

CITY OF LYNN, MASSACHUSETTS

LYNN CITY COUNCIL
2014-2015

Ward One Wayne A. Lozzi
Ward Two William R. Trahant, Jr.
Ward Three Darren P. Cyr
Ward Four Richard C. Colucci
Ward Five Dianna M. Chakoutis
Ward Six Peter L. Capano
Ward Seven Richard J. Ford, Vice-President



At-Large Buzzy Barton
At-Large Daniel F. Cahill, President
At-Large Brendan P. Crighton
At-Large Hong L. Net

City Clerk Mary F. Audley

MEETINGS SCHEDULED FOR THE WEEK BEGINNING OCTOBER 12, 2014:

Tuesday, October 14, 2014:

Ways and Means Committee, 7:00 P.M., Room 402
Discussion re: Financial Transfers, and Other Business.

Licensing Committee, 7:15 P.M., Room 402
Discussion re: Minor Licenses, and Other Business.

Public Property and Parks Committee, 7:30 P.M., Room 402
Discussion re: city-owned property and 80 Clarendon Avenue,
and Other Business.

**CITY COUNCIL MEETING, 8:00 P.M., COUNCIL CHAMBERS
City Council Agenda**

Monday, October 13, 2014

- City Hall Closed – Columbus Day

/tcy

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**WAYS AND MEANS AGENDA
TUESDAY, OCTOBER 14, 2014
7:00 P.M. - ROOM 402**

1. Financial Transfers

2. Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places heretofore designated:
Warrant for STATE ELECTION on Tuesday, the Fourth Day of November, 2014.

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the City of Lynn who are qualified to vote in the STATE ELECTION to vote at:

- 1-1 Shoemaker School – Clearview Avenue
- 1-2 Briarcliff Lodge – 112 Kernwood Drive
- 1-3 Sisson School – 56 Conomo Avenue
- 1-4 Sisson School – 56 Conomo Avenue
- 2-1 St. Pius Lower Church Hall – Maple Street
- 2-2 St. Pius Lower Church Hall – Maple Street
- 2-3 St. Pius Lower Church Hall – Maple Street
- 2-4 St. Pius Lower Church Hall – Maple Street
- 3-1 English High School – Goodridge Street
- 3-2 English High School – Goodridge Street
- 3-3 English High School – Goodridge Street
- 3-4 English High School – Goodridge Street
- 4-1 North Shore Community College – Broad Street
- 4-2 North Shore Community College – Broad Street
- 4-3 North Shore Community College – Broad Street
- 4-4 North Shore Community College – Broad Street
- 5-1 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-2 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-3 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-4 Community Hall – 10 Church Street
- 6-1 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-2 Lynn Tech Fieldhouse – Neptune Boulevard

- 6-3 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-4 Lynn Tech Fieldhouse – Neptune Boulevard
- 7-1 Breed Jr. High School – 90 O’Callaghan Way
- 7-2 Breed Jr. High School – 90 O’Callaghan Way
- 7-3 Breed Jr. High School – 90 O’Callaghan Way
- 7-4 Breed Jr. High School – 90 O’Callaghan Way

The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. and all citizens will, in the several precincts in which they are entitled to vote, between said hours, give in their votes on one ballot for Governor, Lt. Governor, Senator in Congress, Representative in Congress (6th Congressional district), State Senator, (3rd Essex District), Governor’s Council, Attorney General, Secretary of State, Treasurer, Auditor, District Attorney, Registrar of Probate, and Representative in General Court for 8th Essex District, which consists of Ward 3, Precinct 4 and Ward 4, Precinct 4; Representative in General Court for 9th Essex District, which consists of Ward 1, Precincts 1 & 2; Representative in General Court for 10th Essex District, which consists of Ward 1, Precinct 3 & 4, Ward 2, Precinct 1, 2, 3 & 4, Ward 3, Precinct 1, 2 & 3, Ward 4, Precinct 1, & 2, Ward 5, Precincts 2 & 3; Representative in General Court for 11th District, which consists of Ward 4, Precinct 3 and Ward 5, Precincts 1 & 4, Ward 6, Precinct 1, 2, 3 & 4, Ward 7, Precinct 1, 2, 3 & 4 and the following questions:

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state’s gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A **YES VOTE** would eliminate the requirement that the state’s gas tax be adjusted annually based on the Consumer Price Index.

A **NO VOTE** would make no change in the laws regarding the gas tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would expand the state’s beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was 2¼ cents as of September 2013, to 3½ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to 3½ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A YES VOTE would expand the state's beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A NO VOTE would make no change in the laws regarding beverage container deposits.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of “illegal gaming” under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A NO VOTE would make no change in the current laws regarding gaming.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee’s child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee’s child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee’s dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for

earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A ***YES VOTE*** would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

A ***NO VOTE*** would make no change in the laws regarding earned sick time.

