

CITY OF LYNN

**Regular City Council Meeting, October 23, 2018
Council President Darren P. Cyr**

Eleven Councillors Present

Moment of Silence. Council President Cyr asked that the Family of former Ward Four Councilor Robert Cipoletti be remembered. Councilor LaPierre asked that the Family of Ann Goldstein be remembered. Councilor Field asked that the Family of Former Councilor Robert Weber be remembered.

Pledge of Allegiance.

Motion made by Councilor Colucci and seconded by Councilor LaPierre to accept the Meeting Minutes of October 9, 2018.

Motion carried.

COMMUNICATIONS:

Dear Councilors:

Pursuant to Section 5 of the Ordinance titled "Reorganizing the Office of the City Solicitor", approved by the City Council on July 15, 2015, I am hereby appointing James Wellock as Third Assistant City Solicitor of the City of Lynn effective October 29, 2018. Pursuant to Section 5 of above referenced Ordinance and Section 3-9 of the City Charter, I respectfully requesting that the Council confirm Mr. Wellock's appointment at your October 23, 2018 Meeting.

Sincerely, Mayor Thomas M. McGee

Motion made by Councilor LaPierre and seconded by Councilor Colucci to suspend the rules and go to the Report of the October 23, 2018 Committee on Personnel.

Motion carried.

Motion made by Councilor LaPierre and seconded by Councilor Colucci to confirm James Wellock's appointment as the Third Assistant City Solicitor of the City of Lynn.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Dear Councilors:

Pursuant to Section 2-3 of the Lynn City Charter, I am hereby re-appointing Joseph Smart as Director of Buildings and Grounds effective November 10, 2018. Pursuant to Section 3-9 of the Lynn City Charter, I am respectfully requesting that the Council confirm Mr. Smart's re-appointment at your October 23, 2018 Meeting.

Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Field and seconded by Councilor Colucci to approve the Re-Appointment of James Smart as Director of Buildings and Ground.

Motion carried by the following yea and nay vote:

11 YES 0 NO

NEW BUSINESS:

Council President Cyr asked Mayor Thomas M. McGee to address the Council on the proposed \$4,500,000 Bond Order.

Council President Cyr asked CFO Michael Bertino to address the Council on the proposed \$4,500,000 Bond Order.

Council President Cyr asked Sean Cronin, DOR, Fiscal Stability Officer to address the Council.

ORDERED: That \$4,500,000 is appropriated to assist the City in achieving a balanced budget for fiscal years 2018 and 2019, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 58 of the Acts of 2018, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

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

Councilor Lozzi 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 ORDER: That \$4,500,000 is appropriated to assist the City in achieving a balanced budget for fiscal years 2018 and 2019, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is

authorized to borrow said amount under and pursuant to Chapter 58 of the Acts of 2018, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

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

ORDERED: That \$2,350,000 is appropriated to pay costs of converting non-ornamental street lights to LED fixtures, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The Mayor is authorized to accept any and all rebates, grants or other funds that may be available to the City on account of this project. The amount of any borrowing undertaken pursuant to this vote shall be reduced to the extent of any rebates, grants or other funds received by the City on account of this project.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under M.G.L. c. 44A any and all bonds or notes of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

Motion made by Councilor Lozzi and seconded by Councilor Capano to grant.

Councilor 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 an Order: That \$2,350,000 is appropriated to pay costs of converting non-ornamental street lights to LED fixtures, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The Mayor is authorized to accept any and all rebates, grants or other funds that may be available to the City on account of this project. The amount of any borrowing undertaken pursuant to this vote shall be reduced to the extent of any rebates, grants or other funds received by the City on account of this project.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under M.G.L. c. 44A any and all bonds or notes of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

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

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of the Richdale Store at 585 Essex St to amend closing hours of operation from 11pm to 12 am. (Property in the CBD – Does not need Special Permit)

-Petition of National Grid for a grant of location at the corner of North Common St at Hanover St to #73 North Common St. (Chakoutis)

-Petition of Comcast for a grant of location at the following locations:

33 Carolyn Road (Capano)

580 Lynnway (Capano)

Commercial St and Circle Ave (Capano)

25 Exchange St (Chakoutis)

-Petition of Crown Castle to modify transmission equipment at an existing base station within the public right of way located at the following locations:

32 Erie St	Cyr
16 Peirce St	Cyr
15-19 Garland St	Cyr
Atlantic/35 Grosvernor St	Colucci
Chancery Lane	Colucci
Lynnfield St	Lozzi
67 Woodlawn and Tapley St	Chakoutis
34-38 Bonavesta St	Walsh
16 Hanover St	Chakoutis
147 Fairmount Ave	Walsh
201 Linwood St	Chakoutis

Motion made by Councilor Walsh and seconded by Councilor LaPierre to set down for Public Hearings.

Motion carried.

