

CITY OF LYNN

**Regular City Council Meeting – October 11, 2016
Council President Daniel F. Cahill, Presiding**

Eleven Councillors Present

Moment of Silence. Councilor LaPierre asked that Butch and Joanne Durant be remembered. Councilor Capano also asked that the Family of Eddie DiGloria be remembered.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of September 27, 2016.

Motion carried.

PUBLIC HEARINGS:

Petition of Taco Bell, Brian Rector, for permission for a Sign Permit at 124 Boston Street.

No one appeared in Favor.

The following appeared in Opposition:

Michele Wilkins, Stadium Condominiums

Gertrude Sally Chapman, Stadium Condominiums

5 Show of Hands

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulation that there is no freestanding sign and that signs are not on the building facing the Stadium Condominiums.

Motion carried by the following yea and nay vote:

10 YES 1 NO (Councilor LaPierre voting NO).

Petition of Mass Telepage, Maria Suarez, for permission for a sign permit at 875 Western Avenue.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Trahan to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Spina's Auto Body, Alfred Spina's, for use of Auto Body shop at an existing Auto Repair Shop (McLaughlin's) at 164 Blossom Street, Hours M-F, 8-5 pm.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Comcast, Timothy Broderick for permission to intercept existing conduit on Willow Street and place new manhole. From new manhole, place (1) 3" pvc conduit 45' +/- in a Northeasterly direction to property of 51 Willow Street.

The following appeared in Favor:

Timothy Broderick, Comcast

The following appeared in Opposition:

Calvin Anderson, 12 Concord Street, Lynn

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulation that the street be put back in its original condition.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way northwest of the intersection of Jackson Street and Rita Terrace with electricity connection and location approximately shown on plan attached.

The following appeared in Favor:

Brian Grossman, Anderson Kreiger Law Office

Rosana Ferrante, Mobilitie

The following appeared in Opposition:

Marisol Sustache, 39 Jackson Street, Lynn

Paul Amirault, Hall Company (In opposition on all petitions in the vicinity of Hall Properties).

Public Hearing Closed.

Motion made by Councilor Lozzi and seconded by Councilor Barton to DENY Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mobilitie, LLC, Scott Schneider, for permission to install backhaul transport equipment on a proposed 73' utility pole in the public right of way located northeast of the intersection of Washington Street and Boston Street with electricity connection and location approximately shown on a plan attached.

The following appeared in Favor:

Brian Grossman, Anderson Kreiger Law Office

Rosana Ferrante, Mobilitie

Motion made by Councilor Lozzi and seconded by Councilor Barton to DENY Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mobilitie, LLC, Scott Schneider, for permission to install backhaul transport equipment on a proposed 72' utility pole in the public right of way located north of the intersection of Waverly and Boston St electricity connection and location approximately as shown on plan attached.

The following appeared in Favor:

Brian Grossman, Anderson Kreiger Law Office

Rosana Ferrante, Mobilitie

Motion made by Councilor Lozzi and seconded by Councilor Barton to DENY Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way northeast of the intersection of Andrew St and Market St on Andrew St with electricity connection and location approximately shown on plan attached.

The following appeared in Favor:

Brian Grossman, Anderson Kreiger Law Office

Rosana Ferrante, Mobilitie

Motion made by Councilor Lozzi and seconded by Councilor Barton to DENY Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of Broad St and Liberty Square on Liberty Square with electricity connection and location approximately shown on plan attached.

The following appeared in Favor:

Brian Grossman, Anderson Kreiger Law Office

Rosana Ferrante, Mobilitie

Motion made by Councilor Lozzi and seconded by Councilor Barton to DENY Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Barton and seconded by Councilor Lozzi to remove from the Table the following Petitions:

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way north of the intersection of Baker Street and Brimblecom Street, on Baker Street. Location approximately shown on plan attached.

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of Goodridge Street & Memorial Park Avenue. Location approximately shown on plan attached.

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way east of the intersection of Hamilton Avenue and Lawton Avenue, on Lawton Avenue. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way south of the intersection of Loughton Street and Washington Street, on Loughton Street. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way southeast of the intersection of Lawton Avenue and Beaudry Terrace, on Lawton Avenue. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of So. Common Street and Market Square, on So. Common Street. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way northwest of the intersection of Waverly Street and Boston Street, on Waverly Street. Location approximately shown on plan attached.

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way north of the intersection of Park St and Bennett Circle on Park Street and to install backhaul transport equipment on a proposed 72' utility pole in the public right of way located east of the intersection of Park St and Bennett Circle. Location approximately shown on plan attached.

Motion carried.

