

CITY OF LYNN

**Regular City Council Meeting, December 12, 2017
Council President Darren P. Cyr**

Ten Councilors Present (Councilor Cahill absent).

Moment of Silence. Council President Cyr asked that the Family of Dorothy Hayward and the Family of Tony Green be remembered.

Pledge of Allegiance.

Motion made by Councilor Trahant and seconded by Councilor Colucci to accept the Meeting Minutes of November 28, 2017.

Motion carried.

Council President Cyr announced that Councilor Cahill could not be at the meeting as he was at a Hearing at the State House.

COMMUNICATIONS:

Council Appointment – Paul Amirault, 131 Campbell St to the Lynn Public Arts Commission, Effective immediately and will expire on December 12, 2020

Motion made by Councilor Trahant and seconded by Councilor Colucci to appoint Paul Amirault to the Lynn Public Arts Commission, effective immediately and will expire on December 12, 2020.

Motion carried by the following yea and nay:

10 YES 0 NO (Councilor Cahill absent).

PUBLIC HEARINGS:

Petition of D & P Realty Trust for a Sign Permit at 50-54 State Street

The following appeared in Favor:

Mr. Peter, Trustee of D&P Realty Trust

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 any vote:

10 YES 0 NO (Councilor Cahill absent).

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.

Motion made by Councilor Colucci and seconded by Councilor Capano to continue to the next meeting.

Motion carried.

UNFINISHED BUSINESS: *Continued from the November 14, 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 Colucci to Accept the Letter of Withdrawal Without Prejudice.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

COMMITTEE REPORTS:

Report of the December 12, 2017 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$200,000.00)

From the Account of <u>98035-7800</u> Reserve	\$100,000.00
To the Account of <u>22404-0900</u> LFD-OT	\$100,000.00

To fund OT due to lack of budgeting and resources made available upon the passage of the FY18 Budget.

Councilor Barton 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 HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$200,000.00)

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To the Account of <u>22404-0900</u> LFD-OT	\$100,000.00

To fund OT due to lack of budgeting and resources made available upon the passage of the FY18 Budget.

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 THREE HUNDRED EIGHTY NINE DOLLARS AND FIFTY ONE CENTS (\$389.51)

From the Account of <u>44045-2409F</u>	DPW/LFD-R&M Exp	\$389.51
To the Account of <u>98025-2240</u>	Unpaid Bills of PY-LFD	\$389.51

To fund unexpected expense from FY17. Monies now reside in DPW operating budget to streamline production.

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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 EIGHT HUNDRED SEVENTY DOLLARS AND ZERO CENTS (\$870.00)

From the Account of <u>91980-9510</u>	Insurance Losses-Exp	\$870.00
To the Account of <u>98025-2240</u>	Fire Dept-Bill of PY	\$870.00

To fund repairs initially paid via our Insurance Company however was paid by other carrier, so now need to reimburse our Insurance Carrier of duplicate payment.

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WHEREAS, An Emergency relative to a financial order transferring the sum of EIGHT HUNDRED SEVENTY DOLLARS AND ZERO CENTS (\$870.00)

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To the Account of <u>98025-2240</u>	Fire Dept-Bill of PY	\$870.00

To fund repairs initially paid via our Insurance Company however was paid by other carrier, so now need to reimburse our Insurance Carrier of duplicate payment.

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)

Certify as an "Available Fund" the amount of ONE HNDRED THOUSAND DOLLARS AND ZERO CENTS (100,000.00) as allotted to the City of Lynn School Department by the Department of Early & Secondary Education (DOE) for the 323 Strategic Support to Specific Underperforming Schools and District Grant for FY18.
Grant Period 11/07/17-06/30/18

Councilor Barton 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 HNDRED THOUSAND DOLLARS AND ZERO CENTS (100,000.00) as allotted to the City of Lynn School Department by the Department of Early & Secondary Education (DOE) for the 323 Strategic Support to Specific Underperforming Schools and District Grant for FY18.

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

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).

REPORT ACCEPTED.

Discussion:

RESOLUTION

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO THE LYNN COMMON

Whereas: The Lynn Common is by and for a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The origin of Lynn Common is as old as the settlement of the City of Lynn itself, and;

Whereas: The initial meeting of the Lynn Park Commissioners in the 1880s, contained an order of business to acknowledge the City of Lynn's

- ownership of Lynn Common for the passive and active recreational use of its citizenry; and
- Whereas: The Lynn Common is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3: and
- Whereas: The Lynn Common's ultimate restoration, guided in principle by the Master Plan, will greatly enhance this facility with improved infrastructure, path systems, amenities, universal access, etc.; and
- Whereas: The main focus of the Master Plan is to enhance the available space on the Lynn Common to adequately host major events and activities. This overall cost and fiscal budget constraints prevented the city from proceeding forward with implementation as one project; and
- Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort: and
- Whereas: The Executive Office of Energy and Environmental Affairs (EEA) 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: Phase III of the Lynn Common Restoration Project will cost a total of \$580,000 and the City has allocated \$580,000 in Community Development Block Grant funds for Phase III of the Lynn Common Restoration Project.