COMMITTEES:

Report of the October 23, 2018 Committee on Ordinance and Rules recommending the following to be accepted:

PUBLIC HEARING - ZONE ORDINANCE - RECODIFY

Order: Recodification of the City of Lynn Zone Ordinance to incorporate all changes made to the Zone Ordinance since 2015. The Recodified Zone Ordinance does not contain any substantive changes to the Zone Ordinance but rather incorporates the amendments made piecemeal since 2015 into a singular readable document. The Planning Board approved unanimously to recodify the City of Lynn Zone Ordinance and the reformatted table of uses with the changes as stated and confirmed to be implemented with this recodification. - **Granted**

A Proposed Ordinance Amending the Ordinance Establishing a Senior Citizen Property Tax Work-Off Abatement. – **Granted to Set Down for a Public Hearing**

An Ordinance Relative to the Safe Disposal of Sharps in the City of Lynn. – **Granted to Set Down for a Public Hearing**

REPORT ACCEPTED.

Report of the October 23, 2018 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to reduce General Fund Appropriations in the sum of THREE HUNDRED SEVENTY NINE THOUSAND DOLLARS AND ZERO CENTS (379,000.00) from the accounts identified below.

Account 11224-1000 Mayor's Sec/Clerk Salary, in the amount of TWELVE THOUSAND DOLLARS AND ZERO CENTS (12,000.00).

Account 11254-1000 CFO Salary, in the amount of ONE HUNDRED ONE THOUSAND DOLLARS AND ZERO CENTS (101,000.00).

Account 11704-1000 Purchasing Salary, in the amount of SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (7,500.00).

Account 11914-1000 Law Salary, in the amount of TWENTY FIVE THOUSAND DOLLARS AND ZERO CENTS (25,000.00).

Account 76424-1000 GAR Salary, in the amount of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (14,500.00).

Account 98005-7400 Insurance Premiums, in the amount of ONE HUNDRED THIRTY FIVE THOUSAND DOLLARS AND ZERO CENTS (135,000.00).

Account 91505-9911 Interest Inside Debt, in the amount of EIGHTY FOUR THOUSAND DOLLARS AND ZERO CENTS (84,000.00).

Councilor Starbard 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 that the City Comptroller be and is hereby authorized to reduce General Fund Appropriations in the sum of THREE HUNDRED SEVENTY NINE THOUSAND DOLLARS AND ZERO CENTS (379,000.00) from the accounts identified below.

Account 11224-1000 Mayor's Sec/Clerk Salary, in the amount of TWELVE THOUSAND DOLLARS AND ZERO CENTS (12,000.00).

Account 11254-1000 CFO Salary, in the amount of ONE HUNDRED ONE THOUSAND DOLLARS AND ZERO CENTS (101,000.00).

Account 11704-1000 Purchasing Salary, in the amount of SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (7,500.00).

Account 11914-1000 Law Salary, in the amount of TWENTY FIVE THOUSAND DOLLARS AND ZERO CENTS (25,000.00).

Account 76424-1000 GAR Salary, in the amount of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (14,500.00).

Account 98005-7400 Insurance Premiums, in the amount of ONE HUNDRED THIRTY FIVE THOUSAND DOLLARS AND ZERO CENTS (135,000.00).

Account 91505-9911 Interest Inside Debt, in the amount of EIGHTY FOUR THOUSAND DOLLARS AND ZERO CENTS (84,000.00).

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 HUNDRED SEVENTY FIVE THOUSAND SEVENTY FOUR DOLLARS AND EIGHT CENTS (175,074.08)

From the Account of 91980-9510 Insurance Losses-Exp 175,074.08

To the Account of 11935-8200S ISD-Exp 175,074.08

To fund repairs for the Hood School Modular classrooms due to extensive water damage from storm.

Councilor Starbard 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 of ONE HUNDRED SEVENTY FIVE THOUSAND SEVENTY FOUR DOLLARS AND EIGHT CENTS (175,074.08)

From the Account of 91980-9510 Insurance Losses-Exp 175,074.08

To the Account of 11935-8200S ISD-Exp 175,074.08

To fund repairs for the Hood School Modular classrooms due to extensive water damage from storm.

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

Ordered that the Department of Public Works be allowed to make expenditures for Snow and Ice control in the excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

Councilor Starbard 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 Department of Public Works be allowed to make expenditures for Snow and Ice control in the excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

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

Certify as an "Available Fund" the amount of NINETY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND ZERO CENTS (93,750.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY2019 MA Tobacco Cessation & Prevention Program. Grant Period 10/01/18-6/30/19

Councilor Starbard 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 NINETY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND ZERO CENTS (93,750.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY2019 MA Tobacco Cessation & Prevention Program. Grant Period 10/01/18-6/30/19

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

Ordered that his Honor the Mayor is hereby authorized to execute all documents necessary to receive a grant in the amount of Ten Thousand (\$10,000.00) Dollars from the Massachusetts Cultural Council relating to the Lynn Cultural Compact.

Councilor Starbard 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 his Honor the Mayor is hereby authorized to execute all documents necessary to receive a grant in the amount of Ten Thousand (\$10,000.00) Dollars from the Massachusetts Cultural Council relating to the Lynn Cultural Compact.

