

**CITY OF LYNN**

**Regular City Council Meeting – October 28, 2014  
Council President Daniel F. Cahill, Presiding**

**Ten Councilors Present (Councilor Trahant absent).**

**Moment of Silence – Councilor Ford asked that Robert Miglierina be remembered.**

**Council President Cahill also asked that John Laughlin be remembered.**

**Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of October 14, 2014.**

**Motion carried.**

**COUNCIL APPOINTMENT:**

Appointment of Omozee Idusuyi to the Lynn Human Rights Commission effective immediately and will expire on October 28, 2016

**Motion made by Councilor Net and seconded by Councilor Colucci to appoint Omozee Idusuyi to the Lynn Human Rights Commission effective immediately and will expire on October 28, 2016.**

**Motion carried.**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of AL Prime Energy, Brian Shannon, for permission for a sign permit at 760 Summer Street.

-Petition of Comcast, Timothy Broderick to place new underground conduits in two phases to provide service to 319, 333, 349, 361 and 364 Lynnway.

**Motion made by Councilor Barton and seconded by Councilor Net to set down for Public Hearings.**

**Motion carried.**

**UNFINISHED BUSINESS:****Public Property Committee Report of October 14, 2014:**

ORDERED that Paul Bennett shall be permitted to redeem the property at 80 Clarendon Street provided that all property taxes, interest, penalties and attorney's fees are paid in full within thirty (30) days.

**Motion made by Councilor Cyr and seconded by Councilor Colucci to grant.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Trahan absent).**

**COMMITTEE REPORTS:****Report of the Committee on Public Safety and Public Health recommending the following to be accepted:**

Recommends that the City of Lynn request the Massachusetts Division of Fisheries and Wildlife to conduct a study of the current deer population in Lynn Woods for purpose of determining whether action is needed to lower the risk of deer borne tick diseases.

**Councillor 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 recommendation that the City of Lynn request the Massachusetts Division of Fisheries and Wildlife to conduct a study of the current deer population in Lynn Woods for purpose of determining whether action is needed to lower the risk of deer borne tick diseases.**

**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 Trahan absent)**

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

**10 YES 0 NO (Councilor Trahan absent).**

**Motion made by Councilor Cyr and seconded by Councilor Barton to request that Her Honor the Mayor identify funds to bring the CLT Officers back into the neighborhoods.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Trahan absent).**

**REPORT ACCEPTED.**

**Report of the Committee on Public Works Committee recommending the following to be accepted.**

1. Discussion re: Winter Operations
2. Status of Streets
3. **OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:

Transfer the sum of Twelve Thousand Seven Hundred Eighty Nine Dollars and Seventy Six Cents (\$12,789.76) from the Police Expense Account to the LPD unpaid bills of prior year account.

**Councillor Cyr 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 transfer in the sum of Twelve Thousand Seven Hundred Eighty Nine Dollars and Seventy Six Cents (\$12,789.76) from the Police Expense Account to the LPD Unpaid Bills of Prior Year Account.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

Transfer the sum of Five Thousand Three Hundred Ten Dollars and Fifty Cents (\$5,310.50) from ISD Payroll Account to Care of Dogs/Expense Account.

**Councillor Cyr 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 transfer the sum of Five Thousand Three Hundred Ten Dollars and Fifty Cents (\$5,310.50) from ISD Payroll Account to Care of Dogs/Expense Account.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

Certify as an Available Fund the amount of Six Hundred Ninety Nine Thousand Nine Hundred Sixty Dollars and Zero Cents (\$699,960.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY15 Race to the Top Totals Grant. Grant period 7/1/14 to 6/30/15.

**Councillor Cyr 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 an Available Fund the amount of Six Hundred Ninety Nine Thousand Nine Hundred Sixty Dollars and Zero Cents (\$699,960.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY15 Race to the Top Totals Grant. Grant period 7/1/14 to 6/30/15.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

Certify as an Available Fund the amount of Nine Thousand Nine Hundred Ninety Three Dollars and xi Cents (\$9,993.06) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety State 911 Department to fund a grant initiative for the FY15 Underage Alcohol Enforcement Grant. Grant Period is 10/1/14 to 9/30/15.

**Councillor Cyr 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 an Available Fund the amount of Nine Thousand Nine Hundred Ninety Three Dollars and xi Cents (\$9,993.06) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety State 911 Department to fund a grant initiative for the FY15 Underage Alcohol Enforcement Grant. Grant Period is 10/1/14 to 9/30/15.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

Ordered that the City of Lynn hereby accepts the provisions of Massachusetts General Laws, Chapter 32B, Section 20, as amended by Chapter 68, Section 57 of the Acts of 2011 (the "Act"), and establishes an Other Post-Employment Benefits Liability Trust fund ("OPEB Trust Fund") Further Ordered that, in accordance with the Act, the City of Lynn hereby designates the Health Care Security Trust (HCST) Board of Trustees to serve as custodian of the City of Lynn's OPEB Trust Fund; Further Ordered that the Treasurer and Assistant Treasurer of the City of Lynn be authorized to execute and deliver the Custodian and Investment Agreement with HCST in substantially the form presented to this meeting and attached hereto, to sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserves Investment, or as it may otherwise be directed by HCST, and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the Pension Reserves Management Board may direct.

