 25 Janice Rd. **(Lozzi)**

Motion made by Councilor Colucci and seconded by Councilor Starbard to set Down for Public Hearings.

Motion carried

COMMITTEE REPORTS

Report of the December 12, 2023 Committee on Licensing recommending the following to be accepted:

TAXI OPERATOR – NEW

Balderas, Ivan – 84 South St. Lynn, MA- UNION TAXI - **Granted**

Burgos Liriano, Nelson – 56 Cedar St. Lynn, MA – UNION TAXI - **Granted**

Ould-Sahraouia, Salahaddine - 48 Hawthorne St. Lynn, MA- UNION TAXI - **Granted**

AUTO REPAIR/FLAMMABLE LICENSE-NEW

10 Heath’s Ct., Estrada’s Auto Service- **Granted**

CLASS I AUTO DEALER/AUTO REPAIR – RENEWAL

715 Lynnway, Pride Chevrolet Inc. - **Granted**

777 Lynnway, Pride Hyundai of Lynn Inc. - **Granted**

793 Lynnway, Pride Hyundai of Lynn Inc., d/b/a Pride Kia- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL

204 Blossom St., Dream Carz- **Granted**

106 Chestnut St., Lynn Auto Center and Repair Corp. - **Granted**

475 Lynnway, LAS Inc. - **Granted**

358 Summer St., Top Gear Cars., LLC- **Granted**

921 Western Ave, Point Auto Sales- **Granted**

OLD-GOLD SILVER LICENSE-RENEWAL

431 Lynnway, Empire Loan of Lynn- **Granted**

433 Washington St., A & S Pawn & Used Jewelry- **Granted**

PAWN BROKER’S LICENSE-RENEWAL

431 Lynnway, Empire Loan of Lynn- **Granted**

433 Washington St., A & S Pawn & Used Jewelry- **Granted**

SECOND-HAND ARTICLE LICENSE-RENEWAL

391 Chatham St., Steps To Solutions, Inc. - **Granted**

57 Gardiner St., W.F. Healey, Co. – **Granted**

431 Lynnway, Empire Loan of Lynn- **Granted**

433 Washington St., A & S Pawn & Used Jewelry- **Granted**

SIGN-LICENSE-RENEWAL

451 Chestnut St, E.Z. Shop- **Granted**

873 Western Ave., Jimmy's Discount Liquor Store- **Granted**

CANNING

Lynn Tech Boys Basketball (Adults Only) – December 9-10, 2023 - **Granted**

OTHER BUSINESS

REPORT ACCEPTED.

Report of the December 12, 2023 Committee on Public Property and Parks recommending the following to be accepted:

Request from My Brother's Table for approval for two construction trailers to be located outside the Multi-Service Center for 3 ½ months while they renovate their dining facility (from the last week in December through the end of March).

Order to approve My Brother's Table request for approval of two construction trailers to be located outside the Multi-Service Center for 3 ½ months while they renovate their dining facility (from the last week in December 2023, through the end of March 2024.

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the December 12, 2023 Committee on Ways and Means recommending the following to be accepted:

Laid over Transfers from November 28, 2023:

Transfer the sum of ONE THOUSAND FIVE HUNDRED SEVENTY FIVE DOLLARS AND FORTY FIVE CENTS (\$1,575.45)

From the Account of <u>22405-3411</u>	LFD-Exp	\$1,575.45
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To the Account of <u>98025-2240</u>	LFD-Bill of PY	\$1,575.45
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To fund invoice received after clean up warrant done and FY end close process began.

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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

From the Account of <u>22505-1902</u>	FAO-Exp	\$299.00
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To the Account of <u>98025-2250</u>	FAO-Bill of PY	\$299.00
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To fund invoice received after clean up warrant done and FY end close process began.

