

CITY OF LYNN

**Regular City Council Meeting, November 14, 2017
Council President Darren P. Cyr**

Ten Councilors Present (Councilor Cahill absent).

Moment of Silence. Council President Cyr asked that the Veterans of all the Wars be remembered. Council Vice-President Barton asked that the Family of Don Duchane and the Family of Paul Halloran be remembered. Councilor Walsh asked that the Family of Michael Hatch be remembered. Councilor LaPierre also asked that the Family of Robert Chico Barrasso be remembered.

Pledge of Allegiance.

Motion made by Councilor Colucci and seconded by Councilor Lozzi to accept the Meeting Minutes of October 10, 2017, October 24, 2017 and October 30, 2017.

Motion carried.

PUBLIC HEARINGS:

Petition of Lynn Downtown Cultural District, 1-15 Exchange St to host open air stands and Licensed Food Trucks on site for community events. Mon-Sat 11am – 11pm.

The following appeared in Favor:

Carolyn Cole, Manager, Downtown Cultural District

Calvin Anderson, 12 Concord Street, Lynn

No one appeared in Opposition.

Motion made by Councilor Chakoutis and seconded by Councilor Lozzi to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Petition of 138-144 Union LLC for permission to convert the fourth floor office space into a residential units (5 – 1 Bedroom units, 5 Studio units)

The following appeared in Favor:

Peter Geerheart, Exchange Street, Lynn

No one appeared in Opposition.

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Petition of Walnut Street Café, 157 Walnut St, to amend existing sign permit to include a Video Sign.

The following appeared in Favor:

Jim Chalmers, 72 Keslar Avenue

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Walsh and seconded by Councilor Trahan to grant the prayer of the Petitioner with the following stipulations: Sign to be lit only during business hours; No advertising for businesses other than the Walnut St. Café; and a 10 second delay between messages so it is not flashing.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Petition of Thomas L. Demakes, to allow mixed use with a garage on street level and an apartment on the second floor in a Business District at 86R Centre Street.

The following appeared in Favor:

Attorney John Devlin

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the Petition with the stipulation that all ISD rules and regulations are followed.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Petition of Thomas L. Demakes to allow demolition of an existing structure and authorize mixed use street level in an Apartment House Class 2, R-4 District with a medical office on the first floor and apartments on the second and third floors in a new building to be constructed at 34-38 Spencer St (hours for the medical office will be 8am-8pm).

The following appeared in Favor:

Attorney John Devlin

The following appeared in Opposition:

Linda Thorton, 82 Myrtle Street

William Morella, 56 Spencer Street

Ms. Ryan, Spencer Street

Public Hearing Closed.

Motion made by Councilor Walsh and seconded by Councilor Capano to grant the prayer of the Petitioner with the stipulations that the project starts within six months and that a portion of the property owned across the street be used for parking.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at **119 Essex Street**.

No one appeared in Favor.

No one appeared in Opposition.

Council President passed the gavel to Council Vice-President Barton.

Motion made by Councilor Cyr and seconded by Councilor Capano to TABLE for Ninety (90) days.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at **5-7 Chancery Court**.

The following appeared in Favor:

The City Clerk read a letter into the records from the residents of Chancery Court, Sachem Street, Sachem Avenue and Sachem Terrace in support of the Demolition.

The following appeared in Opposition:

Richard Gonzalez, 7 Chancery Court

Angela Gonzalez, 7 Chancery Court

Resident, Chancery Court

Public Hearing Closed.

Motion made by Councilor Colucci and seconded by Councilor Barton to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Set down Public Hearing to make a determination on the percentages of the FY'2018 tax levy to be borne by each class of real and personal property.

-Petition of D & P Realty Trust for a Sign Permit at 50-54 State St (***Chakoutis***)

-Petition of National Grid for a grant of location for the installation of underground facilities at 73 Buffum St (***Colucci***)

-Petition of Comcast for a grant of location for the installation of underground facilities to provide service at 269 Union St (***Colucci***)

-Petition of Comcast for a grant of location for the installation of underground facilities to provide service at 11 Circle Ave (***Colucci***)

**Motion made by Councilor LaPierre and seconded by Councilor Lozzi to set down for Public Hearings.
Motion carried.**

UNFINISHED BUSINESS: *Continued from the October 10, 2017 Meeting:*

Petition of Zachary Andrews, for an Apartment House use (6 units) in the Central Business District at 38-44 Andrew St.

