

CITY OF LYNN

**City Council Meeting, December 13, 2022
Council President John M. Walsh, Jr.**

11 Councilors Present

Moment of Silence. Councilor Field asked that School Department personnel be acknowledged and that the young students and their families from the Lynn Public Schools who recently passed away be remembered in our prayers.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Barton to accept the Meeting Minutes of November 22, 2022.

Motion carried.

COMMUNICATION FROM HIS HONOR THE MAYOR:**Lynn Retiree Cost of Living Adjustment (COLA)**

Dear Councilors:

Attached, please find a letter from Gary Brenner, Executive Director of the Lynn Retirement Board, notifying me that the Board has voted to accept the provisions of the MGL Chapter 269 of the Acts of 2022. This would provide Lynn's retirees with a Cost of Living Adjustment (COLA) of 5% for Fiscal Year 2023 costing the City approximately \$27,500. While this is a modest expense to the City, I believe that this increase will greatly assist our retirees on a fixed income. I support this increase and would respectfully ask that the Council take whatever action(s) necessary to support this increase. Sincerely, Mayor Jared C. Nicholson

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

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Barton voting PRESENT, Councilor Lozzi absent at vote).

COMMUNICATION FROM THE LYNN RETIREMENT BOARD:**Retirement Board Member Stipend**

Dear Councilor Walsh:

Please be advised that the Lynn Retirement Board has unanimously voted to accept the provisions of MGL Chapter 32, Section 20 (6) (a). This statute authorizes an increase of the annual stipend paid to each Retirement Board member from the current \$3000 to \$4500. Under the provisions of the statute, the increase is subject to the approval of the Lynn City Council and the Mayor and the stipend shall be paid

from funds under the control of the Retirement Board. This request is based on a number of factors including the length of time such compensation has been in effect, significant increased fiduciary requirements imposed by State law since the establishment of the current \$3,000 stipend in 1997 and provide parity with other similar urban local boards in Eastern Mass. First by adjusting this current \$3,000 stipend level set in 1997, by using CPT inflationary factors, the 2022 value would be in excess of \$5,500. Due to this particular factor, the Board members felt the increase requested is reasonable. However, the most significant reason for the request falls on the number of increased fiduciary responsibilities imposed upon retirement board trustees in our state. The Commonwealth recognized the tremendous fiscal responsibilities of retirement board trustees and the impact their roles play in the creditability of the municipality's financial status. As such, Board members are now mandated to maintain minimum educational credits, complete an annual filing of personal financial statements of income and written acknowledgment or adherence to state's conflict of interest laws. These mandates were placed under the pension reform act in 2011 and trustees are subject to removal if compliance is not maintained. The Commonwealth's pension oversight agency, Public Employee Retirement Administration Commission, (PERAC) does monitor and enforce these mandates. This 2011 reform law also recognized these increased fiduciary responsibilities and included the increase in annual stipends at that time. However, the Board has not opted to make this request until now, some eleven years later. Finally, the increase would also provide Lynn Retirement Board trustees with the similar compensation paid to trustees of comparable urban Eastern Mass systems. There are fifteen of the twenty-five local urban systems that have increased their stipends above the current \$3,000 level. Thirteen of those systems have increased to the \$4,500 level for some time now. Approval of this request would provide Lynn Retirement Board members with the parity found in a vast majority of similar systems. (See enclosed PERAC Local Option Report) Board members are therefore respectfully requesting that you provide initial approval of such increase before the final passage could take place by the City Council. The Board sincerely appreciates your consideration and attention in this matter. Most respectfully, Gary Brenner, Executive Director, Lynn Retirement Board

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

Motion carried by the following yeas and nays vote:

10 YES 0 NO (Councilor Barton voting PRESENT).

PUBLIC HEARINGS:

Amendments to the City of Lynn Zone Ordinance regulating permitted uses and dimensional and parking regulations in all Zoning Districts in the City of Lynn.

The following appeared in Favor:

Mayor Jared C. Nicholson

James Cowdell, EDIC Director

Aaron Clausen, City Planner

Calvin Anderson, Lynn
 No one spoke in Opposition.
 Public Hearing Closed.