**Councillor Cyr 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 hereby accepts the provisions of Massachusetts General Laws, Chapter 32B, Section 20, as amended by Chapter 68, Section 57 of the Acts of 2011 (the "Act"), and establishes an Other Post-Employment Benefits Liability Trust fund ("OPEB Trust Fund") Further Ordered that, in accordance with the Act, the City of Lynn hereby designates the Health Care Security Trust (HCST) Board of Trustees to serve as custodian of the City of Lynn's OPEB Trust Fund; Further Ordered that the Treasurer and Assistant Treasurer of the City of Lynn be authorized to execute and deliver the Custodian and Investment Agreement with HCST in substantially the form presented to this meeting and attached hereto, to sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserves Investment, or as it may otherwise be directed by HCST, and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the Pension Reserves Management Board may direct.**

**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 Trahant absent; Councilor Barton abstained from vote).**

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

**9 YES 0 NO (Councilor Trahant absent; Councilor Barton abstained from vote).**

Ordered that Her Honor the Mayor is hereby authorized to enter into an Indemnification Agreement with CVS Caremark Corporation for the purpose of selling City of Lynn overflow trash bags under the new Waste Management Agreement. – **TABLED REPORT ACCEPTED.**

**Report of the Licensing Committee recommending the following to be accepted:****TAXI OPERATORS (NEW)**Kuperman, Arkady, 1002 Paradise Road, Swampscott, MA 01907 - **Granted**Martinez, Jesus, 44 Estes St. #1- **Granted**Suarez, Raul, 168 Williams Ave. #2- **Granted****Alea Martinez, 133 Boston Avenue, Medford - Granted****TAXI OPERATOR (RENEWAL)**Haddigan, Keith, 55 Beach St., Swampscott, MA 01907- **Granted w/30-60-90 Day Review****TAXI OPERATOR –TABLED**Mealey, Kenneth, 7 Fuller St.- **DENIED**Hierro-Corto Real, Antonio, 17 Bowditch St., Peabody, MA, MA- **Granted****TAXI OPERATOR-REVIEW**Bingham, Joseph, 58 Broad St. #2 **(MULTIPLE OPEN CASES) SEE CORI** - TabledDeJesus, Steven, 119 Jefferson St. #1 (see attached Citation) – **Suspended / Police to be at next meeting.**

Smith, Dorce, (re: License and Lease) (OPEN CHARGES AND 3 different addresses on file, ?) Send letter to him &amp; company – license suspended indefinitely.

**LIVERY OPERATOR (NEW)**Guerrero, Lymbel, 100 New Park St. #3 - **Granted**Mosher, Hugh, 149 Wilson Road, Nahant, MA 01908- **Granted****LIVERY OPERATOR – (TABLED)**Roman, Luis, 129 Jackson St. 2<sup>nd</sup>. Fl. - **Granted****CHRISTMAS TREE & WREATH-NEW**60 Boston St., Bonifacio Perez (paying lease for \$4,500) - **Granted****CHRISTMAS TREE-RENEWAL**800 Lynnway, Tree Brothers- **Granted****DOOR TO DOOR SALES-NEW**479 Broadway, Hallmark Homes, LLC (prev tabled daughter needs to attend)- **Granted with stipulations: No Sundays, and no soliciting after dark (4pm in winter – 7pm in summer)..**11 Foster St., Worcester, MA, Just Energy (Prev. denied 10/11/2011) – **Granted with stipulations: No Sundays, No soliciting after dark (4pm in winter / 7pm in summer)**1245 Hancock St. Direct Sales Solutions (Pending Cori's)- **Tabled****AUTO REPAIR/FLAMMABLE LICENSE/NEW**37 Bennett St – GEM Line Auto Repair (see Cori-serious offenses) –**TABLED 10/14/14 (pending Capano)****REPORT ACCEPTED.**

**Report of the October 28, 2014 Committee on Public Property and Parks recommending the following:**

Ordered that Her Honor the Mayor is hereby authorized to enter into a Lease Agreement with the Essex County Sheriff's Department to provide support services to Lynn's Homeless and at risk populations at the Lynn Multi-Service Center. The term of the lease shall not exceed five and one half years.

**Councillor Cyr 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 Her Honor the Mayor is hereby authorized to enter into a Lease Agreement with the Essex County Sheriff's Department to provide support services to Lynn's Homeless and at risk populations at the Lynn Multi-Service Center. The term of the lease shall not exceed five and one half years.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

Ordered that Her Honor the Mayor is here by authorized to execute an amended Lease Agreement with My Brother's Table, to include an additional 1,124 square feet of space and to extend the term of the lease to June 30, 2020.

**Councillor Cyr 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 Her Honor the Mayor is here by authorized to execute an amended Lease Agreement with My Brother's Table, to include an additional 1,124 square feet of space and to extend the term of the lease to June 30, 2020.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

Request that the Solicitor's Office to review all city-owned property taken by foreclosure and work with the various Departments to determine the value and forward their recommendations to the Public Property and Parks Committee regarding its disposition.

**Councillor Cyr 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 the Solicitor's Office to review all city-owned property taken by foreclosure and work with the various Departments to determine the value and forward their recommendations to the Public Property and Parks Committee regarding its disposition.**

**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 Trahant absent)**

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

**10 YES 0 NO (Councilor Trahant absent).**

#### **NEW BUSINESS:**

**Motion made by Councilor Capano and seconded by Councilor Crighton to set down for a Public Hearing for a proposed Ordinance Amending the Ordinance Establishing Regulations Relative to the Storage, Disposal and Maintenance of Residential and Commercial Refuse Containers and Property within the City of Lynn.**

**Motion carried.**

**Motion made by Councilor Chakoutis and seconded by Councilor Lozzi to request that the Mayo Group be requested to appear before the next City Council Meeting on November 18, 2014 to provide an update on the status of the project approved by Special Permit at the corner of Broad and Silsbee Streets.**

**Motion carried.**

**Motion made by Councilor Crighton and seconded by Councilor Cyr to set down for Public Hearing to adopt a Local Option for a Housing Development Zone and a Housing Development (HD) Plan.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Net 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**