

**CITY OF LYNN**

**Regular City Council Meeting – December 16, 2014  
Council President Daniel F. Cahill, Presiding**

**Eleven Councilors Present**

**Moment of Silence. Councilor Cyr asked that Michael Kidney be remembered.  
Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Barton to accept the Meeting Minutes of December 2, 2014.**

**Motion carried.**

**COMMUNICATIONS:**

**Communication from Her Honor the Mayor:**

Dear Councilors:

I am hereby appointing Mr. Lawrence McCully, 174 Tracy Avenue, to the Lynn Cable Access & Media Board of Directors. Mr. McCully's term is effective immediately and will expire on December 2, 2017.

Sincerely, Judith Flanagan Kennedy, Mayor

**Motion made by Councilor Colucci and seconded by Councilor Chakoutis to appoint Lawrence McCully, 174 Tracy Avenue to the Lynn Cable Access and Media Board of Directors, effective immediately and will expire on December 2, 2017.**

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

**11 YES 0 NO**

**Update on Trash Program – Andrew Hall, DPW Commissioner**

**Commissioner Hall gave an update on the new Trash Program.**

**PUBLIC HEARINGS:**

Public Hearing to make a determination on the percentages of the FY'2015 Tax Levy to be borne by each class of real and personal property.

**Motion made by Councilor Colucci and seconded by Councilor Lozzi to set the rate with the lowest residential factor.**

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

**11 YES 0 NO**

Petition of Tony Tipico Restaurant, Osvaldo Salcedo, for permission to add a new Wine and Malt Beverages License as a Common Victualler for an existing restaurant at 268 Essex Street.

The following appeared in Favor:

Osvaldo Salcedo, Owner

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Trahant and seconded by Councilor Barton to grant the prayer of the Petitioner.**

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

**11 YES 0 NO**

Petition of R.F. O'Sullivan's, Richard Sullivan for a sign permit at 151 Central Avenue.

The following appeared in Favor:

Calvin Anderson, Lynn

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Colucci to grant the prayer of the Petitioner.**

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

**11 YES 0 NO**

Petition of National Grid, Rafael Panos, for permission to install 150' +/- of 6-4" PVC Conduit from MH104 Broad at Silsbee Street. This work to provide service to 137 and 149 Broad Street. **(WITHDRAWN)**

**Motion made by Councilor Colucci and seconded by Councilor Chakoutis to accept the Letter of Withdrawal Without Prejudice.**

**Motion carried**

### **PUBLIC HEARING TO BE SET DOWN:**

-Public Hearing on a proposed Ordinance amending the City of Lynn Zone Ordinance to include Floodplain Districts, amending Section 9 of the Parking Regulations, Amending use provisions pertaining to the Central Business District and the Washington Street Corridor/Sagamore Hill Overlay District.

-Petition of Comcast, Timothy Broderick, for permission to place from existing manhole on Silsbee Street, (1) 4" PVC conduit 20'+/- in a Southwesterly direction to property at 270 Union Street.

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

**Motion carried.**

## **COMMITTEE REPORTS:**

### **Report of the December 16, 2014 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:

Transfer the sum of Thirty One Thousand, Four Hundred Seventy Four Dollars and Two Cents (\$31,474.02) from the Reserve Fund to the Essex Tuition Account to fund FY15 requirement provided by Essex North Shore Agricultural School formerly known as Essex Aggie. These funds cover the cost of tuition and transportation for the FY14/15 school year.

**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 transferring the sum of Thirty One Thousand, Four Hundred Seventy Four Dollars and Two Cents (\$31,474.02) from the Reserve Fund to the Essex Tuition Account to fund FY15 requirement provided by Essex North Shore Agricultural School formerly known as Essex Aggie. These funds cover the cost of tuition and transportation for the FY14/15 school year.**

**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**

Transfer the sum of Five Thousand Two Hundred Fourteen Dollars and Forty Eight Cents (\$5,214.48) from the Veteran's Benefits Account to the Veterans 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 order transferring the sum of Five Thousand Two Hundred Fourteen Dollars and Forty Eight Cents (\$5,214.48) from the Veteran's Benefits Account to the Veterans 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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Transfer the sum of One Thousand Two Hundred Eighty Dollars and Zero Cents (\$1,280.00) from the ISD Expense Account to the ISD 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 order transferring the sum of One Thousand Two Hundred Eighty Dollars and Zero Cents (\$1,280.00) from the ISD Expense Account to the ISD 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:**

**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 Ten Thousand Nine Hundred Ten Dollars and Zero Cents (\$10,910.00) as allotted to the City of Lynn School Department by the Department of Early Education and Care to fund the carryover funds of the FY13 RTTT 4.2 Grant. Grant period 7/1/14-12/30/14.