3. OTHER BUSINESS

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LICENSING COMMITTEE AGENDA

TUESDAY, OCTOBER 14, 2014

7:15 P.M. – ROOM 402

TAXI OPERATORS (NEW)

Collins, Alfonzie 152D Eustis St Apt 1097 Roxbury, MA - (see Cori-serious offenses)
Coriano-Cardona, Edwin, 163 Curwin Cir. (both Tom's & Garcia's)
Garcia, Rafael Marty, 76 Park St. Apt. 5
Gautier Macario, Anderson J., 654 South St. Roslindale, MA
Hierro-Cortoreal, Antonio, 120 Bridge St., Salem, MA
Mealey, Kenneth, 7 Fuller St.
Mosher, Hugh, 149 Wilson Rd., Nahant, MA
Vasquez, Kayla, 14B Park St., Salem, MA (TEMP. to 10/15/2014)
Vasquez, Kelsey, 14B Park St., Salem, MA (TEMP. to 10/15/2014)

TAXI OPERATOR –TABLED

Bouamout, Reouane, 1 Agawam St., Revere, MA

TAXI OPERATOR-Review

Bingham, Joseph, 58 Broad St. #2 **(MULTIPLE OPEN CASES) SEE CORI**

TAXI/LIVERY OPERATOR-Review (See attached Police Report)

Garcia, Angel, 28 Lovett Place

TAXI OPERATOR- 30 Days Review

Doucette, Christopher, 64 Lowell St.
Middleton, Scott, 77 Kirtland St. #2 (Oct.'s CORI same as July's – still open cases (10 pages long)

TAXI OPERATOR-90 Days Review

McCollin, Charles, 101 Waite St. #B4, Malden, MA

LIVERY OPERATOR – (NEW)

Burns, S. Edward, 219 Jackson St. Loft 429 Lowell, MA 01852
Rogers, William, 73 Bass Point Road, Nahant, MA
Roman, Luis, 129 Jackson St. 2nd. fl.,

Licensing Committee Agenda

October 14, 2014

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LIVERY SERVICE & OPERATORS (NEW)

Transport In Peace, LLC. 202 Blossom Street Ext. Suite C, Lynn, MA

Gonzalez, David, 118 South St.

Tokarev, Aleksandr, 197 Marianna St.

DOOR TO DOOR SALES

479 Broadway, Hallmark Homes LLC

OLD GOLD & SILVER RENEWAL

1 Market Sq., Market Square Too

32 Market Sq., Market Square Exchange & Emporium

OLD GOLD & SILVER- SIX MONTH REVIEW

800 Lynnway, Duc Anh Watch & Clock Repair (needs to bring son)

PAWN BROKERS'-RENEWAL

1 Market Sq., Market Square Too

32 Market Sq., Market Square Exchange & Emporium

SECOND HAND ARTICLE LICENSE-NEW

810 Lynnway, D'Anna Furniture

1 Market St., The Vault Life Style Consignment Boutique and Restoration

SECOND HAND RENEWAL

39 Savory St., Quality Quest

1 Market Sq., Market Square Too

32 Market Sq., Market Square Exchange & Emporium

SIGNS-RENEWAL

170 Broad St., Lynnway Lounge (Council asked him to appear before the committee)

411 Essex St., Mi Provincia Market

201 North Common St., Supreme Food, Inc.

108 Union St., Michael Neloms Karate

114 Union St., Vecino Meat Market

189 Union St., La Fe Restaurant

AUTO REPAIR/FLAMMABLE LICENSE/NEW

37 Bennett St – GEM Line Auto Repair (see Cori-serious offenses)

FLAMMABLE LICENSE – RENEWAL

512 Chestnut St Mobile Gas Station

111 Locust St C. Bain Inc

521 Lynnway Spiro's Gas Station

898 Western Ave, NRT Bus Company

COIN OPERATED DEVICES - RENEWAL

421 Essex St Essex Laundry

OTHER BUSINESS

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PUBLIC PROPERTY AND PARKS COMMITTEE AGENDA
TUESDAY, OCTOBER 14, 2014
7:30 P.M. - ROOM 402

1. Discussion re: City-Owned Property at 80 Clarendon Avenue

2. **OTHER BUSINESS**

/tcy

Agenda



October 14, 2014 Sixteenth Regular Meeting

Roll Call
Moment of Silence
Pledge of Allegiance

Accept the meeting minutes of September 16, 2014.

COUNCIL APPOINTMENTS:

Laura McGaughey-Marquez - Reappointment to the Lynn Human Rights Commission, effective September 6, 2014 to September 6, 2016.

Mary Yanakakis – Appointment to the Pine Grove Cemetery Commission, Effective October 14, 2014 to September 11, 2017.