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of ONE HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$187.50)
 From the Account of 11915-3003 Law-Exp \$187.50
 To the Account of 98025-1191 Law-Bill of PY \$187.50

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

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of TWENTY SIX DOLLARS AND SEVENTY TWO CENTS (\$26.72)

From the Account of 22605-7800 Emer Mgmt-Exp \$26.72

To the Account of 98025-2240 LFD-Bill of PY \$26.72

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

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

CERTIFIED FUNDS:

Certify as an "Available Fund" the amount of FIVE HUNDRED TWENTY EIGHT THOUSAND THREE HUNDRED TWENTY ONE DOLLARS AND TWENTY TWO CENTS (\$528,321.22) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security for the FY24 Massachusetts Municipal Public Safety Staffing Grant. Grant Period is 12/15/23-12/31/24

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of ONE HUNDRED THIRTY SIX THOUSAND EIGHT HUNDRED EIGHT DOLLARS AND ZERO CENTS (\$136,808.00) as allotted to the City of Lynn Health Department by the Department of Elder Affairs (ELD) for the Operations and Support of the Senior Center Grant Program. Grant Period is 11/20/23-06/30/24

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of TWO HUNDRED SEVENTY THOUSAND DOLLARS AND ZERO CENTS (\$270,000.00) as allotted to the City of Lynn Planning Department by the Executive Office of Housing & Livable Communities (OCD) for the FY24 Housing Choice Grant. In anticipation of being awarded this Grant, the City is responsible to fund THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) for a match, these funds will be coming from 98035-7800. Grant Period is 11/22/23 to 06/30/25

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of SIXTY FOUR THOUSAND TWO HUNDRED THREE DOLLARS AND ZERO CENTS (\$64,203.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for FY24 Teacher Diversification Grant. Grant Period 12/15/23-06/30/24

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of SIXTY FIVE THOUSAND NINE HUNDRED TWO DOLLARS AND FORTY ONE CENTS (\$65,902.41) as allotted to the City of Lynn School Department by the Playball Foundation for FY24 to support athletic programs in the Middle Schools. Grant Period 09/01/23-06/30/24

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of THREE HUNDRED FOUR THOUSAND FOUR HUNDRED SEVENTY SIX DOLLARS AND ZERO CENTS (\$304,476.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for the FY24 Perkins Grant. Grant Period 09/15/22-06/30/24

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of FIVE MILLION FORTY THREE THOUSAND SEVEN HUNDRED SEVENTY FOUR DOLLARS AND ZERO CENTS (\$5,043,774.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for the FC240 FY24 SPED IDEA Grant. Grant Period 10/02/23-09/30/25

Motion made by Councilor Net and seconded by Councilor Walsh to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

ORDER:

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 SIXTY EIGHT THOUSAND EIGHT HUNDRED DOLLARS AND SEVENTY FIVE CENTS (\$68,800.75) from the American Rescue Plan Act for use by the City to implement software to collect and track constituent requests for City services.

Motion made by Councilor Net and seconded by Councilor Starbard to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED

NEW BUSINESS:

Discussion re: South Harbor Project, 830 Lynnway, Lynn, MA

- Development Agreement
- Tax Incentive Financing Agreement
- Easements

Mayor Nicholson gave an Overview of the Proposed Project.

ORDERED that His Honor the Mayor is hereby authorized to execute a Development Agreement and all other necessary related documents required to effectuate the Development Agreement between the City of Lynn and SEB Lynn Harbor Property, LLC c/o Samuels & Associates, including, without limitation, Tax Increment Exemption Agreements, Tax Increment Financing Agreements, easement agreements, license agreements, property management agreements, and other contracts, all upon such terms and conditions as the Mayor deems in the best interest of the City and as provided in and in furtherance of the Development Agreement. Said Development Agreement will establish the obligations of the City and SEB Lynn Harbor Property, LLC for the construction of a multi-phased mixed use commercial and residential development project located at 830 Lynnway, Lynn, Massachusetts. *Motion made by Councilor Hogan and scolded by Councilor Chakoutis to Gant.*