Motion made by Councilor Chakoutis and seconded by Councilor Walsh to continue.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Walsh to remove from the Table to the Petition for the Demolition of 17 South Street Court.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Walsh to rescind the Demolition of 17 South Street Court.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

COMMITTEES:

Report of the November 14, 2017 Committee on Utilities recommending the following to be accepted:

PUBLIC HEARINGS:

- Petition of Cingular Wireless PCS, LLC (AT&T) proposing to install six (6) new small cell sites within the City of Lynn to help deal with coverage and capacity issues on the network. All six (6) sites are planned to be mounted on existing National Grid utility poles within the public right of way at the following locations:
 - 108 Alley Street – Councilor Capano - **Tabled**
 - 5 Carolyn Road – Councilor Capano- **Tabled**
 - 83 Neptune Street – Councilor Capano- **Tabled**
 - 12 Chatham Street – Councilor Cyr- **Tabled**
 - 43 Eastern Avenue – Councilor Cyr- **Tabled**
 - 240 Western Avenue – Councilor Trahan- **Tabled**

OTHER BUSINESS:

Motion made by Councilor Capano and seconded by Councilor Walsh to request a letter be sent to ISD Director Michael Donovan and the Utility Companies to

appear before the Utility Committee to address the ongoing problem of double poles in the City of Lynn

Motion carried.

REPORT ACCEPTED.

Report of the October 14, 2017 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of TWENTY SEVEN THOUSAND EIGHTY DOLLARS AND ZERO CENTS (27,080.00)

From the Account of 98035-7800 Reserve 27,080.00

To the Account of 9R040-3000 Capital/Hood Repairs 27,080.00

To fund the additional amount for the FY2018 Feasibility Study for the Accelerated Repair Program for the purpose of replacing the roof, windows and doors at the Hood School.

Councilor 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 order transferring the sum of TWENTY SEVEN THOUSAND EIGHTY DOLLARS AND ZERO CENTS (27,080.00)

From the Account of 98035-7800 Reserve 27,080.00

To the Account of 9R040-3000 Capital/Hood Repairs 27,080.00

To fund the additional amount for the FY2018 Feasibility Study for the Accelerated Repair Program for the purpose of replacing the roof, windows and doors at the Hood School.

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 Cahill absent).

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

10 YES 0 NO (Councilor Cahill absent).

Transfer the sum of TWO THOUSAND SEVENTEEN DOLLARS AND SEVENTY ONE CENTS (2,017.17)

From the Account of 9I980-9510 Insurance Losses-Exp 2,017.71

To the Account of 44045-2409P DPW/LPD-Exp 2,017.71

To fund repairs initially paid via DPW/LPD operating budget for claims processed through Insurance carrier to offset cost.

Councilor 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 order transferring the sum of TWO

THOUSAND SEVENTEEN DOLLARS AND SEVENTY ONE CENTS (2,017.17)
From the Account of 91980-9510 Insurance Losses-Exp 2,017.71
To the Account of 44045-2409P DPW/LPD-Exp 2,017.71
To fund repairs initially paid via DPW/LPD operating budget for claims processed through Insurance carrier to offset cost.
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:

10 YES 0 NO (Councilor Cahill absent).

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

10 YES 0 NO (Councilor Cahill absent).

Certify as an "Available Fund" the amount of ONE MILLION ONE HUNDRED NINETY FOUR THOUSAND DOLLARS AND ZERO CENTS (1,194,000.00) as allotted to the City of Lynn Office of Economic Community Development by the Executive Office of Housing and Economic Development (EED) for a MASSWORKS Infrastructure Program Grant funding for the 254 Lynnway Infrastructure Project.
 Grant Period 10/04/17 to 06/30/19

Councilor 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 Certifying as "Available Funds" the amount of ONE MILLION ONE HUNDRED NINETY FOUR THOUSAND DOLLARS AND ZERO CENTS (1,194,000.00) as allotted to the City of Lynn Office of Economic Community Development by the Executive Office of Housing and Economic Development (EED) for a MASSWORKS Infrastructure Program Grant funding for the 254 Lynnway Infrastructure Project.

