CITY OF LYNN

Regular City Council Meeting, November 13, 2018 Council President Darren P. Cyr

Nine Councilors Present (Councilor Chakoutis and Councilor LaPierre absent).

Moment of Silence: Council Vice-President Barton asked that the Family of Lilian Berry Rogers be remembered.

Council President Cyr asked Iris Martinez, a student at U-Mass/Boston to lead the audience in the Pledge of Allegiance.

COMMUNICATIONS:

Dear Councilors:

I am hereby re-appointing Mr. Roger Ennis, 227 Verona St, to serve on the Disability Commission. Mr. Ennis's term is effective immediately and will expire on November 30, 2021. Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Barton to grant the re-appointment of Roger Ennis to the Disability Commission, effectively immediately and will expire on November 30, 2021.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

Dear Councilors:

I am hereby re-appointing Mr. Paul Amirault, 11 Campbell St, to serve on the Parks Commission. Mr. Amirault's term is effective immediately and will expire on May 1, 2023. Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Barton to grant the reappointment of Paul Amirault to serve on the Parks Commission, effective immediately and will expire on May 1, 2023.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

COMMITTEE REPORTS:

Report of the November 13, 2018 Committee on Personnel recommending the following to be accepted:

- Discussion re: Posting of Water and Sewer Commissioner's Position (City Council Vacancy) – Granted to Advertise
- 2. OTHER BUSINESS REPORT ACCEPTED.

Report of the November 13, 2018 Committee on Ordinance and Rules recommending the following to be accepted:

PUBLIC HEARINGS:

1. <u>Proposed Ordinance Amending the Ordinance Establishing a Senior Citizen</u> <u>Property Tax Work-Off Abatement</u>

IN THE YEAR TWO THOUSAND EIGHTEEN AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING A SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT

SECTION 1:00 PURPOSE

The purpose of this ordinance and its subparts is to implement the Lynn senior citizens property tax work-off abatement program by adopting reasonable rules and regulations.

SECTION 2:00. HOURS, RATE AND ABATEMENT

Senior citizens participating in this program shall be paid at the rate of the current federal and/or state minimum hourly wage. Seniors shall work a total of number of hours required to earn a six hundred (\$600.00) dollar abatement and total number of hours shall be based upon the current state minimum wage. Seniors who fulfill this work requirement shall receive a six hundred dollar property tax abatement.

SECTION 3:00. ABATEMENT PROCESS

A. The number of senior citizens participating in the program shall be limited each year to a minimum of fifty and maximum of seventy. Applications will be available and accepted at the assessor's office or the mayor's office within city hall between August 1 and October 31 of each calendar year. If more than fifty persons apply for such program, a

- public lottery shall be conducted in the city council chambers overseen by the treasurer, chairman of the board of assessors and city clerk. The city shall make reasonable efforts to accommodate the work requests of participating senior citizens, but final decisions on work assignments shall be based solely on department needs.
- B. A senior abatement committee is hereby established consisting of the director of assessing or his/her designee, a designee of the mayor's office, a designee of the city council and a designee of the council on aging. The senior abatement committee will review all applications and determine which applicants will be accepted into the lottery.

SECTION 4:00 ELIGIBILITY

- A. To be eligible for the program, a senior citizen must be at least sixty years of age by July 1 of the fiscal year in which the application is made, have a principal place of residence in the city of Lynn for at least five (5) years and have an ownership interest in that principal place of residence. The ownership interest may include a joint tenancy, tenancy in common, tenancy by the entirety, life tenancy or beneficial interest in a trust which trust has an ownership interest in this principal residence.
- B. In the case of real property with multiple owners, all of the senior citizen owners shall be eligible to receive abatement under this program if they otherwise qualify.
- C. In no event shall a person be eligible for this program if such person's income exceeds fifty-seven thousand dollars for individual applicants, seventy-one thousand dollars for heads of households or exceeds eighty-six thousand dollars for married applicants. The income eligibility requirements shall be adjusted annually based upon the most current senior circuit breaker tax credit as established by the Massachusetts department of revenue. An applicant must submit a copy of his/her income tax return and/or an Internal Revenue Service (I.R.S.) Form 4506-T along with the application.
- D. Current full-time city employees and their immediate family members are not eligible to participate in the tax abatement program. Part-time or seasonal city employees and their immediate family members who meet the income requirements are eligible to participate in the tax abatement program provided that he/she files a disclosure statement with his/her appointing authority as required by M.G.L. c. 268A.