**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 Ten Thousand Nine Hundred Ten Dollars and Zero Cents (\$10,910.00) as allotted to the City of Lynn School Department by the Department of Early Education and Care to fund the carryover funds of the FY13 RTTT 4.2 Grant. Grant period 7/1/14-12/30/14.**

**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 Twenty Two Thousand Dollars and Zero Cents (\$22,000.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY15 133 Building Aligned Curriculum Grant. Grant period 11/2/14-6/30/15.

**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 Twenty Two Thousand Dollars and Zero Cents (\$22,000.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY15 133 Building Aligned Curriculum Grant. Grant period 11/2/14-6/30/15.**

**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:**

**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 One Million One Hundred Seventy Nine Thousand One Hundred Sixty Nine Dollars and Zero Cents (\$1,179,169.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY15 IIA Grant. Grant period 9/1/14 – 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 One Million One Hundred Seventy Nine Thousand One Hundred Sixty Nine Dollars and Zero Cents (\$1,179,169.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education to fund the FY15 IIA Grant. Grant period 9/1/14 – 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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Ordered that the City Comptroller be and is hereby authorized to appropriate from FREE CASH the sum of FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) to reduce the FY2015 Tax Levy.

**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 to appropriate from FREE CASH the sum of FIVE MILLION DOLLARS AND ZERO CENTS (\$5,000,000.00) to reduce the FY2015 Tax Levy.**

**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**

Appropriate the sum of ONE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$1,650,000.00) from the Account of FREE CASH to the Awards & Settlements Account to fund the settlement to Mr. John Pace in the matter of Pace v. the City of Lynn, et al.

**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 to Appropriate the sum of ONE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$1,650,000.00) from the Account of FREE CASH to the Awards & Settlements Account to fund the settlement to Mr. John Pace in the matter of Pace v. the City of Lynn, et al.**

**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**

Appropriate the sum of SEVEN HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS AND ZERO CENTS (\$717,464.00) from the Account of FREE CASH to adhere to the City's portion of the already approved MSBA Accelerated Repair Project for the work to be done on the roofs at the Connery and Harrington schools.

**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 appropriating the sum of SEVEN HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS AND ZERO CENTS (\$717,464.00) from the Account of FREE CASH to adhere to the City's portion of the already approved MSBA Accelerated Repair Project for the work to be done on the roofs at the Connery and Harrington schools.**

**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**

ORDERED that the City of Lynn will appropriate the amount of Two Million Nine Hundred Sixty Four Thousand Eight Hundred and Thirty-Three (\$2,964,833.00) Dollars for the purpose of paying costs for the design and construction of the roof replacements at the Harrington Elementary School located at 21 Dexter Street, Lynn Massachusetts and the Connery Elementary School located at 50 Elm Street, Lynn, Massachusetts respectively; including the payment of all costs incidental or related thereto, which proposed repair projects would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational programs, and for which the City of Lynn may be eligible for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the School Building Committee.

The City of Lynn, acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Lynn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Lynn, and that the amount of borrowing authorized pursuant to the vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Lynn and the MSBA.

**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 will appropriate the amount of Two Million Nine Hundred Sixty Four Thousand Eight Hundred and Thirty-Three (\$2,964,833.00) Dollars for the purpose of paying costs for the design and construction of the roof replacements at the Harrington Elementary School located at 21 Dexter Street, Lynn Massachusetts and the Connery Elementary School located at 50 Elm Street, Lynn, Massachusetts respectively; including the payment of all costs incidental or related thereto, which proposed repair projects would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational programs, and for which the City of Lynn may be eligible for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the School Building Committee.**

**The City of Lynn, acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Lynn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Lynn, and that the amount of borrowing authorized pursuant to the vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Lynn and the MSBA.**

**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 December 16, 2014 Committee on Public Property and Parks recommending the following to be accepted:**

**ORDERED** that Her Honor the Mayor be hereby authorized to execute a deed and all necessary documents to convey the property located at 113-119 Broad Street to the Economic Development and Industrial Corporation for nominal consideration. Said Deed shall state that at such time the Economic Development and Industrial Corporation conveys the property in the future, a condition shall be placed in the deed that the property will be used as a mixed use with commercial businesses on the first floor and residential units on floors above street level.