Grant Period 10/04/17 to 06/30/19

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:

10 YES 0 NO (Councilor Cahill absent).

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

10 YES 0 NO (Councilor Cahill absent).

Transfer the sum of TEN THOUSAND THREE HUNDRED EIGHTY SEVEN DOLLARS AND FORTY CENTS (10,387.40)

From the Account of 22105-3104 LPD-Exp 9,619.82

From the Account of 22105-3107 LPD-Exp 392.06

From the Account of 22105-8500 LPD-Exp 375.52

To the Account of 98025-2210 Unpaid Bills of PY-LPD 10,387.40

To fund unexpected expense from FY17.

Councilor 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 order transferring the sum of TEN THOUSAND THREE HUNDRED EIGHTY SEVEN DOLLARS AND FORTY CENTS (10,387.40)

From the Account of <u>22105-3104</u>	LPD-Exp	9,619.82
From the Account of <u>22105-3107</u>	LPD-Exp	392.06
From the Account of <u>22105-8500</u>	LPD-Exp	375.52
To the Account of <u>98025-2210</u>	Unpaid Bills of PY-LPD	10,387.40

To fund unexpected expense from FY17.

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:

10 YES 0 NO (Councilor Cahill absent).

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

10 YES 0 NO (Councilor Cahill absent).

Certify as an "Available Fund" the amount of FOUR MILLION TWENTY SIX THOUSAND THREE HUNDRED SEVENTY SEVEN DOLLARS AND ZERO CENTS (4,026,377.00) as allotted to the City of Lynn School Department by the Department of Early & Secondary Education (DOE) for the 240 Special Education Grant for FY18. Grant Period 11/07/17-06/30/18

*Emergency Preamble in order for the School Department to start spending these funds.

Councilor 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 to certify as an "Available Fund" the amount of FOUR MILLION TWENTY SIX THOUSAND THREE HUNDRED SEVENTY SEVEN DOLLARS AND ZERO CENTS (4,026,377.00) as allotted to the City of Lynn School Department by the Department of Early & Secondary Education (DOE) for the 240 Special Education Grant for FY18.

Grant Period 11/07/17-06/30/18

***Emergency Preamble in order for the School Department to start spending these funds.**

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:

10 YES 0 NO (Councilor Cahill absent).

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

10 YES 0 NO (Councilor Cahill absent).

Certify as an "Available Fund" the amount of ONE HUNDRED FIFTY EIGHT THOUSAND TWO HUNDRED SIXTY DOLLARS AND ZERO CENTS (158,260.00) as allotted to the City of Lynn School Department by the Department of Public Health (DPH) for the Essential School Health Grant. Grant Period 02/22/17-06/30/19

Councilor 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 to certify as an “Available Fund” the amount of ONE HUNDRED FIFTY EIGHT THOUSAND TWO HUNDRED SIXTY DOLLARS AND ZERO CENTS (158,260.00) as allotted to the City of Lynn School Department by the Department of Public Health (DPH) for the Essential School Health Grant.

Grant Period 02/22/17-06/30/19

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:

10 YES 0 NO (Councilor Cahill absent).

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

10 YES 0 NO (Councilor Cahill absent).

Motion made by Councilor Barton and seconded by Councilor Cyr to request the Solicitor’s Office to draft a Home Rule Petition for Public Hearing to allow the City of Lynn to mail the third quarter Real Estate Tax bill.

Motion carried.

REPORT ACCEPTED.

Report of the November 14, 2017 Committee on Personnel recommending the following to be accepted:

1. Discussion re: City Solicitor’s Position

Councilor LaPierre stated that the Personnel Committee voted unanimously to nominate George Markopoulos as the City Solicitor.

