

CITY OF LYNN

**Regular City Council Meeting, November 28, 2017
Council President Darren P. Cyr**

Ten Councilors Present (Councilors Chakoutis absent).

Moment of Silence. Council Vice-President Barton asked that the Family of Richard Fitzgerald be remembered.

Pledge of Allegiance.

Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of November 14, 2017.

Motion carried.

Council President Cyr stated that Councilor Chakoutis would not be at the Council Meeting due to a scheduled family event.

PUBLIC HEARINGS:

Home Rule Petition regarding an Act relative to quarterly taxes in the City of Lynn to allow the mailing of the Third Quarter Real Estate Tax Bills.

AN ACT RELATIVE TO QUARTERLY TAXES IN THE CITY OF LYNN

SECTION 1. Notwithstanding Section 57C of Chapter 59 of the General Laws or any other general or special law to the contrary, the City of Lynn may, for Fiscal Year 2018, issue notices of preliminary tax in addition to any notice of preliminary tax issued pursuant to said Section 57C of said Chapter 59 and may require payment of the additional preliminary tax. An additional notice of preliminary tax shall not be issued unless it is approved by the Commissioner of Revenue. The Commissioner may establish conditions for approval of such notices, which may include, but shall not be limited to, submission to the Commissioner by the Board of Assessors of all information required to set the tax rate pursuant to Section 23 of said Chapter 59, except for the assessed valuation of all real and personal property subject to taxation for the current Fiscal Year.

If an additional notice of preliminary tax is issued by the City of Lynn pursuant to this Act and requires a third quarterly installment payment for Fiscal Year 2018, such notice shall be mailed not later than December 31, 2017 or on a later date approved by the Commissioner and such tax shall be due and payable on February 1, 2018 or

30 days after the date of mailing such notice, whichever is later. The amount of any additional installment payment required pursuant to this Act shall not exceed the amount of the first quarterly installment for Fiscal Year 2018 as provided by Section 57C of Chapter 59 of the General Laws. The actual tax bill issued upon the establishment of the tax rate for said Fiscal Year 2018 shall represent the full balance owed after credit is given for the preliminary tax payments previously made and shall be due and payable on May 1, 2018 or 30 days after the date of mailing such bill, whichever is later. To the extent consistent with this Act, said Section 57C of said Chapter 59, including, but not limited to, the provisions concerning the payment of interest, shall be applicable to any notice of preliminary tax issued pursuant to this Act and to any actual tax bills issued for Fiscal Year 2018.

SECTION 2. This Act shall take effect upon its passage.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Cahill and seconded by Councilor Trahant to grant.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

PUBLIC HEARINGS TO BE SET DOWN FOR DEC 19, 2017

-Petition of National Grid for a grant of location for the installation of underground facilities at 19 Kimball Road (**Cyr**)

Motion made by Councilor Colucci and seconded by Councilor Cahill to set down for Public Hearing.

Motion carried.

UNFINISHED BUSINESS:

Continued from the November 14, 2017 City Council Meeting:

Petition of Zachary Andrews, for an Apartment House use (6 units) in the Central Business District at 38-44 Andrew St. (**Chakoutis**)

Motion made by Councilor Walsh and seconded by Councilor Cahill to continue.

Motion carried.

COMMITTEES:

Report of the November 28, 2017 Committee on Utilities recommending the following to be accepted:

Petition of National Grid for a grant of location for the installation of underground facilities at 73 Buffum St – **Granted with the stipulation that no digging be conducted in the Buffum Street Lot.**

Petition of Comcast for a grant of location for the installation of underground facilities to provide service at 269 Union St - **Granted**

Petition of Comcast for a grant of location for the installation of underground facilities to provide service at 11 Circle Ave – **Granted with the stipulation that the street is restored TO its original condition.**

Motion made by Councilor Capano and seconded by Councilor Walsh to notify all Utility Companies that every new double pole goes up, one double pole must come done, with the exception of an emergency.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

REPORT ACCEPTED.

Report of the November 28, 2017 Committee on Ordinance and Rules recommending the following be accepted:

AMEND ORDINANCE REQUIRING DOOR TO DOOR SOLICITORS TO OBTAIN A PERMIT FROM THE CITY OF LYNN

SECTION 1:00 Sect 2:00 is hereby amended by striking the words “without first having registered in the office of the chief of police, or with an officer designated by the chief of police” and replacing said words with “without first receiving approval from the License Committee of the Lynn City Council.”

SECTION 2:00 Sect 3:00 is hereby amended by striking out the words “chief of police” and replacing said words with “City Clerk”.

SECTION 3:00 Sect 4:00 is hereby amended by striking it in its entirety and replacing said section as follows: Each applicant who shows evidence of good character in the opinion of the License Committee of the Lynn City Council and pays the fee provided for in Section 3:00 shall be furnished a certificate indicating that he/she has registered and showing the dates covered by such registration. An approved applicant shall be required to obtain, at his/her sole expense a photograph identification card to be worn

while soliciting in a form and format approved by the License Committee. The registration certificate issued by the City of Lynn shall expressly require and be issued only upon the condition that each person who intends to solicit or canvass in the City shall, on each such day, inform the Office of the City Clerk of the streets or neighborhood in which the intended solicitation or canvassing is to occur. Each person shall at all times while soliciting or canvassing in the City carry upon his person the registration certificate and photograph identification. The registration certificate and photograph identification shall be exhibited whenever he/she is requested to do so by any law enforcement officer or any person solicited.

SECTION 4:00 Sect 5:00 is hereby amended by striking the words in the first paragraph “by the police department” and replacing said words with the “by the Office of the City Clerk.”

