

**CITY OF LYNN****Regular City Council Meeting – September 8, 2015  
Council President Daniel F. Cahill, Presiding**

**Ten Councillors Present (Councilor Net absent).**

**Moment of Silence – Councilor Barton asked that the family of Jeff Blydell be remembered in their prayers. Councilor Cyr asked that the family of Priscilla Dill and the family of Jane Connaughton also be remembered. Councilor Capano asked that the family of Ricky Tranfaglia be remembered. Councilor Cyr also asked members to keep all police, fire and public safety officers in their thoughts in response to all the random shootings of public safety officers throughout the country.**

**Pledge of Allegiance**

**Council President Cahill stated that Councilor Net called to say he could not be at the meeting as he was not feeling well.**

**Council President Cahill and Council Members congratulated Councilor Crighton and his wife in celebration of the birth of their son, Nathaniel Allen Crighton.**

**Motion made by Councillor Colucci and seconded by Councillor Trahant to accept the Meeting Minutes of August 11, 2015.**

**Motion carried.**

**COMMUNICATIONS:**

Peter Caron, Director of Assessing/CFO

RE: Appointment of Special Municipal Employee

The Board is requesting that the Law Department prepare the necessary City Council Order for George E. Sansoucy, P.E. to be declared a special municipal employee under the job title of “outside expert appraiser”, as recommended to him by the State Ethics Commission. As Mr. Sansoucy’s appraisal expertise is critical to the Board’s issuance of FY2016 tax bills at the end of December, it is requesting that the necessary paperwork be submitted to the Council in time for it to take action at its September 8, 2015 meeting.

Mr. Sansoucy has served as the Board’s expert appraiser for its valuation of locally assessed utility property for several years. However, the issue of a potential appearance of a conflict of interest has been raised and Mr. Sansoucy also serves as the DOR’s expert appraiser of state valued telecommunications companies. Since the City also has an interest in that work, in that the City assesses taxed based on the

Commissioner of Revenue's value determination, the State Ethics Commission has recommended that Mr. Sansoucy secure appointment as a "special municipal employee" in any municipality that he performs work for to address this matter. Mr. Sansoucy's annual workload for the City falls well within the criteria set for such a designation; therefore, the Board fully supports and recommends its approval. Please feel free to contact me if you require any additional information.

Very truly yours, Peter M. Caron, Director of Assessing/CFO

**Motion made by Councilor Colucci and seconded by Councilor Trahan ordering that George E. Sansoucy, P.E. be declared a Special Municipal Employee under the job title of "Outside Expert Appraiser" as recommended by the State Ethics Commission.**

**Motion carried by the following yea and nay vote:  
10 YES 0 NO (Councilor Net absent).**

### **PUBLIC HEARINGS:**

Petition of Hertz Car Sales, Brian Brinkers, for permission for a sign permit at 592-596 Lynnway.

The following appeared in Favor:

Brian Brinkers

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Trahan to grant the prayer of the Petitioner.**

**Motion carried by the following yea and nay vote:  
10 YES 0 NO (Councilor Net absent).**

Petition of Flannery Handymen, Todd Flannery for permission to operate a Contractor's Yard at 111 Locust Street, Lynn, Mon-Sat, 7 a.m. – 6: p.m. **(LETTER OF WITHDRAWAL FILED)**

**Motion made by Councilor Chakoutis and seconded by Councilor Ford that the request by Flannery Handyman, Todd Flannery to withdraw his petition for permission to operate a Contractor's Yard at 111 Locust Street, Lynn, MA be denied as the public has been notified of this Hearing and a denial of a request to withdraw is permitted by M.G.L. c. 40A, s. 16.**

**Motion carried by the following yea and nay vote:  
8 YES 0 NO (Councilor Cyr and Councilor Lozzi voting PRESENT; Councilor Net absent).**

Public Hearing Opened

No one appeared in Favor.

The following appeared in Opposition:

40 – Show of Hands in Opposition.