ROLL CALL:

Barton	George Markopoulos	LaPierre	George Markopoulos
Cahill	ABSENT	Lozzi	George Markopoulos
Capano	George Markopoulos	Net	George Markopoulos
Chakoutis	George Markopoulos	Trahant	George Markopoulos
Colucci	George Markopoulos	Walsh	George Markopoulos
Cyr	George Markopoulos		

Attorney George Markopoulos appointed City Solicitor.

OTHER BUSINESS

Motion made by Councilor LaPierre to advertise for the position of First Assistant City Solicitor.

Motion carried.

REPORT ACCEPTED.

Report of the November 14, 2017 Committee on Licensing recommending the following to be accepted:

TAXI OPERATOR – NEW

Brelín, Espinal, 56 Kirkland Street, Apt 2 - **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

19 Alley St. – Miracle Autoworks- **Granted with Standard Stipulations**

COIN OPERATED DEVICES – NEW

170 Union St. – El Malecon Corp. – 1 Class II- **Tabled**

CLASS II AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE-RENEWAL

295 Lynnway – Lynnway Auto Sales, Inc. - **Granted**

443 Lynnway – Lynn Auto Service and Sales, LLC- **Granted**

CLASS III AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE/RENEWAL

480 Lynnway – Harbor Auto Sales Co., Inc. - **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE - RENEWAL

87A Bennett St. – Bennett St. Auto Sales, Inc. - **Granted**

FLAMMABLE LICENSE – RENEWAL

84-86 Lynnway – Lynn Yacht Club- **Granted**

680 Lynnway – Garelick- **Granted**

650 Summer St. – C.L. Hawthaway- **Granted**

659 Summer St. – C.L. Hawthaway - **Granted**

OLD GOLD & SILVER – RENEW

4 Freeman Square, Sherman Loan Co. LLC- **Granted**

810 Lynnway, Linken Jewelry- **Granted**

810 Lynnway, Eric Jeweler- **Granted**

810 Lynnway, Universal Jewelers- **Granted- Granted**

2-4 Market Street, Linda’s Jewelers- **Granted**

PAWN SHOP-RENEWAL

4 Freeman Square, - **Granted**

2-4 Market Street, Linda’s Jewelers- **Granted**

SECOND HAND-RENEWAL

340 Broadway, Broadway Discount- **Granted**

4 Freeman Square, Sherman Loan Co. LLC- **Granted**

270 Lynnway, R & B Imports, LTD- **Granted**

800-810 Lynnway, Lynnway Mart- **Granted**

800 Lynnway, Guibuys- **Granted**

810 Lynnway, Galactronica Inc. - **Granted**

810 Lynnway, Universal Jewelers- **Granted**

2-4 Market Street, Linda’s Jewelers- **Granted**

41 State Street, Game Stop 6006- **Granted**

693 Western Ave., S & M Treasure Chest- **Granted**

SIGN- RENEWAL

49 Union Street, Cali Sandwich- **Granted**

114 Union Street, Vecino Market - **Granted**

DISCUSSION

Discussion re: Police Report on Cab Driver. – **Executive Session**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 14, 2017 Committee on Public Property and Parks recommending the following to be accepted:

1. Request to Redeem city-owned property at 383 Essex Street, Unit 1.- **Granted with the stipulation that all real estate taxes, penalties and interest, as well as payment of the City's costs and fees including legal fees, be paid to date.**
2. Discussion re: Place out to Bid all city-owned properties with houses on them. – **Granted with the amendment that all bids be returned to the Public Property Sub-Committee.**
3. Discussion re: Place out to Bid all city-owned undersized vacant lots. – **Granted with the amendment that all bids be returned to the Public Property Sub-Committee.**

4. OTHER BUSINESS

REPORT ACCEPTED.