Motion made by Councilor Barton and seconded by Councilor Lozzi to DENY all Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of National Grid, Chris Radzik for permission to install 2-4" PVC conduit from Pole #1 to property at 124 Boston Street. (Chakoutis)

-Petition of Comcast, Robert Oliveira, for permission to intercept existing conduit on Market Street & place a new 4'x4' manhole. From new manhole place (1) 4" PVC Communication Conduit 185' +/- in a northeasterly direction to the rear building at 324 Broad Street to provide service to 200 Market Street. (Chakoutis)

-Petition of Vicente Fresco, for permission to park an oil truck on property of a home based business at 143 Alley Street. (Capano)

-Petition of AL Prime Energy Consultants, Inc., Nasser Buisier, 417-423 Boston Street, for permission for the conversion of an existing gasoline filling station with storage of flammables to a self-service filling station with a food mart with the sale of wine and malt beverages. (Walsh)

Petition of BWBC 1, LLC. Attorney James D. Moore for Nicholas S. Mennino, for permission to allow City of Lynn Licensed Mobile Food Vehicles to operate at Unit 18, 180 Commercial Street, 7 days a week, Monday – Friday 3 pm to 8 pm and Saturday and Sunday 12 noon to 8 pm. (Capano)

Motion made by Councilor Barton and seconded by Councilor Walsh to set down for Public Hearings.

Motion carried (Councilor Cahill absent at vote).

COMMITTEE REPORTS**Report of the October 11, 2016 Committee on Ordinance and Rules recommending the following to be accepted:****DISCUSSION AND/OR TO BE SET DOWN FOR PUBLIC HEARING:**

1. Proposed Amendment to the Zone Ordinance and the City of Lynn Zone Map.
Motion made by Councilor Barton and seconded by Councilor Capano to set down for a Public Hearing and forward copy of the proposed Ordinance to ISD, Planning Board, Site Plan Review Committee, DPW and the Lynn Water and Sewer Commission for their input and/or suggestions.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent at vote).

REPORT ACCEPTED.

Report of the October 11, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following action:

Appropriate from Overlay Surplus, the sum of Four Hundred Seventy Seven Thousand Five Hundred Ninety Nine Dollars and Zero Cents (\$477,599.00) to fund Retro Pay Raises per Labor Union Negotiations with Local 193, 261 and 3147.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial Order to Appropriate from Overlay Surplus, the sum of Four Hundred Seventy Seven Thousand Five Hundred Ninety Nine Dollars and Zero Cents (\$477,599.00) to fund Retro Pay Raises per Labor Union Negotiations with Local 193, 261 and 3147.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

Certify as an Available Fund the amount of Fifty Nine Thousand Six Hundred Twenty Five Dollars and Zero Cents (\$59,625.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety and Security (EPS) for the FY17 State 911 Training Grant and EMD Regulatory Compliance Grant.

Councillor Net 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 Fifty Nine Thousand Six Hundred Twenty Five Dollars and Zero Cents (\$59,625.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety and Security (EPS) for the FY17 State 911 Training Grant and EMD Regulatory Compliance Grant.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

Certify as an Available Fund the amount of Four Million Fourteen Thousand Four Hundred Twenty Dollars and Zero Cents (\$4,014,420.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 SPED 240 Grant.

Councillor Net 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 Four Million Fourteen Thousand Four Hundred Twenty Dollars and Zero Cents (\$4,014,420.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 SPED 240 Grant.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

Certify as an Available Fund the amount of One Million One Hundred Fifty Four Thousand Nine Hundred One Dollars and Zero Cents (\$1,154,901.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 Title IIA Grant.

Councillor Net 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 Fifty Four Thousand Nine Hundred One Dollars and Zero Cents (\$1,154,901.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 Title IIA Grant.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

Certify as an Available Fund the amount of Four Hundred Seventy Six Thousand Two Hundred Twenty Four Dollars and Zero Cents (\$476,224.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 Title III Grant.

Councillor Net 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 Four Hundred Seventy Six Thousand Two Hundred Twenty Four Dollars and Zero Cents (\$476,224.00) as allotted to the City of Lynn School

Department by the Department of Elementary and Secondary Education (DESE) for the FY17 Title III Grant.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

“RECIND” as an Available Fund the amount of Forty Nine Thousand Eight Hundred Twenty Seven Dollars and Thirty Cents (\$49,827.30) previously accepted during July meeting that was allotted to the City of Lynn Department of Public Works by the Department of Transportation (DOT) for the FY17 Complete Streets Program Grant due to the inability to adhere to timeframes and deadline dates.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial Order to “RECIND” as an Available Fund the amount of Forty Nine Thousand Eight Hundred Twenty Seven Dollars and Thirty Cents (\$49,827.30) previously accepted during July meeting that was allotted to the City of Lynn Department of Public Works by the Department of Transportation (DOT) for the FY17 Complete Streets Program Grant due to the inability to adhere to timeframes and deadline dates.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