Cyndy Anselmo, Manager of Stadium Condominiums and Condo Owner at 196 Locust St.  
Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Barton to DENY.**

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

**9 YES 0 NO (Councilor Cyr voting PRESENT; and Councilor Net absent).**

Petition of Bent Water Brewing Co., Aaron Reames for permission for a Sign Permit at 180 Commercial Street, Unit 18.

The following appeared in Favor:

Aaron Reames

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the petitioner.**

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

**9 YES 0 NO (Councilor Trahant voting PRESENT; Councilor Net absent).**

Petition of Lou's Custom Exhaust, Andrew Cousens for permission for a Sign Permit at 180 Commercial Street, Unit 19.

The following appeared in Favor:

Andrew Cousens

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Ford to grant the prayer of the Petitioner.**

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

**9 YES 0 NO (Councilor Trahant voting PRESENT; Councilor Net absent).**

Petition of Pet Express, John Mellace, for a Sign Permit at 180 Commercial Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Ford to grant the prayer of the Petitioner.**

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

**9 YES 0 NO (Councilor Trahant voting PRESENT; Councilor Net absent).**

Petition of Hacienda Corona Restaurant, Victor Mendoza for permission for a Sign Permit at 649 Lynnway.

The following appeared in Favor:

Victor Mendoza

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Trahan to grant the prayer of the Petitioner.**

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

**8 YES 0 NO (Councilor Ford and Councilor Lozzi absent at vote; Councilor Net absent).**

### **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Essex Laundry, Chris Fazio, for permission to install 3 coin-operated vacuums for auto use in parking lot at 421 Essex Street. (Colucci)

-Petition of Comcast, Timothy Broderick, for permission to install from existing vault in sidewalk in front of 65 Munroe Street, (1) 4" pvc conduit 20' +/- in a Southeasterly direction to property at 65 Munroe Street. (Chakoutis)

-Petition of National Grid, Chrisnor Louis, for permission to install above ground scada Box at National Grids Regulator Vault and the intersection of Sewall & Jackson Street. (Cyr)

-Petition of National Grid, Rafael Panos, for permission to install approximately 120' +/- of 6-4" concrete encased conduits from a new switchgear on Customer's property to an existing electric manhole, MH1 on Central Square, Lynn. (Chakoutis)

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

**Motion carried.**

### **UNFINISHED BUSINESS:**

#### **Report of the August 11, 2015 Committee on Ordinance and Rules to be Adopted Permanently:**

An Ordinance Establishing a Non-Discrimination Policy in the City of Lynn.

An Ordinance Amending the Ordinance Creating Human Rights Commission in the City of Lynn.

**Motion made by Councilor Crighton and seconded by Councilor Capano to adopt permanently.**

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

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

**REPORT ACCEPTED.**

## **COMMITTEE REPORTS:**

### **Report of the September 8, 2015 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to take the following actions:

Transfer the sum of Thirty Seven Thousand Dollars and Zero Cents (\$37,000.00) from the Reserve Account to the Legal PR Account.

**Councillor Cyr 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 transfer in the amount of Thirty Seven Thousand Dollars and Zero Cents (\$37,000.00) from the Reserve Account to the Legal PR 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:**

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

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

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

Transfer the sum of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) from the Insurance over 20K Expense Account to ISD Expense Schools Account.

**Councillor Cyr 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 transfer in the amount of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) from the Insurance over 20K Expense Account to ISD Expense Schools 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:**

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

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

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

Transfer the sum of Seven Thousand Four Hundred Thirty Four Dollars and Twenty Three Cents. (\$7,434.23) from the DPW Various Expense Account to Unpaid Bills of Prior) from the DPW Various Expense Account to Unpaid Bills of Prior Years Account.