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; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Office of Economic and Community Development; and

3. That this resolution shall take effect upon passage.

Motion made by Councilor Net and seconded by Councilor Colucci to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Discussion: “Right of Way & Pole Attachment Agreement” between the City of Lynn and Mobilitie LLC. (Agreement attached to Order)

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

REPORT ACCEPTED.

Report of the December 12, 2017 Committee on Public Safety recommending the following to be accepted:

Recommends that the Lynn City Council be requested to set down a Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at **7 Fuller Street**, Lynn, Massachusetts, and after hearing, may make record of an Order adjudging it to be a nuisance to the neighborhood or dangerous and prescribing its disposition, alteration, or regulation all as authorized by Massachusetts General Laws Chapter 139, Section 1

Motion made by Councilor Lozzi and seconded by Councilor Chakoutis to Grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent).

Report of the December 12, 2017 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS

Almonte, Miguel-7 Rockaway St. - **Granted**

Barahona, Juan-37 Green St. #108 Lynn MA **(30-60-90)** - **Granted**

Sanon, Jonel- 13 Nahant St #1- **Tabled**

LIVERY OPERATORS

Coco, Maria- 479 South Broadway #24 Lawrence MA 01841 **(tabled)** - **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

1069R Western Ave. – Tenejigo Trucks- **Granted with Standard Stipulations**

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

68 Bennett St. – Car Works Plus (**Open case on CORI, see attorney’s letter**) - **Granted**

CLASS I AUTO DEALER/ AUTO BODY/AUTO REPAIR/FLAMMABLE - RENEWAL715 Lynnway – Pride Chevrolet- **Granted****CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**522 & 540 Lynnway – Kelly Automotive Group, Inc. dba Kelly Honda- **Granted**777 & 793 Lynnway – Pride Hyundai of Lynn, Inc. dba Pride Kia- **Granted****CLASS II AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE-RENEWAL**71-79 Bennett St. – Saugus Auto Craft Inc. dba Len’s Auto Sales- **Granted**174 Broad St. – Olympic Auto Body & Sales, LLC- **Granted**847-853 Lynnway – North Shore Group, LLC- **Granted**44 Marion St. – Mark A. King, Inc. dba Marion St. Auto Body- **Granted****CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL**75 Boston St. – Boston St. Auto Sales, LLC- **Granted**100 Central Ave. – Action Auto Sales, Inc. - **Granted**100 Ford St. – Sooren Inc. dba Performance Auto Brokers- **Granted**315 Lynnway – Lynn Motor Sales- **Granted**361 Lynnway – Ron Costas Auto World- **Granted**811 Lynnway – Far East Exports, Inc. dba North Shore Auto Mall- **Granted**358 Summer St. – Commercial St. Auto, LLC- **Granted**232-234 Western Ave. – AJ’s Auto Sales, Inc. - **Granted**921 Western Ave. – Point Auto Sales, Inc. - **Granted**1147 Western Ave. – Osaka Auto Sales- **Granted****FLAMMABLE LICENSE – RENEWAL**32 Homesite St. – National Grid- **Granted**599 Lynnway – O’Reilly Auto Parts #5532- **Granted****OLD GOLD AND SILVER- RENEW**62 Market Square, All Checks Cashed, Inc. - **Granted**433 Washington Street, A & S Pawn & Used Jewelry- **Granted****PAWN BROKERS-RENEWAL**433 Washington Street, A & S Pawn & Used Jewelry- **Granted****SECOND HAND-RENEWAL**810 Lynnway, Lynn Wireless- **Granted**810 Lynnway, Duc Anh (Watch and Clock Repair) - **Granted**1 Market Street, Suite 1A, The Vault Lifestyle Boutique- **Granted**433 Washington Street, A & S Pawn and Used Jewelry- **Granted****SIGNS RENEWAL**306 Essex Street, Ultracliff Wireless- **Granted**57 Western Ave., Salon 495 - **Granted****OTHER BUSINESS:****REPORT ACCEPTED.**

Report of the December 12, 2017 Committee on Personnel recommending the following to be accepted:

1. Discussion re: First Assistant City Solicitor

Motion made by Councilor LaPierre and seconded by Councilor Net to recommend James L. Lamanna as First Assistant:

BARTON	James Lamanna	LAPIERRE	James Lamanna
CAHILL	ABSENT	LOZZI	James Lamanna
CAPANO	James Lamanna	NET	James Lamanna
CHAKOUTIS	James Lamanna	TRAHANT	James Lamanna
COLUCCI	James Lamanna	WALSH	James Lamanna
CYR	James Lamanna		

James Lamanna appointed First Assistant / Solicitor's Office

2. **OTHER BUSINESS**

REPORT ACCEPTED.

Motion made by Councilor Colucci and seconded by Councilor Trahant 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