CITY OF LYNN

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

Ten Councilors Present (Councilor Lozzi absent).
Moment of Silence. Council Vice-President Barton asked that the Family of Nicholas Chakoutis be remembered.
Pledge of Allegiance.

Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of January 2, 2018, January 9, 2018 and January 23, 2018.
Motion carried.

COMMUNICATIONS:

Communication from His Honor the Mayor:
Pursuant to Section 2-5 of the Lynn Charter, I designate Charles E. White to perform the duties of the Office of the Purchasing Agent on a temporary basis until the office can be filled pursuant to Section 2-3, 3-9 and 8-10 of the Charter. I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn.
Sincerely, Mayor Thomas M. McGee
Motion made by Councilor Colucci and seconded by Councilor Walsh to accept for the files.
Motion carried.

Communication from His Honor the Mayor:
Re: Proposed Home Rule Petition/An Act Relative to the Financial Condition of the City of Lynn.
Motion made by Councilor Colucci and seconded by Councilor Barton to set down for a Public Hearing on February 27, 2018.
Motion carried.

PUBLIC HEARINGS:

Petition of Price Rite at 391 Lynnway to amend the Special Permit approval for a retail food store to allow the sale of wine and malt beverages by package.
The following appeared in Favor:
Attorney Sam Vitali
The following appeared in Opposition:
Jeffrey Yoffa

Public Hearing Closed.
Motion made by Councilor Capano and seconded by Councilor Walsh to Grant the Prayer of the Petitioner.
Motion carried by the following yea and nay vote:
9 YES 0 NO (Councilor Lozzi absent; Councilor Field voted PRESENT).

Pursuant to MGL, Chapter 139, Section 1, order that the building located at **7 Chancery Court** is hereby adjudged to be a nuisance to the neighborhood or dangerous building and be it further ordered to demolish the building as it is in the best interest, health, safety and welfare of the people of Lynn.
The following appeared in Favor:
Vincent and Marion LoRusso, 12 Chancery Court
The following appeared in Opposition:
Richard Gonzalez, Owner's Son
Mr. Wayne, 7 Chancery Court
Krystyna Gonzalez, Owner
Public Hearing Closed.
Motion made by Councilor Colucci and seconded by Councilor Barton to Grant.
Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of National Grid to install one jointly owned pole on Alden St beginning at a point approximately 35 feet northeast of the centerline of the intersection of 495-497 Eastern Ave and Alden St. ***(Cyr)***

-Petition of National Grid to relocate one jointly owned pole #72 located opposite 265 Fays Ave. Pole has a National Grid guy wire into tree on private property. The customer will remove the tree. ***(Starbard)***

-Petition of National Grid and Verizon to install one joint pole and one pole with a guy wire opposite 31 Kent Road ***(Lozzi)***

-Petition of Thomas McGovern, Lynnwood Development Inc. to construct a single family dwelling in a Business District at 52 Collins St. **(Starbard)**

-Petition of Maximo Duran, owner of the Lincoln Market at 200 Essex St for a Sign Permit. ***(Colucci)***
Motion made by Councilor Colucci and seconded by Councilor Walsh to set down for Public Hearings.

-Petition of Herberth Josue Amaya to add an Auto Body Shop to an existing Auto Repair Shop at 105 Willow Street ***(Chakoutis) – Was not set down for a Public Hearing – Must go to Board of Appeals.***
Motion carried.

COMMITTEES:

Report of the February 13, 2018 Committee on Education and Environmental Affairs recommending the following to be accepted:

School Committee Vote to Submit Statement of Interest for Pickering Middle School

Form of Vote
Resolved: having convened in an open meeting on February 13, 2018, prior to the closing date, the Lynn City Council, in accordance with its Charter, By-Laws, and Ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated on or before April 16, 2018 for the Pickering Middle School located at 70 Conomo Avenue 01904, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for:

- Elimination of existing severe overcrowding
- Prevention of severe overcrowding expected to result from increased enrollments
- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation expected and decrease energy related costs in a school facility
- Replacement of, or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the District of Lynn to filing an application for funding with the Massachusetts School Building Authority.
Councilor Chakoutis 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 / Form of Vote
Resolved: having convened in an open meeting on February 13, 2018, prior to the closing date, the Lynn City Council, in accordance with its Charter, By-Laws, and Ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated on or before April 16, 2018 for the Pickering Middle School located at 70 Conomo Avenue 01904,
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

REQUIRED FORM OF VOTE TO SUBMIT A STATEMENT OF INTEREST

Resolved: Having convened in an open meeting on February 13, 2018, the Lynn City Council, in accordance with its Charter, By-Laws, and Ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 16 , 2018, for the Lynn Vocational Technical Institute Annex, located at 90 Commercial Street, 01905 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

Replacement of existing roof with a new EPDM roof with three inches of insulation as a priority Statement of Interest for the MSBA Accelerated Repair Program for 2018

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits Lynn School District to filing an application for funding with the Massachusetts School Building Authority.

Councilor Chakoutis 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 / Resolved: Having convened in

an open meeting on February 13, 2018, the Lynn City Council, in accordance with its Charter, By-Laws, and Ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 16 , 2018, for the Lynn Vocational Technical Institute Annex, located at 90 Commercial Street, 01905

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 Lozzi absent).

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

10 YES 0 NO (Councilor Lozzi absent).

REPORT ACCEPTED.

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

Transfer the sum of $62,428.57 from the Account of Reserve to the Account of the Law Department to fund City Solicitor final payout not in original budget submission.

Councilor Net 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 in the amount of $62,428.57 from the Account of Reserve to the Account of the Law Department to fund City Solicitor final payout not in original budget submission.

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 Lozzi absent).

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

10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of $55,103.38 from the Account of Reserve to the Account of the Fire Department to fund the Fire Chief final payout not in original budget submission.

Councilor Net 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 in the amount of $55,103.38 from the Account of Reserve to the Account of the Fire Department to fund the Fire Chief final payout not in original budget submission.

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 Lozzi absent).

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

Transfer the sum of $50,691.42 from the Account of Reserve to various Departments to fund Sick Buy Backs per Collective Bargaining.
Councilor Net 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 in the amount of $50,691.42 from the Account of Reserve to various Departments to fund Sick Buy Backs per Collective Bargaining.
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of $50,000.00 from the Account of Reserve to the Account of the Mayor's-Expense to fund FY18 Labor Counsel as prior contract expired.
Councilor Net 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 in the amount of $50,000.00 from the Account of Reserve to the Account of the Mayor's-Expense to fund FY18 Labor Counsel as prior contract expired.
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of $11,500.00 from the Account of Reserve to the Account of Personnel Department-Expense to fund the Fire Chief Assessment Center test held in December 2017 due to previous Chief retiring.
Councilor Net 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 in the amount of $11,500.00 from the Account of Reserve to the Account Of Personnel Department-Expense to fund the Fire Chief Assessment Center test held in December 2017 due to previous Chief retiring.

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

Transfer the sum $48,409.00 from the Account of Reserve to the Account of City Clerk-Expense to fund the Ballots needed for Special Elections held in February and March 2018.
Councilor Net 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 in the amount of $48,409.00 from the Account of Reserve to the Account of City Clerk-Expense to fund the Ballots needed for Special Elections held in February and March 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:
10 YES 0 NO (Councilor Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of $3,900.00 from the Account of Treasurer-Expense to the Account of Treasurer-Payroll to fund car allowance for Administrative Assistant per 3147 Collective Bargaining.
Councilor Net 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 in the amount of $3,900.00 from the Account of Treasurer-Expense to the Account of Treasurer-Payroll to fund car allowance for Admin Assistant per 3147 Collective Bargaining.
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of $21,036.02 from the Account of Lynn Police expense to the Account of Lynn Police prior year unpaid bills to fund unexpected expenses from FY17.
Councilor Net 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 in the amount of $21,036.02 from the Account of Lynn Police expense to the Account of Lynn Police prior year unpaid bills to fund unexpected expenses from FY17.
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of $1,065.36 from the Account of Lynn Police Department PR to the Account of Lynn Police prior year unpaid bills to fund overpayment that was received in FY18 that pertains to prior year grant period.
Councilor Net 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 in the amount of $1,065.36 from the Account of Lynn Police Department PR to the Account of Lynn Police prior year unpaid bills to fund overpayment that was received in FY18 that pertains to prior year grant period.
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum $30,000.00 from the Account of Parking Meter Receipt - Expense to the Account of Parking Expense to fund purchase and installation of Street Parking Meters and Kiosks.
Councilor Net 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 in the amount of $30,000.00 from the Account of Parking Meter Receipt - Expense to the Account of Parking Expense to fund purchase and installation of Street Parking Meters and Kiosks.
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 Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Transfer the sum $41,458.00 from the Account of State Election Funds to the Account of Elections-Payroll to fund Special Elections in February and March 2018

Councilor Net 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 in the amount of $41,458.00 from the Account of State Election Funds to the Account of Elections-Payroll to fund Special Elections in February and March 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:

10 YES 0 NO (Councilor Lozzi absent).

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

10 YES 0 NO (Councilor Lozzi absent).

Certify as an "Available Fund" the amount of $400,000.00 as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY18 Massachusetts Municipal Public Safety Staffing Grant.