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

Ordered that the Lynn Police Department is hereby authorized to apply for the FY18 Edward Byrne Justice Assistance Grant.

Councilor Starbard 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 order that the Lynn Police Department is hereby authorized to apply for the FY18 Edward Byrne Justice Assistance Grant.

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 October 23, 2018 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS NEW:

Gonzalez-Lara, Walys B: 7 Longfellow Lane, Salem MA - **Tabled**

Moholland, John: 550 Eastern Ave Apt 1 (**Tabled 10/9-No Show**) - **Granted**

LIVERY OPERATORS NEW:

Bingham, Joseph: 12 Baker St. (30 day review) (**Tabled 10/9-No Show**).- **Granted**

SIGN LICENSE RENEWAL

415 Lynnway, Metro PCS - **Granted**

180 Union Street, Antojitos Chapines Rest.- **Granted**

AUTO BODY, AUTO REPAIR AND FLAMMABLE LICENSE – NEW

1071 Western Ave Unit B5, City Line Auto Body, Owners: Mara Rangeli and Janio Marques - **Granted**

22 Bennett St, VIP Works Auto Center, Owners: Franyi Alexander Tineo Diaz and Jose Tineo - **Granted**

52 Oakville St, 26 Auto Body In., Owner: Merelin Lara (**Tabled 10/9-No Show**) - **Tabled**

OTHER BUSINESS

REPORT ACCEPTED.

Report of the October 23, 2018 Committee on Recreational Cannabis Site Plan Review recommending the following to be accepted:

1. Presentation / Natural Selections

Proposed Location – 193 Oxford Street - **Granted**

**2. OTHER BUSINESS
REPORT ACCEPTED.**

Report of the October 23, 2018 Committee on Public Property and Parks recommending the following to be accepted.

1./ Ordered that the City Council authorize the Mayor to execute a Grant of Easement from the City of Lynn to CPR/PE Munroe Street Owner, L.L.C. for 34-38 Munroe Street (Tax Map 68 Lot 628 Block 18) Lynn, MA 01902. Said Easement Area is shown on the Easement Exhibit 34-38 Munroe Street (Tax Map 68 Lot 628 Block 18) Lynn, MA 01902 dated October 9, 2018 prepared by Engineering Alliance, Inc., Civil Engineering & Land Planning Consultants, 194 Central Street, Saugus, MA 01906. The requested Grant of Easement allows for the perpetual exclusive right and easement to locate, install, lay and construct concrete footings beneath the existing concrete sidewalks in the City of Lynn, Essex County, Massachusetts shown as two "4-ft Wide Concrete Footing Easement", one easement running two hundred and sixteen and thirty-six (216.36) hundredths feet along Oxford Street and one easement running one hundred eighty six and forty-three (186.43) hundredths feet along Munroe Street, as shown on a certain plan entitled " Easement Exhibit", dated October 9, 2018.

Councilor Capano 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 Oder that the City Council authorize the Mayor to execute a Grant of Easement from the City of Lynn to CPR/PE Munroe Street Owner, L.L.C. for 34-38 Munroe Street (Tax Map 68 Lot 628 Block 18) Lynn, MA 01902. Said Easement Area is shown on the Easement Exhibit 34-38 Munroe Street (Tax Map 68 Lot 628 Block 18) Lynn, MA 01902 dated October 9, 2018 prepared by Engineering Alliance, Inc., Civil Engineering & Land Planning Consultants, 194 Central Street, Saugus, MA 01906. The requested Grant of Easement allows for the perpetual exclusive right and easement to locate, install, lay and construct concrete footings beneath the existing concrete sidewalks in the City of Lynn, Essex County, Massachusetts shown as two "4-ft Wide Concrete Footing Easement", one easement running two hundred and sixteen and thirty-six (216.36) hundredths feet along Oxford Street and one easement running one hundred eighty six and forty-three (186.43) hundredths feet along Munroe Street, as shown on a certain plan entitled " Easement Exhibit", dated October 9, 2018.

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./Ordered that the Mayor be authorized to execute any and all documents required by the Law Department to effectuate the above referenced acceptance of Grant of Easement.

Councilor Capano 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 Oder that the Mayor be authorized to execute any and all documents required by the Law Department to effectuate the above referenced acceptance of Grant of Easement.

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

3.Ordered that the City Solicitor's Office prepare the necessary documents, deeds and easements to allow for a land exchange between the City of Lynn and the Massachusetts Department of Conservation and Recreation for the South Harbor site to facilitate development and improvements to the sea wall.

Councilor Capano 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 Oder that the City Solicitor's Office prepare the necessary documents, deeds and easements to allow for a land exchange between the City of Lynn and the Massachusetts Department of Conservation and Recreation for the South Harbor site to facilitate development and improvements to the sea wall.

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

**4. OTHER BUSINESS
REPORT ACCEPTED.**

Motion made by Councilor Colucci and seconded by Councilor Lozzi 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:

Janet L. Rowe

CITY CLERK