Ordered that Her Honor the Mayor is hereby authorized to execute all documents necessary to obtain the \$2.5 Million Dollar MassWorks Grant for the purpose of improving roadways in the vicinity of the new Market Basket.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial Order that Her Honor the Mayor is hereby authorized to execute all documents necessary to obtain the \$2.5 Million Dollar MassWorks Grant for the purpose of improving roadways in the vicinity of the new Market Basket.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

Ordered that the City of Lynn award YMCA Metro North the RFP for the sale of a portion of Neptune Boulevard on the condition that the YMCA Metro North makes a payment of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) on the date of the conveyance, to the City of Lynn as a payment in lieu of taxes. The YMCA Metro North shall also furnish the City a bond in a form satisfactory to the City Solicitor, ensuring that the roadway construction is completed. The YMCA Metro North shall also furnish the City of Lynn with a construction schedule as required by the RFP. The deed shall not be executed until roadway constructions are complete, so as to ensure vehicles do not drive over non-City of Lynn land. All other terms of the RFP shall be incorporated in the deed.

Councilor Cyr attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Ordered that the City of Lynn award YMCA Metro North the RFP for the sale of a portion of Neptune Boulevard on the condition that the YMCA Metro North makes a payment of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) on the date of the conveyance, to the City of Lynn as a payment in lieu of taxes. The YMCA Metro North shall also furnish the City a bond in a form satisfactory to the City Solicitor, ensuring that the roadway construction is completed. The YMCA Metro North shall also furnish the City of Lynn with a construction schedule as required by the RFP. The deed shall not be executed until roadway constructions are complete, so as to ensure vehicles do not drive over non-City of Lynn land. All other terms of the RFP shall be incorporated in the deed.

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:

8 YES 0 NO (Councilor Cahill, Councilor Net and Councilor Trahant absent at vote).

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

8 YES 0 NO (Councilor Cahill, Councilor Net and Councilor Trahant absent at vote).

Motion to refer the RFP for medical marijuana out to full Council with the following amendments:

Page 6, Section 2 (d)(vii) – DELETE

Page 6, Section 2(h) – DELETE

Page 8, Section 2 (4)(f) add applicants status and position regarding possible recreational use.

Page 10, Section 4, A(4)(g) – DELETE subsections ii, iii, iv, vii, x and xi.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a Motion to refer the RFP for RFP for Medical Marijuana out to full Council with the following amendments:

Page 6, Section 2 (d)(vii) – DELETE

Page 6, Section 2(h) – DELETE

Page 8, Section 2 (4)(f) add applicants status and position regarding possible recreational use.

Page 10, Section 4, A(4)(g) – DELETE subsections ii, iii, iv, vii, x and xi.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

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

9 YES 0 NO (Councilor Cahill and Councilor Trahant absent at vote).

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 Eighth Day of November, 2016, from 7:00 a.m. to 8:00 p.m.

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 Marshall Middle School – 100 Brookline Street
- 3-2 Marshall Middle School – 100 Brookline Street
- 3-3 Marshall Middle School – 100 Brookline Street
- 3-4 Marshall Middle School – 100 Brookline Street
- 4-1 Kipp Academy – 90 High Rock Street
- 4-2 Kipp Academy – 90 High Rock Street
- 4-3 Lynn Museum – 590 Washington Street
- 4-4 Lynn Museum – 590 Washington 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

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT.FOR THIS COMMONWEALTH

REPRESENTATIVE IN CONGRESS. SIXTH DISTRICT
 COUNCILLOR SIXTH DISTRICT
 SENATOR IN GENERAL COURT THIRD ESSEX DISTRICT
 REPRESENTATIVE IN GENERAL COURT EIGHTH, NINTH, TENTH
 And ELEVENTH DISTRICT
 SHERIFF. ESSEX COUNTY

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 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A YES VOTE would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

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

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 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

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 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. 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 any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

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 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old

without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order 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 Eighth Day of November, 2016, from 7:00 a.m. to 8:00 p.m.

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:

9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).