COMMUNICATIONS:

Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Ms. Marlene Vasi Eddy to the Lynn Council on Aging. Ms. Eddy's term is effective immediately and will expire on August 9, 2017.
Sincerely, Judith Flanagan Kennedy, Mayor

Dear Councilors:

I am hereby appointing Ms. Pearl E. Brown to the Lynn Council on Aging. Ms. Brown's term is effective immediately and will expire on August 9, 2017.
Sincerely, Judith Flanagan Kennedy, Mayor

Dear Councilors:

I am hereby appointing Ms. Minnette R. Lall to the Lynn Council on Aging. Ms. Lall's term is effective immediately and will expire on August 9, 2017.

Sincerely, Judith Flanagan Kennedy, Mayor

Dear Councilors:

I am hereby appointing Ms. Paula Mackin to the Economic Development Industrial Corporation Board. Ms. Mackin's term is effective immediately and will expire on June 30, 2017.

Sincerely, Judith Flanagan Kennedy, Mayor

PUBLIC HEARINGS:

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure or vacant parcel of land located at 226 Western Avenue. (Trahan)

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure or vacant parcel of land located at 3 Noyes Terrace. (Cyr)

Petition of Misain Orellana and Fedilina Garcia, for permission to allow the renovation of the existing building at 4-10 Green Street, so as to allow eight apartment units, 4 on the second floor and 4 on the third floor, in accordance with section 4.1.6 of the City of Lynn Zone Ordinance. (Colucci)

Petition of Angoli Sign, Donald Agnoli, for permission for a sign permit for Fisher Auto Parts at 1069 Western Avenue. (Capano)

Petition of Verizon, Everett Bryan, regarding existing Verizon manhole #387 located on Broadway at intersection of Springvale Avenue, for permission to place approximately 355 feet of underground conduit northerly to Magnolia Avenue to existing jointly owned pole No. 30/39. Also for permission to lay and maintain underground conduits, cables and wires on the above or intersection public ways for purpose of making connections with such poles for the purpose of making connections with such poles and buildings as it may desire for distributing purposes. (Lozzi)

Petition of Verizon, Everett Bryan, for permission to place (1) Stub Pole from 474 Broadway to Carter Road. (Lozzi)

Petition of Comcast, Timothy Broderick, for permission to install from existing pole #8 at corner of School Street and Ellis Street (1) 4" pvc conduit 400' +/- in a southwesterly direction to Silsbee Street and then continue up Silsbee Street in a northwesterly direction, placing (1) 4" pvc conduit 200' +/- to property at 250 Union Street. (Colucci)

Petition of National Grid, Rafael Panos, for permission to install beginning at a point on Pleasant Street, approximately 20' east of the centerline of the intersection of Alley street and Pleasant Street and continuing approximately 50 feet in an Easterly direction, install 50' +/- pvc from MH 10 to 154 Pleasant Street. (Capano)

PUBLIC HEARINGS TO BE SET DOWN:

Petition of T-Stop Superette, Anthonly Leo, for permission for an All Alcohol Package Store at 546 Walnut Street. (Ford)

Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on Washington street and place vault/manhole. From new vault/manhole, place (1) 4" pvc conduit 30' +/- in a northeasterly direction to property at 10-20 Central Avenue. (Chakoutis)

Petition of Lighttower Fiber Networks, Scott Harnois, for permission to install approximately 840' linear feet of (1) 4" SCH40 PVC concrete encased conduit starting at National Grid MH 1-21 to #112 Market Street. (Chakoutis)

UNFINISHED BUSINESS:

Personnel Committee Report of September 30, 2014.

Approve request from Chief of Police for one (1) Permanent Full Time Information Technology Systems Coordinator.

Public Property and Parks Committee Report of October 7, 2014, approved with Emergencies: (Colucci)

Ordered that the Mayor is authorized to execute a Release Deed for the real property known as Lot 1 containing approximately 31,300 s.f. +/- as shown on a Plan of Land prepared by Parsons and Faia, Inc., dated September 19, 2014, 60

Lewis Street, Lynn, Massachusetts to the EDIC of Lynn for nominal consideration and any other documents required to effectuate conveyance. The EDIC shall execute a Development Agreement with any potential developer prior to conveying said property.

Ordered that the City of Lynn hereby transfers the property at 29 Parrott Street to the Lynn Housing Authority and Neighborhood Development. Further orders that the City Solicitor's office prepare the necessary deed for conveyance. Further ordered that Her Honor the Mayor is hereby authorized to execute said deed. The Lynn Housing Authority and Neighborhood Development shall demolish the structure within sixty (60) days. The present structure shall be replaced with a single family home. Should these conditions not be satisfied, said property shall revert back to the City of Lynn. Further ordered that Her Honor the Mayor is authorized to execute the necessary documents to effectuate this Council order.

COMMITTEE REPORTS:

- Ways & Means Committee
- Licensing Committee
- Public Property and Parks Committee

NEW BUSINESS: