

**CITY OF LYNN**

**Regular City Council Meeting – February 11, 2014  
Council President Daniel F. Cahill, Presiding**

**Eleven Councillors Present**

**Moment of Silence – Councillor William R. Trahan, Jr. asked that James V. Audley be remembered.**

**Pledge of Allegiance**

**Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of January 21, 2014.**

**Motion carried.**

**Motion made by Councillor Ford and seconded by Councillor Barton to suspend the rules to present West Lynn Pop Warner certificates for “Regional Champions and Second in the Nation for Division II Midget Football”.**

**COMMUNICATIONS:**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby re-appointing Dr. John Steriti, 90 Emerald Drive, to the Board of Health.

Mr. Steriti's term is effective immediately and will expire on February 11, 2015.

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahan to suspend the rules and re-appoint Dr. John Steriti to the Board of Health effective immediately and will expire on February 11, 2015.**

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

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby re-appointing Mr. Ronald Dupuis, 22 Blanchard Street, to the Board of Health. Mr. Dupuis' term is effective immediately and will expire on February 11, 2016.

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahan to suspend the rules and re-appoint Ronald Dupuis to the Board of Health effective immediately and will expire on February 11, 2016.**

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

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby appointing Mr. Peter Caron, 150 Lynnway, Unit 406, as Chief Financial Officer for the City of Lynn. Mr. Caron's term is effective immediately and will expire on February 11, 2019. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules and appoint Peter Caron as Chief Financial Officer for the City of Lynn effective immediately and will expire on February 11, 2019.**

**Motion carried by the following yeas and nays vote:**

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby appointing Ms. Mary Bruno, 16 Ames Street, to the Conservation Commission to replace resigned member, Beth Coppinger. Ms. Bruno's term is effective immediately and will expire on May 22, 2016. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules and appoint Mary Bruno to the Conservation Commission effective immediately and will expire on May 22, 2016.**

**Motion carried by the following yeas and nays vote:**

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby appointing the individuals listed below to the Lynn Cultural Council. Their term is effective immediately and will expire on December 31, 2016. They will be replacing expired members Dena Capano, Jocelyn Testa and Dale Lewis, respectively:

Yajaira Dejesus, 5 Belvedere Place

Nicole Rim, 49 Munroe Street, #403

Natanael Valenzuela, 132 Myrtle Street, #2

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules and appoint Yajaira Dejesus, Nicole Rim, and Natanael Valenzuela to the Lynn Cultural Council effective immediately and will expire on December 31, 2016.**

**Motion carried by the following yeas and nays vote:**

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby re-appointing the individuals listed below to the Lynn Cultural Council. Their term is effective immediately and will expire on December 31, 2016:

Seth Albaum, 7 Central Square, Unit 303

Elizabeth McKim, 13 Willow Street, Unit 401

Alicia Churchill, 72 Keslar Avenue

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules and re-appoint Seth Albaum, Elizabeth McKim and Alicia Churchill to the Lynn Cultural Council effective immediately and will expire on December 31, 2016.**

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

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby re-appointing Ms. Amy Musinsky, 154 Lynnway, #403, to the Lynn Cultural Council. Ms. Musinsky's term is effective immediately and will expire on December 31, 2015. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules and re-appoint Amy Musinsky to the Lynn Cultural Council effective immediately and will expire on February 11, 2015.**

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

**11 YES 0 NO**

**Communications from Her Honor the Mayor:**

Dear Councilors:

I am hereby appointing Mr. Michael Dewan, 455 Broadway, to the Board of Health to replace expired member, Dorothy Phelan. Mr. Dewan's term is effective immediately and will expire on January 11, 2017. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules and appoint Michael Dewan to the Board of Health effective immediately and will expire on January 11, 2017.**

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

**11 YES 0 NO**

**PUBLIC HEARINGS:**

Petition of National Grid, Christopher Radzik, for permission to install 3 feet on Secondary and conduit to a control Box 3 feet east of the pole on Morris Street, adjacent to property at 76-78 Linden Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing closed.

**Motion made by Councillor Ford and seconded by Councillor Capano to TABLE.**

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

**11 YES 0 NO**

Petition of National Grid, Christopher Radzik, for permission to install 600' +/- of 4-5" PVC Conduits (Encased in Concrete) from MH6 to MH5 to MH4 to MH3 to #5 North Common Street.