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

**9 YES 0 NO (Councilor Cahill and Councilor Trahan absent at vote).
REPORT ACCEPTED.**

Report of the October 11, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Canga, Orel, 1086 Blue Hill Ave., Milton, MA - **Granted**
Cherubin, Allan, 13 Park St. - **Granted**
Doucette, Justin, 55 Clark St. - **Granted**
Errico, Christopher, 22 Warren St. #13- **Granted with 30-60-90 Day Review**
Garcia, Jelame P., 3 Circuit Ave. – **Granted with 30-60-90 Day Review**
Perez Hiciano, Jhoelis, 11 James St. - **Granted**
Reed, Angelia, 44 Estes St. #9- **Granted**
Serrano, Emal, 36 Grove St. - **Granted**

LIVERY OPERATORS (NEW)

Johnson, Justin, 80 Silsbee St. #301- **Granted**
Dysart, James William, 98 Ashland St. #2- **Granted**
Garcia, Jelame P., 3 Circuit Ave.- **Granted with 30-60-90 Day Review**
Harris, Edward C., 5 Holten St., Peabody, MA - **DENIED**

TAXI MEDALLION AGREEMENT

Nova, Felix, 91 Oakville St. #1/DCBA Transportation- **TABLED /Request at next meeting.**

EXTENDED HOURS (NEW) - PUBLIC HEARING

Taco Bell-124 Boston Street – The following appeared in Favor: Mike Ross from Taco Bell. The following Stadium Condominium residents spoke in Opposition: Michele Wilkins, Patricia Dutch, Gertrude Sally Chapman, Alfredo Blanc and Jack Griffin.

Motion to grant with a 1:00 a.m. Closing and that the property be cleaned every night, that Lighting is set up appropriately and does not shine into the Stadium Condo Complex, Rodent Control, the Location of the Dumpster to be enclosed and Taco Bell representatives meet semi-annually with the residents at Stadium Condos. Also, Councilor Cyr stated that Taco Bell will be made part of the business group that participates in cleaning Boston Street.

RENEWAL -CHRISTMAS TREE & WREATH LICENSE

800 Lynnway, Tree Brothers- **Granted**

RENEWAL-SIGN LICENSE

369 Boston St., Lucky 7 Market- **Granted**
274 Essex St., Couture Nails- **Granted**
15 Lewis St., Giovanni's - **Granted**
161 Lewis St., Harriet's Beauty Salon- **Granted**
415 Lynnway, Metro PCS- **Granted**
525 Lynnway, ESE Energy, Gulf Express- **Granted**
30 Market St., North Shore Vacuum Cl. Co. - **Granted**
46 Ocean St., The Yard Sale- **Granted**
50 Ocean St., Breeze Hair Studio- **Granted**

95 Union St., Desi's Hair Design- **Granted**
 98 Union St., Enma's Dry Cleaning- **Granted**
 350 Washington St., Rincon Macorisano- **Granted**
 32 Western Ave. W. Proodian & Sons, Inc. - **Granted**
 108 Western Ave., Western Ave Market- **Granted**
 437 Western Ave., N & N Construction- **Granted**
 472 Western Ave., Aracelis Beauty Salon- **Granted**
 659 Western Ave., Desi's Hair Design- **Granted**
 728 Western Ave., J.P. Barbara Shop- **Granted**
 863 Western Ave., Mekong Market- **Granted**
 877 Western Ave., Apsara Angkor Restaurant- **Granted**
 1069 Western Ave., Fisher Auto Parts - **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

315 Lynnway Auto Tech Owner Issa Koubidy- **Granted with Standard Stipulations**
 371 Summer St. – Express Auto and Tires Repair (VIP Audio Auto is current owner Willy Lopez is selling the business to Miguel A. Maria and Luichy J. Mariano who are changing the name of the business). –**Granted with 30-60-90 Day Review and stipulations that no cars be parked on sidewalk and that any complaints come in regarding parked cars on sidewalk, loud music, etc.- License will be revoked. Hours are Monday thru Saturday 9:00 a.m. to 6:00 p.m. Nobody to be in business after 6:00 p.m. or License will be revoked. If cars show up anywhere License will be revoked.**

*** ALSO SEE COMPLAINT BELOW**

FLAMMABLE LICENSE – RENEWAL

152 Boston St. – Advance Auto Parts- **Granted**
 71 Linden St. – C. Bain, Inc. - **Granted**
 500 Lynnfield St. – NSMC Union Hospital- **Granted**
 453 Lynnway – EZ Landscaping, Inc. - **Granted**

OTHER BUSINESS:

COMPLAINT – *OWNER OF VIP AUTO - 371 SUMMER ST – STORING AND SELLING VEHICLES AT HIS ESSEX ST RESIDENCE.

OTHER BUSINESS

REPORT ACCEPTED.

NEW BUSINESS

Motion made by Councilor Capano and seconded by Councilor Lozzi to set down for Public Hearing for a change in the name of a port of Gayron Way to Pine Hill Terrace.

Motion carried.

Motion made by Councillor Colucci and seconded by Councillor 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