**Councillor 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 that Her Honor the Mayor be hereby authorized to execute a deed and all necessary documents to convey the property located at 113-119 Broad Street to the Economic Development and Industrial Corporation for nominal consideration. Said Deed shall state that at such time the Economic Development and Industrial Corporation conveys the property in the future, a condition shall be placed in the deed that the property will be used as a mixed use with commercial businesses on the first floor and residential units on floors above street level.**

**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 December 16, 2014 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Barahona, Juan, 37 Green St. #108 - **Granted**

Ethier, Michael, 20 Neptune Blvd. #304- **Granted**

Galvin, Neil, 23 Echo Grove - **Tabled**

Gullion, Richard, 31 Hillside Ave., Revere, MA 02151- **Tabled**

Lewis, Marion F., 54 Woodman St. - **Granted**

Lovera, Rodolfo, 24 Trinity Ave. #3- **Granted**

Olivares Castillo, Emmanuel, 21 Columbia Ave, 1<sup>st</sup>. Fl. - **Granted**

Perez, Joel, 9 Rogers Ave. #3- **Granted with 30-60-90 Day Review**

Roa, Leonardo, 291 Summer St.- **Tabled**

Seri, Shalik J., 37 Winter Island Rd., Salem, MA 01970- **Granted**

**LIVERY OPERATOR (NEW)**

Bianchi, John Shannon, 14 Harbor View Road, Nahant, MA 01908- **Granted**



Brown, Curtis, 133 Eastern Ave. #4- **Granted**

Cronin, Terri, 54 Capital St., Newton, MA 02458- **Granted**

**TAXI OPERATOR (90 DAY REVIEW)**

Middleton, Scott, 77 Kirtland St. #2 - **Tabled**

**LIVERY SERVICE RENEWAL**

Pensive Cowry Trading Co., Inc. DBA Boston Express Car Service (two additional vehicles) – Owner Curtis Brown, 133 Eastern Ave. #4- **Granted**

**TAXI MEDALLION RENEWAL (15 Medallions)**

Union Taxi, Inc., 202 Blossom St. Ext. (15 medallions) - **Granted**

Tom's Taxi / Garcia Taxi, Alley Street (35 medallions) - **Granted**

**EXTENDED HOURS PUBLIC HEARING – NEW**

80 Boston St.-Dunkin Donuts-24 hours 7 days- **Granted**

512 Chestnut St. –GHENWA Inc. Lynn Mobil-5:00 A.M. to 2:00 A.M 7 days- **Granted**

**OLD GOLD & SILVER-RENEWAL**

508 Lynnway, Lynnway Tools & Collectibles- **Granted**

810 Lynnway, Eric Jeweler- **Granted**

810 Lynnway, Linken Jewelry- **Granted**

810 Lynnway, Universal Jewelers- **Granted**

62 Market Sq., All Checks Cashed- **Granted**

193 Union St., B & V Jewelry- **Granted**

**PAWN SHOP-RENEWAL**

193 Union St., B & V Jewelry- **Granted**

**SECOND HAND-RENEWAL**

508 Lynnway, Lynnway Tools & Collectibles- **Granted**

800 Lynnway, Lynnway Mart- **Granted**

800-810 Lynnway, Miguel Shipping- **Granted**

193 Union St..B & V Jewelry- **Granted**

**SECOND HAND – RENEWAL CHANGE OF ADDRESS**

From 451 Broad Street to 20 Wheeler St., J & D Enterprises- **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – NEW**

161 Chestnut St. – Chutzpah Royale, LLC- **Granted with stipulations that no working on cars on street and sidewalk, no cars parked overnight on street, no storing of tires on sidewalk, no buying cars, no working on cars in parking lot, no cannibalizing cars on street and sidewalk, and follow all ISD rules and regulations.**

**CLASS I AUTO DEALER/AUTO BODY/ REPAIR/FLAMMABLE/RENEWAL**

715 Lynnway – Pride Chevrolet, Inc.(New Owner) - **Granted**

**CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE/RENEWAL**

773 & 793 Lynnway – Pride Hyundai of Lynn, Inc. dba Pride Kia (New Owner) - **Granted**

**CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

100 Central Ave. – Action Auto Sales, Inc. - **Granted**

234 Chestnut St. – D & D Auto Sales, LLC- **Granted**

475 Lynnway – LAS Inc. - **Granted**

232-234 Western Ave. – A.J.'s Auto Sales, Inc. - **Granted**

1071 Western Ave. – Bonia Motors- **Granted**

**OTHER BUSINESS**

**REPORT ACCEPTED.**

**Motion made by Councilor Colucci and seconded by Councilor Crighton 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**