Councilor Net 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 $400,000.00 as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY18 Massachusetts Municipal Public Safety Staffing 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:

10 YES 0 NO (Councilor Lozzi absent).

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

10 YES 0 NO (Councilor Lozzi absent).

Certify as an "Available Fund" the amount of $5,490.00 as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) as an amendment for the FY2018 Traffic Enforcement and Equipment Program.

Councilor Net 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 $5,490.00 as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) as an amendment for the FY2018 Traffic Enforcement and Equipment Program.

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

Certify as an "Available Fund" the amount of $22,460.00as allotted to the City of Lynn Fire Department by the Massachusetts Emergency Management Agency (CDA) for the FY17 Emergency Management Grant.
Councilor Net 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 $22,460.00as allotted to the City of Lynn Fire Department by the Massachusetts Emergency Management Agency (CDA) for the FY17 Emergency Management 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:
10 YES 0 NO (Councilor Lozzi absent).
Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).

Report of the February 13, 2018 Committee on Licensing recommending the following to be accepted:
TAXI OPERATORS (NEW)
Guilmaim, Paul K – 102 Orchard Street - **Granted**
D Los Santos, Carlos-31 Seymour Avenue Apt 3- **Granted**
Garcia Lopez, Hilario-111 New Park Street- **Granted**
Rodrigues, Cristina- 73 Clarendon Avenue- **Granted**
CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – TRANSFER
100 Ford St. – Sooren Inc. dba Performance Auto Brokers- **Granted**
CLASS III AUTO DEALER/AUTO BODY/AUTO REP/FLAM – LICENSE TRANSFER
1069R Western Ave. – Cap's Auto Wrecking- **Continue to April 24, 2018**
AUTO REPAIR/FLAMMABLE LICENSE – NEW
59 Commercial St. – Rolando's Auto Repair- **Granted**
CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL
592-596 Lynnway – The Hertz Corporation dba Hertz Car Sales- **Granted**
AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL
411 Broad St. – Meineke Car Care Center- **Granted**
375 Summer St. – P & P Peru Tire- **Granted**
MOBILE FOOD TRUCK - RENEWALS
297 Lynn Street, Peabody, MA. Walloon's (two locations: 3-11 Mt. Vernon/Bent Water- **Granted**

133 Walnut St, Malden, MA. Chef Leo's Kitchen/Food Trailer (1 location 3-11 Mt. Vernon St) - **Granted**
OLD GOLD AND SILVER-RENEWAL
1 Market Square, Market Square Too- **Granted**
PAWN BROKERS-RENEWAL
1 Market Square, Market Square Too - **Granted**
OTHER BUSINESS:
REPORT ACCEPTED.

Report of the Committee on Utilities recommending the following to be accepted:
PUBLIC HEARINGS:

Petition of Cingular Wireless PCS, LLC ("AT&T) proposing to install 6 new small cell sites within the City of Lynn to help deal with coverage and capacity issues on the network.
All (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 Capano – **Granted with Stipulation that double pole be removed before installation.**
- 5 Carolyn Road Capano - **Granted**
- 83 Neptune Street Capano- **Granted**
- 12 Chatham Street Cyr- **Granted**
- 43 Eastern Avenue Cyr- **Granted**
- 240 Western Ave Starbard- **Granted**

Petition of **Mobilite** to operate small cell communication equipment on existing poles at the following locations:

- Beacon Hill Ave -Beacon Hill Ct Colucci/Starbard- **Granted**
- Hanover St and Hanover Circle Chakoutis- **Granted**
- Washington St and Boston St Chakoutis- **Granted**
- Henry Ave and Washington St Colucci - **Granted**

OTHER BUSINESS:
REPORT ACCEPTED

NEW BUSINESS:

COLUCCI /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 **22 West Baltimore 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 Colucci and seconded by Councilor Walsh to set down for Public Hearing.
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:

Janet L. Rowe

CITY CLERK