Motion carried by the following ye and nay vote

10 YES 1 NO (Councilor McClain voting NO)

ORDERED that His Honor the Mayor is hereby authorized to enter into an Easement Agreements or Release of Easements located at 830 Lynnway, Lynn, Massachusetts as is required to ensure compliance with Section 5 of the Development Agreement between the City of Lynn and SEB Lynn Harbor Property, LLC c/o Samuels & Associates (hereinafter “the Owner”). Without limiting the generality of the foregoing, the easements may include: (1) an easement (which may be in the form of an amendment to the existing easement) granted by the City for the benefit of the Property over the area of land located between the Lynnway and the Property and depicted on the Preliminary Easement Plan as the primary driveway to the Property. Such easement shall be for the purposes of access and egress to and from the Lynnway, the installation, maintenance, repair and replacement of an access drive and utilities, and all other purposes for which streets are utilized in the City; and (2) an easement granted by Owner for the benefit of the City and members of the public over the access drive located along the northerly/northwesterly Property line, and over the access drive bisecting Buildings A and B, as depicted on the Preliminary Easement Plan. Such easements shall be for the purposes of access and egress to and from the Lynnway, the installation, maintenance, repair and replacement of utilities, and all other purposes for which streets are utilized in the City; provided, however, that the Owner and the City expressly acknowledge and agree that such roadways shall not be considered “public or private way[s]” for the purposes of determining the zoning lot boundary under Section 2.13 of the Zoning Ordinance. Further, the Owner and the City agree to cooperate in negotiating and entering into an easement agreement (or agreements) to document the parties’ agreement with respect to the

construction, use, operation, maintenance, repair and replacement of an easement for the benefit of the Property and DCR over an area of land located between the Lynnway and the Property and depicted on the Preliminary Easement Plan as a proposed parking area. The Owner and the City acknowledge and agree that the above-described easements are necessary to accommodate the relocation of existing access and parking easements for the benefit of DCR (f/k/a Metropolitan District Commission) as set forth in that certain instrument dated July 19, 1979 and filed as Document No. 171167 in the Registry, which easements include a Parking Area Easement and an Access Way Easement (collectively, the “Existing DCR Easements”). The Existing DCR Easements are appurtenant to the Willis Fishing Pier, which extends from the Property into the Saugus River and is owned by DCR. The City acknowledges that it would not be feasible to finance or develop the Project so long as the Existing DCR Easements are in force and effect and in their existing locations. Accordingly, in addition to entering into the above-described easements, the City agrees to use Reasonable Efforts to support and cooperate with the Owner and DCR in obtaining all necessary City Approvals and State and Federal Approvals in relation to the relocation of such Existing DCR Easements.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

ORDERED that His Honor the Mayor is hereby authorized to executed a Tax Increment Financing Agreement and all necessary related documents with SEB Lynn Harbor Property, LLC c/o Samuels & Associates to facilitate the construction of a multi-phased mixed use commercial and residential development project located at 830 Lynnway, Lynn, Massachusetts in accordance with Massachusetts General Laws Chapter 23A, Section 3E, Chapter 40, Section 59 and Chapter 59, Section 5. Further Ordered that His Honor the Mayor is hereby authorized to executed a Tax Increment Exception Agreement and all necessary related documents with SEB Lynn Harbor Property, LLC c/o Samuels & Associates to facilitate the construction of a multi-phased mixed use commercial and residential development project located at 830 Lynnway, Lynn, Massachusetts in accordance with M.G.L. c. 40V and the regulations promulgated thereunder at 710 CMR 66.001 (HD TIE).

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

Motion carried by the following yea and nay vote:

10 YES 1 NO (Councilor McClain voting NO).

Motion made by Councilor Colucci and seconded by Councilor Hogan to file for Reconsiderations on all three orders for the South Harbor.

Motion carried by the following yea and nay vote:

0 YES 11 NO

Discussion with Parking Director re: City's Proposed Resident Parking Plan

Discussion with Parking Director re: Waiving Parking Fees for Veterans (McClain)

Motion made by Councilor McClain and seconded by Councilor Colucci to recommend that the City of Lynn Traffic Commission hold a public hearing to adopt a traffic regulation waiving any and all parking fees in the City of Lynn with vehicles displaying a "Veteran Plate issued by any State in the United States."

Motion carried by the following yea and nay vote:

11 YES 0 NO

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:

CITY CLERK