

CITY OF LYNN

**Regular City Council Meeting, May 9, 2017
Council President Darren P. Cyr**

Eleven Councillors Present

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

Pledge of Allegiance.

COMMUNICATIONS:

Dear Councilors,

I am hereby appointing Harry Janice as the Assistant Harbormaster effectively immediately. His term will expire on December 31, 2020.

Sincerely, Mayor Judith Flanagan Kennedy

Motion made by Councilor Trahant and seconded by Councilor Walsh to appoint Harry Janice as the Assistant Harbormaster effectively immediately, and will expire on December 31, 2020.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

Petition of Rachel Bennett for Lightning Coffee Roasters located at 271 Western Ave, Suite 106 to offer retail sale of coffee beans and drinks on Saturdays from 9 am to 5 pm.

The following appeared in Favor:

Rachel Bennett, Owner

Judith Buck, Boston Machine Loft Building

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Lozzi and seconded by Councilor Capano to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of 180 Boston St Development LLC, for a Sign Permit at Popeye's Louisiana Kitchen located at 180 Boston St. **(Chakoutis)**

-Petition of Hugh for a Sign Permit at Pie and Pint located at 23 Central Ave **(Chakoutis)**

-Petition of Koula Kamarinos to replace an existing two-car garage with a three- car garage at 84 Moulton St **(Capano)**

-Petition of Verizon to place approximately 150 feet of underground conduit from Verizon Manhole #98 located at the intersection with Greystone Park in a Southerly direction to No. 104 Ocean St. **(Cyr)**

Motion made by Councilor Colucci and seconded by Councilor Trahan to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the May 9, 2017 Committee on Utilities Committee recommending the following to be accepted:

PUBLIC HEARING:

Petition of Comcast, David R. Flewelling requesting to install a new underground conduit located on Circle Avenue and Carolyn Road, to provide Comcast Service to the business located at 11 Circle Avenue.

Motion made by Councilor Capano and seconded by Councilor Walsh to grant the prayer of the Petitioner with the stipulation that it is only for the area along the grass area and before crossing street (intersection of Carolyn Street and Utility Pole to Utility Pole).

Motion carried by the following yea and nay vote:

11 YES 0 NO

OTHER BUSINESS

REPORT ACCEPTED.

Report of the May 9, 2017 Committee on Budget recommending the following to be accepted:

1. Discussion re: City Finances

2. OTHER BUSINESS

REPORT ACCEPTED.

Report of the May 9, 2017 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of FIVE THOUSAND THREE HUNDRED SIXTY EIGHT DOLLARS AND FIFTY ONE CENTS (5,368.51)

From the Account of 22105-Various LPD-Exp 5,368.51

To the Account of 98025-2210 Bill of PY-POL 5,368.51

To fund PY medical claims received after close of previous FY.

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 FIVE THOUSAND THREE HUNDRED SIXTY EIGHT DOLLARS AND FIFTY ONE CENTS (5,368.51)

From the Account of 22105-Various LPD-Exp 5,368.51

To the Account of 98025-2210 Bill of PY-POL 5,368.51

To fund PY medical claims received after close of previous FY.

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 FOUR THOUODSAND NINE HUNDRED NINETY DOLLARS AND NINETY EIGHT CENTS (4,990.98) as allotted to the City of Lynn Police Department by Executive Office of Public Safety and Security (EPS) for the FY17 Underage Alcohol Enforcement Grant.

Grant Period 04/28/17-06/30/17

*Emergency Preamble in order for the Police Department to start spending these funds.

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 an Order to certify as an "Available Fund" the amount of FOUR THOUODSAND NINE HUNDRED NINETY DOLLARS AND NINETY EIGHT CENTS (4,990.98) as allotted to the City of Lynn Police Department by Executive Office of Public Safety and Security (EPS) for the FY17 Underage Alcohol Enforcement Grant.

Grant Period 04/28/17-06/30/17

*Emergency Preamble in order for the Police 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 ye and nay vote:

11 YES 0 NO

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

11 YES 0 NO

Certify as an "Available Fund" the amount of NINETEEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (19,500.00) as allotted to the City of Lynn Police Department by Executive Office of Public Safety and Security (EPS) for the FY17 STEP Grant.