Motion made by Councilor Field and seconded by Councilor Barton to approve and incorporate recommendations from the Planning Board.

Motion carried by the following yea and nay vote:

9 YES 2 NO (Councilor Lozzi and Councilor Starbard voting NO).

Petition of Samira Alam, Carmen Avenue Stoneham MA to operate a Laundromat at 625 Boston Street 7 days a week with hours from 6am – 11pm.

The following spoke in Favor:

Attorney Sam Vitali

The following spoke in Opposition:

Resident, 27B Boston Street

Paula Thistle, 8 Myrtle Street

Public Hearing Closed.

Council President Walsh passed the gavel to Council Vice-President Barton.

Motion made by Councilor Walsh and seconded by Councilor Chakoutis to grant the prayer of the Petitioner with the following stipulations:

1. An onsite employee shall be assigned at the facility at all times while the laundromat is open.
2. The operator shall be required to maintain the property in a clean manner and pick up all trash and litter on or abutting the property on a daily basis. This shall include emptying all trash receptacles as needed. This shall also include ensuring that the rear of the property is free of trash and debris.
3. The operator shall provide a working and available cellular phone number for a principal of the business which is displayed on the building for neighbors to report any complaints or issues regarding the property at any time -- twenty four hours a day/seven days a week.
4. The facility shall be open to the public from 7:00 a.m. until 9:00 p.m. daily.
5. All patrons must vacate the business by 9:05 p.m. and no new loads of washing and drying shall be permitted to commence at a time where patrons would be caused to remain within the facility after 9:00 p.m.
6. A ventilation system shall be employed so as to eliminate any odor impact on the neighborhood.
7. The vents shall be through the roof for laundry discharge, not through the side of it.
8. The owner shall employ the most advanced technological advances in odor elimination equipment at all times at the facility.
9. The number of washing machines in the facility shall be limited to a number to ensure that on-site parking requirements comply with the City of Lynn Zone Ordinance and

that there exists sufficient on-site parking for all neighboring businesses located at the same property.

10. Install 8 Foot Vinyl Fence between property and neighbor's property (pending ISD's approval).
11. Locks repaired on gates and gates to be locked at all times.
12. The failure to comply with any of these conditions/stipulations shall be sufficient grounds to suspend or revoke the Special Permit.

**Motion carried by the following yea and nay vote:
10 YES 0 NO**

Petition of Samira Alam, Carmen Avenue Stoneham MA for a Sign Permit at 625 Boston St.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:
11 YES 0 NO**

Petition of Pedro Tavarez, Manager of "On Root LLC", for an Adult Use Marijuana Courier and Delivery Operation at 82 Sanderson Ave.

The following appeared in Favor:

Attorney Sam Vitali

Jordan Avery, Lynn

CEO of On Root LLC

Calvin Anderson, Lynn

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Alinsug and seconded by Councilor Field 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 Floriceda Hernandez to open a Herbalife Nutrition Shop at 170 Chestnut St, Sunday through Monday, 6am-8pm. – **Motion made by Councilor Barton and seconded by Councilor Starbard to set down for a Public Hearing.**
Motion carried.

COMMITTEE REPORTS:

Report of the December 13, 2022 Committee on Licensing recommending the following to be accepted.