The following appeared in Favor:

John Jankowski, National Grid

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Chakoutis and seconded by Councillor Barton to TABLE.**

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

**11 YES 0 NO**

Petition of Nina's Market, Inc., Baseem Nsier, for permission for the sale of wine and malt liquor at an existing Convenience Store at 51 Essex Street, with hours of operation 7 days a week, Monday through Saturday, 5:00 a.m. to 11:00 p.m. and Sunday, 6:00 a.m. to 11:00 p.m.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Cyr and seconded by Councillor Trahan to grant the prayer of the Petitioner with the stipulation that he post a sign behind the register stating "Anyone under 50 years of age must show license".**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of National Grid, Christopher Radzik, for permission to install approximately 15'+/- of 2-5" conduit from MH1 Andrew St to property line at 20 Andrew Street MA to allow services to Family Dollar Store.

-Petition of Positive LLC, Rosalin Martinez, for permission to build out 2<sup>nd</sup> and 3<sup>rd</sup> stories as residential in a former house where these stories were historically residential at 953 Western Avenue.

**Motion made by Councillor Colucci and seconded by Councillor Cyr to set down for Public Hearings.**

**Motion carried.**

## **COMMITTEE REPORTS:**

### **Report of the February 11, 2014 Committee on Education and Environmental Affairs recommending the following to be accepted:**

1. Discussion re: Correspondence from ISD Director Michael J. Donovan re: MSBA Accelerated Repair Grant for the installation of new roofs on the Connery and Harrington Elementary Schools.

Resolved: Having convened in an open meeting on February 11, 2014, the Lynn City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 27 , 2014, for the Harrington Elementary School, located at 21 Dexter Street, 01902;which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: *Roof Replacement/repair*, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City School District to filing an application for funding with the Massachusetts School Building Authority.

**Councillor Trahan 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.**

**WHEREAS, An Emergency relative to an Order Resolved: Having convened in an open meeting on February 11, 2014, the Lynn City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 27 , 2014, for the Harrington Elementary School, located at 21 Dexter Street, 01902;which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: *Roof Replacement/repair*, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the**

**Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City School District to filing an application for funding with the Massachusetts School Building Authority.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Resolved: Having convened in an open meeting on February 11, 2014, the Lynn City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 27 , 2014, for the Connery Elementary School, located at 50 Elm Street, 01905.which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: ***Roof Replacement/repair***, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/School District to filing an application for funding with the Massachusetts School Building Authority.

**Councillor Trahan 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.**

**WHEREAS, An Emergency relative to an Order Resolved: Having convened in an open meeting on February 11, 2014, the Lynn City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 27 , 2014, for the Connery Elementary School, located at 50 Elm Street, 01905.which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: ***Roof Replacement/repair***, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/School District to filing an application for funding with the Massachusetts School Building Authority.**

**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:

11 YES 0 NO

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

11 YES 0 NO

2. OTHER BUSINESS  
REPORT ACCEPTED.

**Report of the February 11, 2014 Committee on Economic and Workforce Development recommending the following to be accepted:**

1. Discussion re: Update from the Director of Economic Development regarding the Waterfront and Downtown. – **Will meet again with Lynnway Businesses.**
2. OTHER BUSINESS:

**Report of the February 11, 2014 Committee on Public Works recommending the following to be accepted:**

1. Discussion re: DPW Budget
2. Discussion re: DPW Manpower
3. OTHER BUSINESS:

REPORT ACCEPTED.

**Report of the February 11, 2014 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:

Certify as an "Available Fund" the amount of Five Hundred Thirty Thousand Eight Hundred Sixty Dollars and Zero Cents (\$530,860.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for Title III Carry Over Grant. Grant period 12/09/13 – 8/31/14.

**Councillor Colucci 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.**

**WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Five Hundred Thirty Thousand Eight Hundred Sixty Dollars**

and Zero Cents (\$530,860.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for Title III Carry Over Grant. Grant period 12/09/13 – 8/31/14.

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Transfer the sum of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) from the Account of Street Lights Expense to the ISD Expense/Outside Professional Account.

**Councillor Colucci 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.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) from the Account of Street Lights Expense to the ISD Expense/Outside Professional Account.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Transfer the Sum of Five Thousand Dollars and Zero Cents (\$5,000.00) from the Reserve Account to the Interest Expense Account.

**Councillor Colucci 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.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of Five Thousand Dollars and Zero Cents (\$5,000.00) from the Reserve Account to the Interest Expense Account.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Transfer the Sum of One Thousand Eight Hundred Fifty (\$1,850.00) from the Reserve Account to the Law Expense/Legal Service Account.