Grant Period 05/01/17-09/30/17

*Emergency Preamble in order for the Police Department to start spending these funds.

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 an Order to certify as an "Available Fund" the amount of NINETEEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (19,500.00) as allotted to the City of Lynn Police Department by Executive Office of Public Safety and Security (EPS) for the FY17 STEP Grant.

Grant Period 05/01/17-09/30/17

***Emergency Preamble in order for the Police 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 ye and nay vote:

11 YES 0 NO

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

11 YES 0 NO

Certify as an "Available Fund" the amount of NINE THOUSAND SIXTY FIVE DOLLARS AND THIRTY SIX CENTS (9,065.36) as allotted to the City of Lynn Police Department by Executive Office of Public Safety and Security (EPS) for the FY17 Traffic Enforcement Grant.

Grant Period 12/09/16-04/28/17

*Emergency Preamble in order for the Police Department to start spending these funds.

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 an Order to certify as an “Available Fund” the amount of NINE THOUSAND SIXTY FIVE DOLLARS AND THIRTY SIX CENTS (9,065.36) as allotted to the City of Lynn Police Department by Executive Office of Public Safety and Security (EPS) for the FY17 Traffic Enforcement Grant. Grant Period 12/09/16-04/28/17

***Emergency Preamble in order for the Police 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 TWO HUNDRED TWELVE THOUSAND DOLLARS AND EIGHTY CENTS (212,000.80) as allotted to the City of Lynn Office of Economic & Community Development by North Shore Workforce Investment Board for Youth Works Summer 2017 Jobs.

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 an Order to certify as an “Available Fund” the amount of TWO HUNDRED TWELVE THOUSAND DOLLARS AND EIGHTY CENTS (212,000.80) as allotted to the City of Lynn Office of Economic & Community Development by North Shore Workforce Investment Board for Youth Works Summer 2017 Jobs.

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 ACCEPTED.

Report of the May 9, 2017 Committee on Public Safety and Public Health recommending the following to be accepted:

Constable Appointment:

John Ruehrwein 32 Pine St, Wakefield – Granted

Discussion with Police Chief regarding Motorized Scooters/Mopeds

REPORT ACCEPTED.

Report of the May 9, 2017 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Edilio Santos Rosa, 35 Rockingham St. #1 Lynn, MA- **Granted**