**Councillor Cyr 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 transfer in the amount of Seven Thousand Four Hundred Thirty Four Dollars and Twenty Three Cents. (\$7,434.23) from the DPW Various Expense Accounts to Unpaid Bills of Prior) from the DPW Various Expense Account to Unpaid Bills of Prior Years 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:**

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

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

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

Transfer the sum of Four Thousand Nine Hundred Eighty Five Dollars and Eighty Three Cents (\$4,985.83) from the Fire Department Various Expense Account to the Unpaid Bills of Prior Year Account.

**Councillor Cyr 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 transfer in the amount of Four Thousand Nine Hundred Eighty Five Dollars and Eighty Three Cents (\$4,985.83) from the Fire Department Various Expense Account to the Unpaid Bills of Prior Year 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:**

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

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

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

Certify as an "Available Fund" the amount of Fifty Nine Thousand Three Hundred Ninety Five Dollars and Zero Cents (\$59,395.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY16 State 911 Training Grant. Grant period 7/30/15 – 6/30/16.

**Councillor Cyr 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 transfer certifying as an "Available Fund" the amount of Fifty Nine Thousand Three Hundred Ninety Five Dollars and Zero Cents (\$59,395.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY16 State 911 Training Grant. Grant period 7/30/15 – 6/30/16.**

**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 (Councilor Ford absent at vote; Councilor Net absent).  
 Emergency Order was then adopted by the following yea and nay vote:  
 9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

Certify as "Available Funds" the following:

IDEA – Special Education Grant:	\$4,012,467.00
Perkins Secondary Allocation Grant 2015/2016	266,776.00
SPED Program Improvement Grant	110,428.00
Title I	5,757,981.00
Title III Formula	522,685.00
Title III Immigrant	80,325.00
Title II Part A	1,230,168.00

From the Department of Elementary Education.

**Councillor Cyr 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 transfer certifying "Available Funds" the following:**

<b>IDEA – Special Education Grant:</b>	<b>\$4,012,467.00</b>
<b>Perkins Secondary Allocation Grant 2015/2016</b>	<b>266,776.00</b>
<b>SPED Program Improvement Grant</b>	<b>110,428.00</b>
<b>Title I</b>	<b>5,757,981.00</b>
<b>Title III Formula</b>	<b>522,685.00</b>
<b>Title III Immigrant</b>	<b>80,325.00</b>
<b>Title II Part A</b>	<b>1,230,168.00</b>

From the Department of Elementary Education.

**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 (Councilor Ford absent at vote; Councilor Net absent).**

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

**9 YES 0 NO (Councilor Ford absent at vote; Councilor Net absent).**

**REPORT ACCEPTED.**

**Report of the September 8, 2015 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Arias Frias, Adid, 48 Michigan Ave.- **Granted**

Campos, Domingo, 330 Essex St. .- **Granted**

Castro, Eleezat, 79 Adams St. #1 .- **Granted**

Contreras, Williams, 31 Moulton St. Apt. #1.- **Granted**

DeJesus, Juan, 317 Broadway, Chelsea, MA 02150.- **Granted**

Encarnacion, Daniel, 31 Cottage St.- **Granted**

Garcia, Rodolfo, 21 Blossom Street.- **Granted**

Johnson, Aaron, 62 Newcastle St. .- **Granted**

Osman, Adam, 27 Union St. Apt. #21 - **TABLED**  
 Vasquez, Jose, 14 Jacobs Street, Peabody, MA 01960.- **Granted**  
 Waller, Vincent, 66 Newhall St. Apt. #3.- **Granted**  
 Zorrilla, Carlos, 16 Lander St. Apt. #2.- **Granted**