Report of the November 14, 2017 Committee on Education and Environmental Affairs recommending the following to be accepted:

**RESOLUTION
LYNN CITY COUNCIL RESOLUTION OPPOSING
FURTHER CHARTER SCHOOL EXPANSION IN LYNN**

Whereas the Department of Elementary and Secondary Education (DESE) and the Board of Elementary and Secondary Education (BESE) are considering an application from the Equity Lab group to open a new 640-student charter school in Lynn serving grades 5-12; and

Whereas DESE and BESE are also considering a request by KIPP Academy Lynn Charter School (KIPP Lynn) to expand its maximum number of seats by 1,014 from 1,586 to 2,600; and

Whereas the application from Equity Lab is essentially the same flawed application that has been rejected by DESE in four previous years dating back to 2012; and

Whereas KIPP Lynn was approved for a major 736-seat expansion only three years ago and has not even completed that expansion yet, with grades 3 and 4 still to be added in SY 2018-19 and SY 2019-20 respectively; and

Whereas KIPP Lynn is projected by DESE to drain more than \$17 million from the Lynn Public Schools this year alone, with that amount set to grow larger under the expansion already underway; and

Whereas KIPP Lynn's new request to expand to a maximum of 2,600 seats would result in an *additional* drain of approximately \$17 million from the Lynn Public Schools, reaching a total of more than \$34 million in charter tuition payments from the Lynn Public Schools to KIPP Lynn once the desired expansion is fully phased in; and

Whereas KIPP Lynn's student enrollment practices are inherently selective, relying heavily on a complex lottery process, preference in admissions for siblings of current students, and a primary entry point of kindergarten, all of which result in a student composition that is markedly different from that found in the Lynn Public Schools; and

Whereas the Lynn Public Schools, with open arms, routinely enroll students in all grades, at all times of the year and from all family backgrounds, including recent immigrants with little or no English proficiency and students who may have significant academic and social-emotional needs; and

Whereas DESE data (see attached) confirm that KIPP Lynn does not serve students with the same complex needs as students in the Lynn Public Schools, particularly English language learners and special education students; and

Whereas the Lynn Public Schools have reported that KIPP Lynn students routinely return to LPS during the middle of the school year, undercutting KIPP's claims of strong student retention; and

Whereas the Lynn Public Schools have a long and proud tradition of excellence and innovation, while remaining committed to serving all students on an equal basis; and

Whereas further charter expansion and the accompanying drain of resources would threaten the excellent and innovative programs offered by the Lynn Public Schools to the detriment of the more than 15,000 students served by LPS; and

Whereas further charter expansion could create a separate and unequal two-tiered school system in Lynn, undermining our community's commitment to equity and equal opportunity for all; and

Whereas Lynn residents clearly do not want further charter expansion in their community as evidenced by Lynn's overwhelming 62-to-38 vote against Question 2; and

Whereas Lynn residents should have authority over how their tax dollars are invested in their public schools as opposed to having decisions imposed on them by an appointed state-level board that is unaccountable to the Lynn community;

Therefore, be it resolved that the Lynn City Council stands in strong opposition to further charter school expansion in Lynn, including in opposition to the application for a new Equity Lab Charter School and to the request by KIPP Lynn to expand their seats; and

Be it further resolved that the Lynn City Council shall communicate this opposition to DESE, Commissioner Wulfson, and BESE, with a copy of this resolution going to all parties; and shall urge all other city, community, and school leaders in Lynn to stand against charter expansion and to voice their opposition to DESE, the commissioner, and BESE.

***Motion made by Councilor Capano and seconded by Councilor Trahant to grant. Councilor Lozzi stated that there were 75 show of hands in favor and 2 show of hands in opposition.
REPORT ACCEPTED.***

NEW BUSINESS:

Motion made by Councilor Walsh and seconded by Councilor Trahant ordering the Department of Inspectional Services and the City Solicitor's Office propose amendments to the City of Lynn Sign Ordinance, including but not limited to amendments regulating Electronic Signage/Billboards.

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

**Motion made by Councilor Lozzi and seconded by Councilor Trahant to request the Assistant Building Commissioner Clint Muche to appear before the Council to answer questions regarding vacant property in the City of Lynn.
Motion carried.**

Motion made by Councilor Capano and seconded by Councilor Walsh to request a letter be sent to ISD Director Michael Donovan and the Utility Companies to

**appear before the Utility Committee to address the ongoing problem of double poles in the City of Lynn
Motion carried.**

Motion made by Councilor Colucci and seconded by Councilor 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