Valdez, Nelfa Lisbeth- 26 Mall St. Lynn Ma - **Granted**

SECOND-HAND LICENSE-NEW- Granted

68 Exchange Street, Pick Up Modern and More

800 Lynnway, Guillerbuy All For All- **Granted**

JUNK DEALER-RENEWAL

225 Commercial St., Turner, Inc. - **Granted**

1069R Western Ave., Cap's Auto Wrecking Corp- **Granted**

SIGN LICENSE-RENEWAL

3 Market Square, Market Square Beverage Co. Inc. - **Granted**

TRANSIENT VENDOR-RENEWAL

Flax Pond Area, Abdelkader AdLafi- **Granted**

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

17 Alley St. – Italmondo Auto Repair- **Granted**

17C Alley St. – Alley Auto Body & Repair, Inc. - **Granted**

26 Bennett St. – REM Auto Body & Truck Repair, Inc. - **Granted**

47 Bennett St. – VEO Auto Body Solutions & Repair, LLC- **Granted**

47 Bennett St. – Auto Works Collision Center- **Granted**

100 Buffum St. – USPS –VMF- **Granted**

16 Chestnut St. – Ed & Vin's Garage of Lynn, Inc. - **Granted**

165 Commercial St. – Igor's Auto Body- **Granted**

148 Fayette St. – Mike's Auto Repair and Auto Body, LTD- **Granted**

9 Green St. – Legere's Auto Body- **Granted**

52 Oakville St. – 26 Auto Body- **Granted**

135 Pleasant St. – Pudgy's Towing and Auto Repair, Inc. - **Granted**

882 Western Ave. – Western Ave. Auto Body of Lynn, Inc. - **Granted**

892 Washington St. – Giovanni's Auto Body- **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

15R Alley St. – Kontrast, Inc. - **Granted**

18 Alley St. – E and M Auto Repair- **Granted**

182 Alley St. – Tom's Taxi- **Granted**

50 Bennett St. – Landry Automotive- **Granted**

60 Bennett St. – Bennett Street Tire and Glass- **Granted**

84 Bennett St. – Joselo Auto Repair- **Granted**

805 Boston St. – Town Line Service- **Granted**

100 Central Ave. – JB Automotive Center, Inc. - **Granted**

129 Commercial St. – Ernesto Auto Repair, Corp. - **Granted**

131 Commercial St. – North Shore Car Rental, Corp. - **Granted**

503 Rear Chestnut St. – A.J's Auto Service- **Granted**

12 Ellis St. – Enrique Auto- **Granted**

287 Essex St. – Essex Auto Repair- **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL (continued)

407 Essex St. – Melo’s Tire and Auto Service- **Granted**

148 Fayette St. – Auto Repair of Fayette St. - **Granted**

109 Lynnfield St. - S & R American Service Station, Inc. - **Granted**

453 Lynnway – George’s Expert Auto- **Granted**

617 Lynnway – New Angle Glass Co., Inc. - **Granted**

77 Marion St. – Federal St. Corp. - **Granted**

125 Pleasant St. – Caruso’s Auto Repair- **Granted**

125 Pleasant St. – American Repair & Service- **Granted**

373 Summer St. – Dianna Auto Repair- **Granted**

766 Summer St. – Booma Oil, Inc. - **Granted**

800 Western Ave. – Henley Enterprises, Inc. dba Valvoline Instant - **Granted**

Oil Change, AB1118- **Granted**

1147 Western Ave. – Stoneham Boat Center, Inc. - **Granted**

FLAMMABLE LICENSE- RENEWAL

45 Boston St. – North Shore metals DBA Automotive Parts/Mahan’s- **Granted**

423 Boston St. – A.L. Prime Energy- **Granted**

21 City Hall Sq. – Verizon- **Granted**

668 Chestnut St. – Cumberland Farms- **Granted**

653 Eastern Ave. – Global Montello Group #2214- **Granted**

626 Lynnway – Garelick Farms Lynn- **Granted**

700 Lynnway – Sonny’s Car Wash- **Granted**

0 Raddin St. – Walsh’s Oil LLC- **Granted**

96-98 Seymour Ave. – National Welding- **Granted**

COIN OPERATED DEVICES – RENEWAL

138 Boston St. – Imperial Buffet – 2 Class III- **Granted**

FOOD TRUCK LICENSE

Frozen Hoagies, Mary McPartland – At Bentwater Beginning May 20, 2017 - **Granted**

OTHER BUSINESS:

(Councilor Walsh abstained from voting)

REPORT ACCEPTED.

**Report of the May 9, 2017 Committee on Public Property and Parks
recommending the following to be accepted:**

1. Discussion re: Request to Redeem property located at 134 Walnut Street.

Councilor Colucci 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 Allow Duffy Realty Trust to be permitted to redeem the property at 134 Walnut Street, Lynn, Massachusetts

which had been taken for the failure to pay municipal real estate taxes upon the payment of one hundred thousand fifteen thousand dollars (\$115,000.00) to pay all real estate taxes, penalties and interest, as well as payment of the city's costs and fees, including legal fees and payment in full of Fiscal Year 2017 taxes and all taxes due to date that would have accrued had Duffy Realty Trust still owned the property.

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

2. Ordered that the Law Department prepare all necessary documents granting easements to the City of Lynn for property located on Warren Place abutting 4 Warren Place, 8 Warren Place, and 12 Warren Place pursuant to a "Plan of Easement " taken for roadway purposes over a way known as: Warren Place prepared by Reid Land Surveyors, 365 Chatham Street, Lynn, Massachusetts dated April 5, 2017.