**LIVERY OPERATOR (NEW)**

Chapman, David, 14 Playstead Road, Malden, MA 02148 - **DENIED**

**APPROVAL OF LEASE AGREEMENT**

Garcia Taxi- Lessor to Garcia-Ramos, Rodolfo-Lessee.- **Granted**

**EXTENDED HOURS REVIEW**

17 Market Square- People's Choice - **TABLED**

**EXTENDED HOURS- NAME CHANGE (AMEND)**

122 Liberty Street, Hess to Speedway.- **Granted**

**CHRISTMAS TREE & WREATH - NEW**

752 Western Ave., Keith Braunack Christmas Trees.- **Granted**

**SIGN LICENSE-RENEWAL**

140 Broad St., Lynnway Lounge .- **Granted**

451 Broad St., City Electric Supply (Concord Elec.) .- **Granted**

197 Essex St., Meringue Market (**tabled-owner of prop to appear**) – **TABLED/Again, Councilor Cyr requested the Owner to appear at the next meeting.**

28 Oakville St., McGrath Enterprises.- **Granted**

752 Western Ave., McCarthy Glass.- **Granted**

**CLASS II AUTO DEALER/ 30-60-90**

8 Burris Square – Meadow Park Auto Sales - **TABLED**

**CLASS II AUTO DEALER – PUBLIC HEARING.**

119 Essex St – Jerry's Auto Sales & Repair – re: Revocation

Opened Public Hearing for those wishing to Speak in Favor. No one appeared in Favor.

Opened Public Hearing for those wishing to speak in Opposition. Attorney Sano (representing Jerry Reyes) spoke in Opposition. Public Hearing Closed. **Motion made by Councilor Cyr and seconded by Councilor Lozzi to REVOKE LICENSES.**

**Motion carried.**

**CANNING:**

Treehouse Music Education Program, Ministries (Adults Only) – September 24-25, 2015.- **Granted**

**NEW BUSINESS:**

**REPORT ACCEPTED.**

**Report of the Committee on Public Property and Parks recommending the following to be accepted:**

Ordered that the Law Department draft all necessary documents to convey the city-owned property at 870 Western Avenue to the Economic Development and Industrial Corporation. Further ordered that the Deed shall contain a condition that the property shall be transferred by the EDIC for a commercial use and such commercial use must be commenced within one (1) year of the transfer or the property reverts back to the City of Lynn. Further Ordered that Her Honor the Mayor shall be authorized to execute all necessary documents in furtherance of this transfer.

**Councillor Cyr 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 that the Law Department draft all necessary documents to convey the city-owned property at 870 Western Avenue to the Economic Development and Industrial Corporation. Further ordered that the Deed shall contain a condition that the property shall be transferred by the EDIC for a commercial use and such commercial use must be commenced within one (1) year of the transfer or the property reverts back to the City of Lynn. Further Ordered that Her Honor the Mayor shall be authorized to execute all necessary documents in furtherance of this transfer.**

**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:**

**8 YES 0 NO (Councilor Ford and Councilor Lozzi absent at vote; Councilor Net absent).**

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

**8 YES 0 NO (Councilor Ford and Councilor Lozzi absent at vote; Councilor Net absent).**

1. Request from the DPW to dispose of obsolete vehicles. **(Lays over to September 22, 2015).**

2. **OTHER BUSINESS**

**Ordered that the city-owned property be placed out to bid. (Lays over to September 22, 2015)**

**REPORT ACCEPTED.**

### **NEW BUSINESS**

**Motion made by Councilor Colucci and seconded by Councilor Capano to remove from the Table the Petition of the Greek African Social Club, Aregawe Berhe for permission for a Social Club at 38 Buffum Street, 2<sup>nd</sup> floor, with hours of operation 7 days a week from 6:00 p.m. to 12:00 a.m.**

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

**8 YES 0 NO (Councilor Ford and Councilor Lozzi absent; Councilor Net absent).**

**Motion made by Councilor Colucci and seconded by Councilor Capano to grant the prayer of the Petitioner.**

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

**8 YES 0 NO (Councilor Ford and Councilor Lozzi absent; Councilor Net absent).**

**Councilor Crighton wanted to remind everyone that the Bud Fowler Monument Dedication was tomorrow night at 6:00 p.m. at Fraser Field, the Locust Street Entrance, noting that Bud Fowler became the first African American to play professional baseball in Lynn.**

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