SECTION 5:00 Sect 5:00 is further amended by deleting the entire second paragraph and replacing said paragraph as follows: An authorized representative of the sponsoring organization shall apply to the Office of the City Clerk during normal business hours of Lynn City Hall or my mail, and truthfully state in full the information requested on the application, to wit:”

SECTION 6:00 Sect 5:00 is further amended by striking the next to last paragraph and replacing said paragraph with “The City Clerk on behalf of the License Committee of the Lynn City Council shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this Ordinance, and of the denial of applications. No application for a certificate shall be denied provided that it satisfies the requirements of this Ordinance. The original copy of the application shall be given to the applicant and a duplicate copy shall be retained on file in the office of the City Clerk.”

SECTION 7:00 Sect 6:00 shall be amended by striking the words “chief of police” and replacing said words with “License Committee of the Lynn City Council.”

SECTION 8:00 Sect 11:00 is hereby amended by adding the following paragraph after the word “255D.”: No person shall solicit, canvass or conduct any other activity at any residence, without express prior permission of an occupant, before 10:00 a.m. or after 6:00 p.m. where there is no sign or notice posted on the property which otherwise limits solicitation or the hours of solicitation or such other activities.

Motion made by Councilor Capano and seconded by Councilor Walsh to grant with amendments.

With the amendments.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Chakoutis absent).

Discussion re: Information re: Anti Wage Theft

Motion made by Councilor Capano and seconded by Councilor Walsh to continue discussion at a future meeting.

Motion carried.

REPORT ACCEPTED.

Report of the November 28, 2017 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of ONE THOUSAND TWO HUNDRED FIFTY FOUR DOLLARS AND SEVENTY FIVE CENTS (\$1,254.75)

From the Account of 91980-9510 Insurance Losses-Exp \$1,254.75

To the Account of 44045-4899 DPW-Exp \$1,254.75

To fund repairs initially paid via DPW operating budget for claims processed through Insurance carrier to offset cost.

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 THOUSAND TWO HUNDRED FIFTY FOUR DOLLARS AND SEVENTY FIVE CENTS (\$1,254.75)

From the Account of 91980-9510 Insurance Losses-Exp \$1,254.75

To the Account of 44045-4899 DPW-Exp \$1,254.75

To fund repairs initially paid via DPW operating budget for claims processed through Insurance carrier to offset cost.

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:

10 YES 0 NO (Councilor Chakoutis absent).

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

10 YES 0 NO (Councilor Chakoutis absent).

REPORT ACCEPTED.

Report of the November 28, 2017 Committee on Public Safety and Public Health recommending the following to be accepted:

Constable Appointments:

Odelis Tejada, 9 Treadway Rd #1, Dorchester - **Granted**

Mario Tavares, 68 Rockdale St #2, Mattapan - **Granted**

Michael Salsgiver, 50 Mountwood Rd, Swampscott - **Granted**

Richard Colucci, 265 Ocean St, Lynn – **Granted**

REPORT ACCEPTED.

Report of the November 28, 2017 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS

Geraghty, Christopher - 69 Lynnway #33 – (Executive Session) - **Granted**

LIVERY OPERATOR

Berrido, Diana- 89 Sheridan St. Apt 2- **Granted**

Coco, Maria - 479 South Broadway #24, Lawrence MA- **Tabled**

Moore, Felicia- 17 Manson Street- **Granted**

SECOND HAND-RENEWAL

857 Western Ave., Phnom Penh Jewelry- **Granted**

AUTO AUCTION/AUTO REPAIR/FLAMMABLE LICENSE- RENEWAL

732R LYNNWAY – COAST CORP. DBA CAR SALES, INC. - **Granted**

CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE–RENEWAL

671 LYNNWAY – ATG SALES, INC. DBA ATLANTIC TOYOTA GROUP, INC. DBA ATLANTIC TOYOTA- **Granted**

CLASS II AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE-RENEWAL

171 COMMERCIAL ST. – COL-CRAFT- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE-RENEWAL

100 CENTRAL AVE. – ACTION AUTO SALES, INC. - **Granted**

136 COTTAGE ST. – BAY STATE AUTO SERVICE & SALES, LLC- **Granted**

613 LYNNWAY – LYNNWAY GRAND PRIX INC. DBA LYNNWAY CYCLES- **Granted**

730R LYNNWAY – COAST CORP. DBA CAR SALES, INC. - **Granted**

837 LYNNWAY – SUNRISE AUTO, INC. - **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 28, 2017 Committee on Public Property and Parks recommending the following to be accepted:

Discussion re: Request to Redeem city-owned property at 385 Essex Street, Unit 2. **Motion made by Councilor Colucci and seconded by Councilor Trahan /ORDER to allow the property at 385 Essex St, Unit 2, be redeemed by the owner with all real estate taxes, penalties and interest, as well as payment of the City's costs and fees including legal fees, be paid to date.**

Other Business.

REPORT ACCEPTED.

NEW BUSINESS:

Council President Cyr passed the gavel to Council Vice-President Barton. Motion made by Councilor Cyr and seconded by Councilor Lozzi to amend the June 27, 2017 Meeting Minutes to grant the FY'2018 Budget in the amount of \$304,641,011.00 (to correct typo)

**Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Chakoutis absent).**

Discussion with Inspectional Services Deputy Director Clint Muche regarding vacant properties in the City of Lynn.

Motion made by Councilor Lozzi and seconded by Councilor Colucci to continue to future meeting.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Walsh to request the Director of Inspectional Services Department to forward to the City Council the reason why he was not present at the Utilities Committee meeting.

Motion carried.

Motion made by Councilor Colucci and seconded by Councilor Cahill 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