- E. Applicants must submit to a CORI background check and must execute a privacy statement and confidentiality agreement prior to participating in the senior tax abatement program. A copy of a photograph identification shall also be submitted with the application.
- F. The tax abatement received under this program shall be in addition to any other property tax exemptions for which the senior is eligible.

SECTION 5:00 FINANCING OF PROGRAM

For the purpose of funding this program, the board of assessors shall each year add an additional twenty-five thousand dollars to the overlay amount set forth in the tax recap sheet submitted to the Massachusetts department of revenue.

SECTION 6:00 ACCOUNTING FOR ABATEMENTS

- A. The tax abatement provided to senior citizens by this program shall be applied to the actual tax bills for the fiscal year. The full tax shall be committed and billed, with the reduction shown on the bill as an abatement or credit against the amount due. The reduction shall be processed as an abatement and charged against the overlay account. Abatements for the fiscal year shall be based upon certifications by the department head for work performed on or before November 30.
- B. The abatement for a fiscal year will be based on hours worked through November 30. Work performed after November 30 will be certified for abatement on the actual tax bill for the following fiscal year.
- C. In no event shall the maximum annual abatement exceed six hundred (\$600.00) dollars.
- D. The application deadline shall be October 31st for the following fiscal year.

SECTION 7:00 CERTIFICATION FOR SERVICE

The department head supervising the senior citizen's work shall certify to the assessor's office the amount of service performed by the senior citizen as of November 30 of the fiscal year. Such certification, in the form of the attached model, shall be provided to the board of assessors prior to the time the actual tax for the fiscal year is committed and in sufficient time to allow for an abatement to be reflected on the actual tax bill for the fiscal year. A copy of the certification shall be provided to the senior citizen taxpayer before the actual tax bill is issued.

SECTION 8:00 TAX TREATMENT OF ABATEMENT

The amount of the property tax abatement the senior citizen taxpayer receives under this program shall not be considered income or wages for purposes of state income tax withholdings, unemployment compensation or workmen's compensation. That abatement earned is considered taxable for federal tax purposes and all participants should consult a tax advisor to ensure compliance with all applicable tax laws, rules and regulations.

SECTION 9:00 PARTIAL COMPLETION

A senior citizen who fails to complete the full work requirement to reach the six hundred (\$600.00) dollar threshold shall be entitled to a pro-rata abatement based upon certified hours of work completed at the rate of pay established by this ordinance, provided that such senior citizen has completed at least twenty hours of work.

SECTION 10:00 INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11:00 TIME OF TAKING EFFECT

This ordinance shall take effect as provided by the Lynn City Charter.

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

Motion carried by the following yea and nay vote:

- 9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).
- 2. Proposed Ordinance Relative to the Safe Disposal of Sharps in the City of Lynn.)

IN THE YEAR TWO THOUSAND AND EIGHTEEN AN ORDINANCE RELATIVE TO THE SAFE DISPOSAL OF SHARPS IN THE CITY OF LYNN

Section 1:00 Purpose

The purpose of this ordinance is to require all retailers or distributors of sharps for home use in the City of Lynn to take back sharps at the end of life at no additional cost to the consumer at the time of return. The intent of this ordinance is to provide consumers with more convenient ways to return and ensure the safe and environmentally sound disposal of home-generated sharps.

Section 2:00 Definitions

"Consumer" shall mean an individual who has purchased sharps for personal use for humans or animals.

"Retailer" shall mean an individual who has purchased sharps for personal use for humans or animals.

"Home generated" shall mean all sharps, including used sharps, as defined in this section, derived from a household, including multifamily residence, or a single family residence.

"Retailer" shall mean any entity, including but not limited to, a person or business, of whatever form of organization, who sells or provides sharps to the general public, including a manufacturer of sharps who sells sharps directly to a consumer.

"Sharps" shall mean hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications, to humans or animals.

"Receptacle" shall mean a ridged puncture-resistent container with a sealable lid approved by the U.S. Food and Drug Administration for the purpose of transporting sharps for disposal.

"Proper disposal" shall mean the lawful disposal of home-generated sharps waste in compliance with the applicable provisions of state law and the sanitary Code.

Section 3:00 Applicability

Every retailer of sharps shall establish within the retail outlet a system for the acceptance and collection of home-generated sharps waste for proper disposal. Each system established by a retailer for the acceptance and collection of home-generated sharps waste during the retailer's normal hours of operation, for proper disposal shall, at a minimum, include all of the following elements:

- A. A convenient location within the retail establishment for the "take-back" from the consumer of home-generated sharps waste at no cost to that consumer.
- B. Appropriate signage, prominently displayed within five feet of any entrance to the retail establishment and easily visible to the consumer, indicating that the retail establishment accepts and collects home-generated sharps waste from consumers. Such signage shall be marked with the international biohazard symbol.

- C. An appropriate receptacle or receptacles for the collection of home-generated sharps waste within the retail establishment. The retailer shall assure that all home-generated sharps waste is placed in the receptacle(s).
- D. Provide appropriate transfer containers for sharps users who fail to bring their sharps in suitable containers for placement in the collection receptacle.
- E. Assurance that the collected home-generated sharps wastes are disposed within the time period established by applicable state law.
- F. Comply with all applicable provisions of state law and the State Sanitary Code, as may be amended from time to time.
- G. Provide written and verbal instructions to the customer at the point of sale that explain the procedures and requirements for safe sharps disposal including a provision that states that the retailer will take back home-generated sharps waste for proper disposal.
- H. Maintain an inventory on the number of sharps collected and report back to the Inspectional Services Department on a form prepared and approved by said Department.
- The provisions of this Chapter shall be interpreted and applied at all times consistently with the provisions of Chapter 94C, section 27A of the General Laws; all provisions of any relevant general or special act; and, 105 CMR 480.00, Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII).

Section 4:00 Container and Signage Requirements

All retailers subject to the provisions of these sections and subsections shall only use collection and transfer containers that meet the requirements of the federal Occupational Safety and Health Administration and the federal Department of Transportation and is marked with the international biohazard symbol.

Section 5:00 Enforcement

- A. The Commissioner of Inspectional Services, or designee, shall have the jurisdiction and authority to enforce the provisions of chapter.
- B. Any retailer found to be in violation of any provision of 12-16, or who fails to comply with any of its requirements, shall be punished by a fine of three hundred dollars (\$300.00). Each day such violation continues shall be considered a separate offense.

C. The provisions of this section may be enforced in accordance with the non-criminal disposition process of M.G.L. c. 40, s. 21D, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation by injunction.

Section 6:00 Severability

If any provision of this Ordinance is held invalid or unenforceable by any court, such a holding does not invalidate or render unenforceable any other provision of the chapter, and the rest of the chapter shall remain in full force and effect.

Motion made by Councilor Field and seconded by Councilor Walsh to grant. Motion carried by the following yea and nay vote:

- 9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).
- 3. Proposed Ordinance Amending the Ordinance Relating to Unnecessary and Excessive Noises in the City of Lynn.- Motion to set down for Public Hearing. OTHER BUSINESS:

 REPORT ACCEPTED.

Report of the November 13, 2018 Committee on LYNNWAY/MARKET STREET/DOWNTOWN recommending the following to be accepted:

- 1. Presentation by Co-Star
- 2. OTHER BUSINESS: REPORT ACCEPTED.

Report of the November 13, 2018 Committee on Recreational Cannabis Site Plan Review recommending the following to be accepted:

- Presentation / Good Chemistry
 Proposed Location 696 Western Ave
 - Granted to Move to Next Step.
- Presentation / New England Canna
 Proposed Location 7 Mount Vernon Street
 - Granted to Move to Next Step.

- 3. Presentation / Harvest Moonz Proposed Location / 32 & 34 State Street
 - Granted to Move to Next Step.

4. OTHER BUSINESS

REPORT ACCEPTED.

Report of the November 13, 2018 Committee on Ways and Means recommending the following to be accepted:

Certify as an "Available Fund" the amount of FORTY THOUSAND DOLLARS AND ZERO CENTS (\$40,000.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety (EPS) for the purchase of Bullet Proof Vests. This funding is an earmark that was secured in the FY19 State Budget by our State Delegation. Grant Period is 11/02/18-6/30/19

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 certifying as Available funds the amount of FORTY THOUSAND DOLLARS AND ZERO CENTS (\$40,000.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety (EPS) for the purchase of Bullet Proof Vests. This funding is an earmark that was secured in the FY19 State Budget by our State Delegation. Grant Period is 11/02/18-6/30/19

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:

9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

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

9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

Transfer the sum of FIFTEEN THOUSAND DOLLARS AND ZERO CENTS (\$15,000.00)

From the Account of 11904-1000 Personnel -PR 15,000.00 To the Account of 11905-3000 Personnel-Exp 15,000.00 Transfer of funds to cover cost of interim Personnel Director vacated due to retirement.

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 FIFTEEN THOUSAND DOLLARS AND ZERO CENTS (\$15,000.00) From the Account of 11904-1000 Personnel -PR 15,000.00

To the Account of 11905-3000 Personnel-Exp 15,000.00 Transfer of funds to cover cost of interim Personnel Director vacated due to retirement.

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 Chakoutis and Councilor LaPierre absent). Emergency Order was then adopted by the following yea and nay vote: 9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

Certify as an "Available Fund" the amount of SIXTY FOUR THOUSAND NINE HUNDRED FIFTEEN DOLLARS AND ZERO CENTS (\$64,915.00) as allotted to the City of Lynn Police Department by the US Department of Justice (DOJ) for the Edward Byrne Memorial JAG Grant. Grant Period is 10/01/16-09/30/20

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 certifying as Available Funds the amount of SIXTY FOUR THOUSAND NINE HUNDRED FIFTEEN DOLLARS AND ZERO CENTS (\$64,915.00) as allotted to the City of Lynn Police Department by the US Department of Justice (DOJ) for the Edward Byrne Memorial JAG Grant. Grant Period is 10/01/16-09/30/20

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 Chakoutis and Councilor LaPierre absent).

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

9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

Ordered that the City of Lynn, pursuant to M.G.L. Chap 44, Sec. 53A, accepts the gift of office furniture from Albert McKinnon of 324 Essex St, Swampscott, MA. The items to be donated are as follows: 1 credenza, 5 black desks, 3 brown desks, 1 wall mounted cabinet and 1 top-section with storage and lighting.

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 that the City of Lynn, pursuant to M.G.L. Chap 44, Sec. 53A, accepts the gift of office furniture from Albert McKinnon of 324 Essex St, Swampscott, MA. The items to be donated are as follows: 1 credenza, 5 black desks, 3 brown desks, 1 wall mounted cabinet and 1 top-section with storage and lighting.

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 Chakoutis and Councilor LaPierre absent). Emergency Order was then adopted by the following yea and nay vote: 9 YES 0 NO (Councilor Chakoutis and Councilor LaPierre absent).

Report of the November 13, 2018 Committee on Utilities recommending the following to be accepted:

PUBLIC HEARINGS:

Petition of <u>National Grid</u> for a grant of location at the corner of North Common St at Hanover St to #73 North Common St. (Chakoutis) – **Granted with stipulation that the street be put back in better condition that it was.**

Petition of <u>Comcast</u> for a grant of location at the following locations: 33 Carolyn Road (Capano) - **Granted** 580 Lynnway (Capano) - **Granted** Commercial St and Circle Ave (Capano) - **Granted** 25 Exchange St (Chakoutis) - **Granted**

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

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

TABLED PETITIONS:

<u>National Grid</u> – Plan #26157782 Smith Street – National Grid to install beginning at a point approximately 50 feet northeast of the centerline of the intersection of Smith Street. National Grid to install 50' +/- of 2-4" primary duct across Smith Street between #158-170 and #138-144 Union Street. (Colucci) - **Granted**

<u>Comcast</u> – Nahant Street and Broad Street: Starting at the existing Comcast Vault on Nahant Street excavating to place (1) 4" PVC conduit 228' +/- to 106 Broad Street. (Colucci) – **Granted**

OTHER BUSINESS: REPORT ACCEPTED.

Report of the November 13, 2018 Committee on Licensing recommending the following to be approved:

TAXI OPERATORS NEW:

Bernard, Roger, 1 Atkinson Dr., Apt 4, Saugus, MA- Granted

Gonzalez-Lara, Walys B, 7 Longfellow Ln, Salem MA

(Tabled-No Show 10/23)- DENIED

Lantigua Rosario, Jose, 102 Main St Apt 2, Peabody MA - Tabled

Temaj-Mrianda, Elena, 20 Dorinda Cir Apt 1, Lynn MA- Granted

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE - NEW

52 Oakville St. – 26 Auto Body, Inc. (Tabled from 10/9/18 and 10/23/18) - **Granted**

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

295 Lynnway – Lynnway Auto Sales, Inc. - Granted

CLASS II AUTO DEALER - AUTO REPAIR/FLAMMABLE/RENEWAL

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

OLD GOLD & SILVER LICENSE-RENEWAL

4 Freeman Sq., Sherman Loan Comp. LLC- Granted

431 Lynnway, Empire Loan of Lynn- Granted

193 Union St., B & V Jewelry- Granted

PAWN BROKER LICENSE-RENEWAL

4 Freeman Sq., Sherman Loan Comp. LLC- Granted

431 Lynnway, Empire Loan of Lynn- Granted

193 Union St., B & V Jewelry- Granted

SECOND HAND ARTICLE LICENSE-RENEWAL

4 Freeman Sq., Sherman Loan Comp. LLC- Granted

431 Lynnway, Empire Loan of Lynn- Granted

810 Lynnway, Riydah Store- Granted

193 Union St., B & V Jewelry- Granted

SIGN LICENSE RENEWAL

11 Agganis Square, Barcelona Barber Shop- Granted

- 369 Boston Street, Lucky 7 Market Granted
- 244 Broadway, Mino's Roast Beef- Granted
- 61 Essex St., Bibi's Hair Studio- Granted
- 204 Essex St., Continental Unicom Communication- Granted
- 274 Essex St., Couture Nails- Granted
- 177 Lynnfield St., Knights of Columbus- Granted
- 95 Lynnway, Caribbean Choice & Varieties- Granted
- 18 Market St., California Nails- Granted
- 201 No. Common St., Supreme Food Inc. Granted
- 419 Summer St., Wal's Cleaners- Granted
- 778 Summer St., Casa Metapan- Granted
- 227 Union St., Los Chamos Cuisine- Granted
- 209 Washington St., El. Patio Market Inc. Granted
- 350 Washington St., Rincon Macorisano- Granted
- 263 Western Ave., American Building Tech. Inc. Granted
- 569 Western Ave., West Lynn 7th Day Adventist Hispanic Church- Granted
- 730 Western Ave., Pollos A La Brasa El Chalan- Granted

CANNING:

West Lynn Pop Warner Cheerleading National Championship Team (Adults Only) November 25, 26, 27, 2018 - **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 13, 2018 Committee on RFP Sub-Committee recommending the following:

- 1. Discussion re: Review of RFI's Former Marshall Middle School on Porter Street/ RFP:
 - B'nai B'rith Housing
 - EBCDC, Inc.

Chairman Lamanna stated that he and Councilor Starbard will go back to the Lynn School Committee and ask for an extension.

2. OTHER BUSINESS REPORT ACCEPTED.

Motion made by Councilor Colucci and seconded by Councilor Field 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