Councilor Trahant 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 Law Department prepare all necessary documents granting easements to the City of Lynn for property located on Warren Place abutting 4 Warren Place, 8 Warren Place, and 12 Warren Place pursuant to a "Plan of Easement " taken for roadway purposes over a way known as: Warren Place prepared by Reid Land Surveyors, 365 Chatham Street, Lynn, Massachusetts dated April 5, 2017.

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

3. Discussion re: Request from Police Department to dispose of:
 - 2005 Ford Crown Victoria VIN# 2FAFP71W25X118700- **Granted**
 - 2005 Ford Crown Victoria VIN# 2FAFP71W95X118693- **Granted**
 - 2006 Ford Crown Victoria VIN# 2FAFP71W36X122126- **Granted**
 - 2006 Ford Crown Victoria VIN# 2FAFP71W76X122128- **Granted**

- 2005 Ford Crown Victoria VIN# 2FAFP71WX5X118699- **Granted**
- 2005 Ford Crown Victoria VIN# 2FAFP71W05X118694- **Granted**
- 2003 Ford Taurus VIN# 1FAFP53U93G178105- **Granted**
- 2003 Ford Taurus VIN# 1FAFP53U53G178103- **Granted**
- 2003 Ford Taurus VIN# 1FAFP53U03G178106- **Granted**
- 2003 Ford Taurus VIN# 1FAFP53U43G176391- **Granted**

Seized Vehicles from the DA's Office:

- 1997 Toyota Avalon VIN# 4T1BF12B9VU171658- **Granted**
- 2000 Ford Explorer VIN# 1FMZU84P6YZB43281- **Granted**
- 2005 BMW X3 VIN# WBXPA73415WC51462- **Granted**
- 1999 Toyota Camry VIN# JT2BF28K4X0024156- **Granted**
- 2005 Chrysler 300 VIN# 2C3JA53G15H115768- **Granted**
- 1999 Ford Expedition VIN# 1FMUR1867XLA83909- **Granted**
- 2001 Volvo S80 VIN# YV1TS94D411153852- **Granted**
- 2000 Honda Accord VIN# 1HGCG225XYA010121- **Granted**
- 2000 Honda Accord VIN# JHMCG667XYC035654- **Granted**
- 2000 Dodge Intrepid VIN# 2B3HD56J7YH268685- **Granted**

4. Ordered that the Law Department prepare RFP's for tax title properties held by the City of Lynn. - **Granted**

5. OTHER BUSINESS.

Request from ISD to dispose of 200 pole mounted fire alarm boxes, with additional 25 that are ready to be removed, and approximately 50 self-standing fire alarm stations and 50 units that need to be removed. – **Referred to the RFP Sub-Committee**

REPORT ACCEPTED.

NEW BUSINESS:

Set down Public Hearing for a Home Rule Petition regarding the Transferring of Custodial and Maintenance Employees to the School Department.

Motion made by Councilor Walsh and Councilor Colucci to set down a Public Hearing for a Home Role Petition regarding the transferring of Custodial and Maintenance employees to the School Department.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Discussion with CFO Peter Caron regarding a Meal Tax

Motion made by Councilor Capano and seconded by Councilor Colucci ordering that pursuant to Massachusetts General Laws, Chapter 4, Section 4, and Massachusetts General Laws, Chapter 64L, Section 2, the City of Lynn hereby

accepts the statutory provisions for the acceptance of the local meal tax option to impose a sales tax upon the sale of restaurant meals originating in the City of Lynn by a vendor at a rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals.

Councilor Capano 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 pursuant to Massachusetts General Laws, Chapter 4, Section 4, and Massachusetts General Laws, Chapter 64L, Section 2, the City of Lynn hereby accepts the statutory provisions for the acceptance of the local meal tax option to impose a sales tax upon the sale of restaurant meals originating in the City of Lynn by a vendor at a rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals.

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

Councilor Cahill asked if the Mayor could come before the City Council to speak on the Meal Tax.

Motion carried.

Motion made by Councilor Barton and seconded by Councilor Walsh 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