

CITY OF LYNN

**Regular City Council Meeting, February 26, 2019
Council President Darren P. Cyr**

Eleven Councilors Present

Moment of Silence. Councilor Lozzi and Councilor Colucci asked that the Family of Keith Bransfield be remembered. Councilor Field asked that the Family of Roger White and the Family of Claire Welch be remembered.

Pledge of Allegiance.

Motion made by Councilor Colucci and seconded by Councilor Starbard to accept the Meeting Minutes of January 22, 2019 and January 23, 2019.

Motion carried.

COMMUNICATIONS:

Dear Councilors:

I am hereby appointing Mrs. Margaret Phelps, 46 Piedmont St to serve on the Licensing Commission. Mrs. Phelps term is effective immediately and will expire on June 1, 2025. Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Barton and seconded by Councilor Colucci to appoint Margaret Phelps to the Licensing Commission, effective immediately and will expire on June 1, 2025.

Motion carried.

COMMUNICATIONS/LYNN CITY COUNCIL

Reappointment of Joan Breed, 54 Nahant Street, Lynn, MA to the Pine Grove Cemetery Commission. Ms. Breed's term is effective immediately and will expire on September 26, 2022.

Motion made by Councilor LaPierre and seconded by Councilor Barton to Re-appoint Joan Breed to the Pine Grove Cemetery, effectively immediately and will expire on September 26, 2022.

Motion carried.

Appointment of Walter Proodian Jr, 9 Lynn End Road, Lynn, MA to the Pine Grove Cemetery Commission effective immediately and will expire on September 26, 2022.

Motion made by Councilor LaPierre and seconded by Councilor Barton to appoint Walter Proodian, Jr. to the Pine Grove Cemetery Commission, effective immediately and will expire on September 26, 2022.

Motion carried.

PRESENTATIONS:**Collins Center / Capital Improvement Plan (CIP)**

Sarah Concannon, Tony Torrisi, and David Colton presented the Capital Improvement Plan to the City Council.

MAPC/Union Hospital Site Reuse Study

Josh Fiala from MAPC presented the Union Hospital Site Reuse Study to the City Council.

PUBLIC HEARINGS:

Petition of Fiesta Shows for a Carnival for the Fourth of July Fireworks Fund to be held at Keaney Park June 20-23, 2019, with set up from June 17-19, 2019.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Eli Volynsky 10 Fiddler Crab Tree Lane, Mashpee, MA owner of Tree Market LLC to operate a Marijuana Retail Business at 3 Mt. Vernon St.

The following appeared in Favor:

Attorney Jonathan Capano

Marven Hyppolite, Lynn

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Colucci absent at vote).

Petition of Matthew Huron of Good Chemistry of MA Inc, to open a Marijuana Retailer Business at 696 Western Ave – Monday – Sat 8am-11pm and on Sundays 10 am – 11pm

The following appeared in Favor:

Joe Maxie, Manager of Good Chemistry

Joe Sciota, Nahant (Owner of property).

Public Hearing Closed.

Motion made by Councilor Hogan and seconded by Councilor Walsh to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Colucci absent at vote).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Fiesta Shows for a Carnival for the Fourth of July Fireworks Fund to be held at Lynn English High School Parking Lot on April 17-21, 2019 with set up from April 15-16, 2019. ***(Starbard)***

-Petition of Marianne Staniunas of "Uncommon Feasts LLC", to operate a Commercial Kitchen, Café and Event space at 271 Western Ave Mon-Sunday 8am-10pm. ***(Lozzi)***

-Petition of A to Z Convenience Store at 264 Essex St for a Sign Permit ***(Starbard)***

-Petition of Jordan Avery for Massachusetts Green Retail Inc, to operate a Recreational Cannabis Retail Business at 829A Boston St. ***(Walsh)***

-Petition of Comcast for a grant of location at 38-54 Exchange St and 11 Spring St for the purpose of installing a new underground conduit. ***(Chakoutis)***

-Petition of National Grid to install conduits from 4 poles to 4 different manholes on Harwood St. ***(Chakoutis)***

-Petition of National Grid to install 13 JO poles and anchors on poles, all on Harwood St.
(Chakoutis)

-Petition of National Grid for a grant of location for its water and sewer work in conjunction with its Lynn #21 substation yard construction on Marine Boulevard.
(Hogan)

Motion made by councilor Barton and seconded by Councilor Field to set down for Public Hearings.

Motion carried.

COMMITTEES REPORTS:

Report of the February 26, 2019 Committee on Personnel recommending the following to be accepted:

Interview: Candidates for the Wage Theft Committee
Motion made by Councilor Walsh and seconded by Councilor Starbard to appoint the following to the Wage Theft Committee:

Andrew Russo (Mayor)
 Justin Anshewitz (Council)
 Richard Woods (Chambers)
 Bob Reynolds (New Lynn Coalition)
 Nicauli Cedano (Lynn Work Center)
 Sergio Espinoza (N.S.L. B. A)
 Katie Cohen (NS. Labor Council)
 Kathleen Santora (NS Labor Council)
REPORT ACCEPTED.

Report of the February 26, 2019 Committee on Ordinance and Rules recommending the following to be accepted:

1. **DISCUSSION AND/OR TO SET DOWN FOR A PUBLIC HEARING:**
 A Proposed Ordinance Relative to the Salaries and Benefits of Department Heads in the City of Lynn. (Motion by Councilor Starbard and seconded by Councilor Hogan to set down for Public Hearing).
2. A Proposed ACT Authorizing the City of Lynn to Grant an Additional Liquor License for the Sale of All Alcoholic Beverages not to be Drunk on the Premises. – (Tabled).
3. OTHER BUSINESS

REPORT ACCEPTED.

Report of the February 26, 2019 Licensing Committee recommending the following to be accepted:

TAXI OPERATORS NEW:

Baez Santana, Alejandro: 484 Western Ave #B4 - Tabled
 Bones, Ramon: 94 Alley St - **Granted**

Cruel, Yoselin: 51 North Federal St- **Granted**

Pena Perez, Pedro Ezequiel: 18 Grant St - **Tabled**

Perez, Joe: 26 Northend Ave #1, Salem MA- **Granted**

LIVERY OPERATORS NEW:

Solano Gonzalez, Ornellis: 15 Huss Ct #105- **Granted**

OLD GOLD & SILVER LICENSE-RENEWAL

508 Lynnway, Lynnway Tools & Collectibles- **Granted**

381A Summer Street, JP Wireless- **Granted**

433 Washington St., A & S Pawn and Used Jewelry- **Granted**

PAWN BROKER LICENSE-RENEWAL

433 Washington St., A & S Pawn and Used Jewelry- **Granted**

SECOND HAND ARTICLE LICENSE-RENEWAL

508 Lynnway, Lynnway - **Granted**

810 Lynnway, Lynn Wireless- **Granted**

1 Market Sq., The Vault Boutique- **Granted**

53 Market St., Black Friday Year Round- **Granted**

381A Summer St., JMP Wireless- **Granted**

AUTO REPAIR/FLAMMABLE – NEW

10 Heath Court Unit 1, W Motor Service, Santos Wagner – **Granted with Standard Stipulations**

AUTO REPAIR/FLAMMABLE – ADD OWNER

905 Western Ave S&S Auto Repair, add owner Sophath Pen- **Granted with Standard Stipulations**

OTHER BUSINESS

Lynn Classical Baseball (Adults Only) – April 11, 12, 13, 2019- **Granted**

REPORT ACCEPTED.

Report of the February 26, 2019 Committee on Utilities recommending the following to be accepted:

Petition of National Grid for grant of location at 693 Western Ave to feed a new Pad-Mount Transformer for a 24 unit apartment building. – **Granted**

REPORT ACCEPTED.

Report of the February 26, 2019 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (100,000.00)

From the Account of 99305-3200	Essex Tech-Expense	100,000.00
To the Account of 11915-3003	Law-Expense	
100,000.00		

To fund Outside Legal Services for pending litigation.

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 (100,000.00)

From the Account of <u>99305-3200</u>	Essex Tech-Expense	100,000.00
To the Account of <u>11915-3003</u>	Law-Expense	100,000.00

To fund Outside Legal Services for pending litigation.

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 FOURTEEN THOUSAND TWO HUNDRED SEVENTY SIX DOLLARS AND ZERO CENTS (14,276.00)

From the Account of <u>11254-1000</u>	CFO-PR	14,276.00
To the Account of <u>11724-1000</u>	IT-PR	14,276.00

To fund Emergency telephone operator for the remainder of FY19

Councilor Barton attached the following Emergency Preamble:

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To fund Emergency telephone operator for the remainder of FY19

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 ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (100,000.00) as allotted to the City of Lynn Office of Economic & Community Development by Massachusetts Gaming Commission to be used by the City for the purpose of performing a Traffic Signalization Inventory of all City Intersections. Grant Period is 10/17/17-02/01/21

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 ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (100,000.00) as allotted to the City of Lynn Office of Economic & Community Development by Massachusetts Gaming Commission to be used by the City for the purpose of performing a Traffic Signalization Inventory of all City Intersections. Grant Period is 10/17/17-02/01/21

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 TWENTY THOUSAND FOUR HUNDRED SIXTY DOLLARS AND ZERO CENTS (20,460.00) as allotted to the City of Lynn Fire Department by the Massachusetts Emergency Management Agency (CDA) for the FFY18 Emergency Management Grant. Grant Period 01/23/19-06/30/19 *Emergency Preamble in order for the Fire Department to start spending these funds.

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 TWENTY THOUSAND FOUR HUNDRED SIXTY DOLLARS AND ZERO CENTS (20,460.00) as allotted to the City of Lynn Fire Department by the Massachusetts Emergency Management Agency (CDA) for the FFY18 Emergency Management Grant. Grant Period 01/23/19-06/30/19 *Emergency Preamble in order for the Fire 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 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 TWENTY SEVEN THOUSAND SEVEN HUNDRED THIRTY DOLLARS AND ZERO CENTS (\$27,730.00) as allotted to the City of Lynn School Department by the Department of Early Education and Care (EEC) for the FY19 Parent Child Home Program (PCHP) Expansion Grant. Grant Period is 01/07/19-06/30/19

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 TWENTY SEVEN THOUSAND SEVEN HUNDRED THIRTY DOLLARS AND ZERO CENTS (\$27,730.00) as allotted to the City of Lynn School Department by the Department of Early Education and Care (EEC) for the FY19 Parent Child Home Program (PCHP) Expansion Grant. Grant Period is 01/07/19-06/30/19

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:

11 YES 0 NO

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

11 YES 0 NO

REQUIRED FORM OF VOTE TO SUBMIT A STATEMENT OF INTEREST

Resolved: Having convened in an open meeting on February 12, 2019, 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 February 15, 2019, for the Lynn Vocational Technical Institute 80 Neptune Boulevard, Lynn, MA 01902 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 windows and doors as priority Statement of Interest for the MSBA Accelerated Repair Program for 2019.

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 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/ REQUIRED FORM OF VOTE TO SUBMIT A STATEMENT OF INTEREST

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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 of the February 26, 2019 Committee of the Whole recommending the following to be accepted:

Presentation Lynn Waterfront Open Space Masterplan

Clarissa Rowe and Dave Andrews, Brown, Richardson and Rowe, Inc.

Presented the Lynn Waterfront Open Space Masterplan to the City Council.

Presentation Foundation Trust – Grant Opportunity for local nonprofits

Lauren Liecau, Manager, Outreach and Development, the Foundation Trust presented an Update to City Council regarding available grants from the Foundation Trust.

NEW BUSINESS:

Resolution / Councilor LaPierre

RESOLUTION IN SUPPORT OF FULL FUNDING FOR LYNN PUBLIC SCHOOLS

WHEREAS, free public schools available to all students without exception are foundational to our democracy and are required by the state constitution; and

WHEREAS, all of our students, no matter where they live, deserve high-quality public schools that teach the whole child and provide them with a rich school experience that addresses their academic, social and emotional needs;

WHEREAS, the state's foundation budget formula, which determines state aid to each district, has been woefully out of date for years, thereby underfunding our districts by more than \$1 billion a year for essential educational services; and

WHEREAS, an updated foundation budget formula would bring the Lynn Public Schools up \$47M in additional state aid each year, allowing this district to move closer to providing all students with the education to which they are entitled as residents of the Commonwealth; and

WHEREAS, the Legislature failed to pass any foundation budget legislation in the last session, leaving districts, educators and students without the funds necessary to support the schools our students deserve in every district in the state; and

WHEREAS, updating the formula would help the Lynn Public Schools reach appropriate staffing levels to address overcrowding, substantial increases in the English Learner population, and students' social emotional needs and attend to millions of dollars in deferred maintenance that is threatening our schools' learning environment, among other needs;

THEREFORE, be it resolved that the Lynn School Committee urges the Legislature to approve and fully fund a new foundation budget formula by May 1, 2019.

Adopted: February 26, 2019

Councilor LaPierre 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 RESOLUTION IN SUPPORT OF FULL FUNDING FOR LYNN PUBLIC SCHOOLS

WHEREAS, free public schools available to all students without exception are foundational to our democracy and are required by the state constitution; and

WHEREAS, all of our students, no matter where they live, deserve high-quality public schools that teach the whole child and provide them with a rich school experience that addresses their academic, social and emotional needs;

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Adopted: February 26, 2019

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

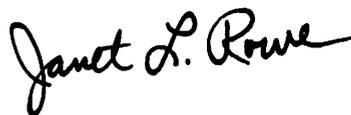
Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Barton and seconded by Councilor Hogan 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