TAXI OPERATOR – NEW

Cabrera, Lisandro, 633 Boston St. - **Granted**

Gutierrez, Victor, 185 N Common St. - **Granted**

Nolasco, Rojas Jesus Esteban, 95 Tremont St. - **Granted**

Pedi, Robert, 62 Nahant St. - **Granted**

Rios, Paniagua Ismael, 9 Holten St. Apt #1 Peabody- **Granted**

Rodriguez, Jimenez Rafael, 137 Marshall St. Revere - **Granted**

LIVERY COMPANY – NEW

FASHE LIMO, 50 Woodman St. - **Granted**

OAKVILLE TRANSPORTATION SERVICE, 160 Essex St. - **Granted**

LIVERY OPERATOR – NEW

Mohamed, Yasin, (Owner Fashe Limo) - **Granted**

Osazuwa, Osamudiamen, (Owner Oakville Transportation) - **Granted**

MOBILE FOOD VEHICLE LICENSE

702 Lynnway, Hech En Mexico Taquiera- **Granted**

SECOND-HAND ARTICLE-RENEWALS

391 Chatham St., Steps 2 Solutions- **Granted**

180 Commercial St., Rafelites Tire & Auto Service- **Granted**

57 Gardiner St., W.F. Healey Co. - **Granted**

39 Savory St., Quality Quest- **Granted**

SIGN LICENSE-RENEWALS

188 Essex St., Charlie's Seafood- **Granted**

183 Lewis St., Casa Amelia- **Granted**

125 Lynnfield St., Michael Satterwhite- **Granted**

234 Lynnfield St., Salon 234- **Granted**

260 Maple St., Primavera Day Care- **Granted**

49 Union St., Sunset Caribbean Haitian Restaurant- **Granted**

201 Union St., Mi Guatemala Bakery- **Granted**

51 Washington St., Angelina's Sub Shop- **Granted**

209 Washington St., El Patio Market, Inc. II- **Granted**

108 Western Ave., Western Ave Market- **Granted**

530 Western Ave., Mi Pais Restaurant - **Granted**

577 Western Ave., El Nopal Restaurant - **Granted**

OTHER BUSINESS

Report of the December 13, 2022 Committee on Ways and Means recommending the following to be accepted.

Certify as an "Available Fund" the amount of NINETY NINE THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS (\$99,800.00) as allotted to the City of Lynn Planning Department by the Mass Cultural Council (MCC) for the FY23 Lynn Cultural Council Annual Grant Award. Grant Period is 01/01/23 to 06/30/23

Motion made by Councilor Net and seconded by Councilor Barton to grant

Motion carried by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of TWENTY SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$27,000.00) as allotted to the City of Lynn School Department by the Department of Early and Secondary Education (DESE) for the FC598, FY23 My CAP Develop and Implementation Grant. Grant Period 12/01/22-06/30/23

Motion made by Councilor Net and seconded by Councilor Barton to grant

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the December 13, 2022 Committee on Public Property and Parks recommending the following to be accepted.

Order to authorize his Honor the Mayor to execute a License Agreement for the operation of the 911-Call Taker Center at 424 Essex St. Lynn, MA - **Granted**

Order to allow the Lynn Historical Commission to continue their visibility in the City Hall Foyer on December 20, 27, 2022 and January 3, 10, 17, 24, 31, 2023. - **Granted**

Order to allow the Lynn Public Arts Commission to add a creative element to the streets of Lynn by hiring local artists to paint city-owned utility boxes at various locations throughout the City. - **Granted**

Order to allow the "Richie Viger's People Parade" to place Porta-Potties at 2 State Street on December 24, 2022. - **Granted**

REPORT ACCEPTED.

Report of the December 13, 2022 Committee on Utilities recommending the following to be accepted.

PUBLIC HEARINGS / NATIONAL GRID:

1. **Commercial and Bennett Street:** Install beginning at a point approximately 200 feet northwest of the centerline of the intersection of Commercial St and

Bennett St and continuing approximately 35 feet in an east direction. Install 4-4 inches duct across Commercial St from existing MH 13 approximately 35ft +/- NE to existing MH24. - **Granted**

2. **Shepard and Alley Street:** Install beginning at a point approximately 20 feet west of centerline of the intersection of Alley St and Shepard St. Install new secondary riser on P22 and install 31 feet 2-5 conduit from P22 to MH18 Shepard St. - **Granted**

**OTHER BUSINESS
REPORT ACCEPTED.**

Report of the December 13, 2022 Committee on Public Safety and Public Health recommending the following to be accepted.

1. CONSTABLE APPOINTMENT:

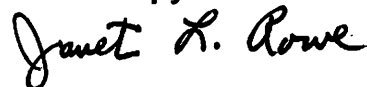
Alexander Miguel Tavarez, 15 Franklin Street Lynn - **Granted**

**2. OTHER BUSINESS
REPORT ACCEPTED.**

Motion made by Councilor Colucci and seconded by Councilor Alinsug 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