**Councillor Colucci 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.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of One Thousand Eight Hundred Fifty (\$1,850.00) from the Reserve Account to the Law Expense/Legal Service Account.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

**REPORT ACCEPTED.**

**Report of the February 11, 2014 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Kusturica, Ahmed 214 Hamilton St - **Granted**

Lamour, Michelle. 157 Allen Ave. - **Granted**

Lefort, Fernand. 12 Houston St. - **Granted**

Ramos, Ramon. 3 Grant Lane. **(Also Livery)** - **Granted**

Saravia, Ervin R. 44 Washington St. Peabody. – **Granted w/30-60-90 Review**

Severino, Karel. 40 Cottage St.- **Tabled**

Valera, Kelvin S. 255 R. Russell St. Everett **(prev denied-see new Cori)** - **Denied**

Vargas, Franklin. 113 Franklin St # 3- **Granted**

**TAXI OPERATORS- 30 DAY REVIEW.**

Caban, Antonio. 167 Ferry St. R #4. Everett- **Granted**

Sanon, Jonel. 13 Nahant St # 1) **(TEMP) See Court Letter. (Tell him to come with paperwork)** –**Denied, if he comes in with paperwork with review**

**TAXI OPERATORS-60 DAY REVIEW**

Bruno, Ramon. 138 Franklin St # 7 - **Tabled**

Slager, Jeremy. 42 River St # 4. - **Granted**

**TAXI OPERATOR-90 DAY REVIEW**

Baptiste, Rony. 427 Western Ave.- **Tabled**

**LIVERY OPERATORS – (NEW)**

Batista, Adanny. 98 Western Ave # 1- **Granted**

Cartern James. 27 N. Franklin St # 86 - **Tabled**

Murray, Khiry. 39 Ballard St. Saugus, MA- **Granted w/30-60-90 Review**

Ramos, Ramon. 3 Grant Lane. **(Also Taxi)** - **Granted**

**EXTENDED HOURS 30 DAY REVIEW**

**People’s Choice, 17 Market Square – Motion made by Councillor Cyr and seconded by Councillor Net to extended the hours to: 1:30 a.m. lock doors and 1:45 a.m.**

**Close, with the stipulation that if there is an incident or a fight or someone gets hurt, the hours will be automatically rolled back to a 1:00 a.m. closing.**

**Motion carried.**

**DOOR TO DOOR SALE**

214 Lincoln St., Legacy Marketing Of Boston (Soliciting for Direct Energy) - Deny

**AUTO REPAIR/FLAMMABLE - 30 DAY REVIEW (CORI ISSUES)**

35 Suffolk St. Auto Repair – Granted. Does not have to come back.

**OTHER BUSINESS:**

Motion made by Councillor Barton and seconded by Councillor Capano to approve the report with the exception of People's Choice, and to table People's Choice until the Council can receive input from the Lynn Police Department.

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

**Report of the February 11, 2014 Committee on Public Safety and Public Health recommending the following to be accepted:**

1. **CONSTABLE APPOINTMENT:**

Edward Nunez, 102 South Street, Lynn, - Granted

2. **OTHER BUSINESS**

REPORT ACCEPTED.

**Report of the February 11, 2014 Committee on Ordinance recommending the following to be accepted:****DISCUSSION:**

1. Discussion re: An Ordinance Amending the Ordinance To Establish a Bill of Rights for Homeowners in the City of Lynn – Motion to set down for Public Hearing.

2. **OTHER BUSINESS:**

REPORT ACCEPTED.

**NEW BUSINESS:****RESOLUTION – COLUCCI/FORD/CHAKOUTIS/CAPANO**

**A RESOLUTION THAT THE CITY OF LYNN FILE AND ACCEPT GRANTS FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE COMMON BACKYARDS GRANT PROGRAM**

**Whereas: Hood Park and Gallagher Park is a treasured community wide asset and the preservation to this Facility as a City priority as evidenced by the most recent Open Space and Recreation Plan; and**

**Whereas: Hood Park and Gallagher Park is or will be dedicated to park and recreation purposes under M.G.L. c 45, Section 14; and**

**Whereas Hood Park and Gallagher Park's ultimate restoration, guided in principal by both user and neighborhood requests and/or the City's Open Space and Recreation Plan, will greatly enhance this facility with a water spray park; and**

**Whereas: The overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of this project; and**

**Whereas: The project was viewed as a series of phases to be implemented over time, by priority as fiscal resources become available, with the intention of securing grant funding, when and if available, to asset in this effort; and**

**Whereas: The Executive Office of Energy and environmental affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and**

**Whereas: This phase of the Hood Park or Gallagher Park water spray park is \$200,000.00 and the City has allowed \$50,000.00 in Community Development Block Grant Funds;**

**NOW, THEREFORE, BE IT**

- 1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs.**
- 2. That the Mayor be and is hereby authorized to take such actions as are necessary to carry out the terms, purposes and conditions of these grants to be administered by the Office of Economic and Community Development.**
- 3. That this resolution shall take effect upon passage.**

**Councillor Ford 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.**

**WHEREAS, An Emergency relative to a Resolution for Hood Park and Gallagher Park.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

**Motion made by Councillor Colucci and seconded by Councillor Capano 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**