

CITY OF LYNN

**Regular City Council Meeting – November 1, 2016
Council President Daniel F. Cahill, Presiding**

Eleven Councillors Present

Moment of Silence. Councilor Cyr asked that the Family of George Potter be remembered. Councilor Barton asked that the Family of Michael Avadonian also be remembered.

Pledge of Allegiance

Motion made by Councilor Barton and seconded by Councilor Capano to accept the Meeting Minutes of October 25, 2016.

Motion carried.

PUBLIC HEARINGS:

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

The following appeared in Favor:

John Jankowski, National Grid

The following appeared in Opposition:

Mrs. Chapman, Stadium Condominiums

4 Show of Hands

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Trahant to grant the prayer of the Petitioner with the stipulation that the concrete sidewalk be replaced with a new concrete sidewalk.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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 325 Broad Street to provide service to 200 Market Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Barton to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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

Motion made by Councilor Capano and seconded by Councilor Colucci to accept the Letter of Withdrawal Without Prejudice and refund the money as this petition should go before the Board of Appeals.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of AL Prime Energy Consultants, Inc., Nasser Buisier, 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.

The following appeared in Favor:

Attorney Sam Vitali

Jeffer Hooper, 400 Boston Street

The following appeared in Opposition:

Attorney Tom Demakis, representing Old Neighborhood Foods

Jim Irving, The Lido

Arthur Ash, Lynn

Jimmy's Roast Beef, Lynn

2 Show of Hands

Public Hearing Closed.

Motion made by Councilor Walsh and seconded by Councilor Net to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi ABSTAINED)

Petition of BWBC 1, LLC. Attorney James D. Moore for Nicholas S. Meninno, 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.

The following appeared in Favor:

Attorney James Moore, 85 Exchange Street

Chris Crawford, 180 Commercial Street

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

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

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Los Chamos Cuisine, Manuel Rendoni, for permission for a sign permit at 227 Union Street. (Colucci)

Motion made by Councilor Colucci and seconded by Councilor Capano to set down for a Public Hearing.
Motion carried.

COMMITTEE REPORTS:

Report of the November 1, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following actions:

Transfer the sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00) from the Parking Meter Receipts Expense Account to the Parking Expense Account.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) from the Parking Meter Receipts Expense Account to the Parking Expense 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 One Hundred Sixty Seven Thousand Two Hundred Eighty Seven Dollars and Zero Cents (\$167,287.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety and Security (EPS) for the FY2017 State 911 Support and Incentive Program. Grant Period 10/26/16 – 6/30/17.

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 Hundred Sixty Seven Thousand Two Hundred Eighty Seven Dollars and Zero Cents (\$167,287.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety and Security (EPS) for the FY2017 State 911 Support and Incentive Program. Grant Period 10/26/16 – 6/30/17.

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

Certify as an Available Fund the amount of Four Hundred Five Thousand Eight Hundred Twenty Eight Dollars and Zero Cents (\$405,828.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the 180 Title III Carry Over Grant. Grant period 9/1/16-8/31/17.

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 Five Thousand Eight Hundred Twenty Eight Dollars and Zero Cents (\$405,828.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the 180 Title III Carry Over Grant. Grant period 9/1/16-8/31/17.

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

Councilor Cahill passed the gavel to Councilor Cyr.

Motion made by Councilor Cahill and seconded by Councilor Barton to remove from the Table the Transfer in the sum of Fifty Thousand Seventy Five Dollars and Zero Cents (\$50,075 from the Reserve Fund to the ISD Expense.

Motion carried.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Fifty Thousand Seventy Five Dollars and Zero Cents (\$50,075 from the Reserve Fund to the ISD Expense.

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

Councilor Cahill took back the gavel.

Ordered that the City of Lynn award YMCA Metro North (the "YMCA") the RFP for the sale of a portion of Neptune Boulevard and the traffic island on the other side of Neptune Boulevard (collectively, the "Land") and shall convey the Land to the YMCA for nominal consideration of \$1.00 having determined that the YMCA's proposal advances other significant public goals and public purposes and enhances the property and the surrounding neighborhood. The conveyance shall be on the condition that the YMCA agrees in writing that if it has not obtained a building permit and broken ground for a new YMCA by the third anniversary of the recording of the deed for the Land, the YMCA shall re-convey the Land to the City of Lynn for the same price of \$1.00.

Further Ordered that Her Honor the Mayor be authorized to execute a Purchase and Sale Agreement, a Deed, a Development Agreement, any Agreements with regards to payments in Lieu of Taxes and all other documents necessary to effectuate this Order. Further Ordered that the City Solicitor's Office draft the necessary documents in order to effectuate this Order. The prior Lynn City Council Order dated October 11, 2016 regarding the sale of this public property is hereby repealed.

Councilor Cyr attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the City of Lynn award YMCA Metro North (the "YMCA") the RFP for the sale of a portion of Neptune Boulevard and the traffic island on the other side of Neptune Boulevard (collectively, the "Land") and shall convey the Land to the YMCA for nominal consideration of \$1.00 having determined that the YMCA's proposal advances other significant public goals and public purposes and enhances the property and the surrounding neighborhood. The conveyance shall be on the condition that the YMCA agrees in writing that if it has not obtained a building permit and broken ground for a new YMCA by the third anniversary of the recording of the deed for the Land, the YMCA shall re-convey the Land to the City of Lynn for the same price of \$1.00.

Further Ordered that Her Honor the Mayor be authorized to execute a Purchase and Sale Agreement, a Deed, a Development Agreement, any Agreements with regards to payments in Lieu of Taxes and all other documents necessary to effectuate this Order.

Further Ordered that the City Solicitor's Office draft the necessary documents in order to effectuate this Order. The prior Lynn City Council Order dated October 11, 2016 regarding the sale of this public property is hereby repealed.

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:

10 YES 0 NO (Councilor Net ABSTAINED).

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

10 YES 0 NO (Councilor Net ABSTAINED).

REPORT ACCEPTED.

Report of the November 1, 2016 Committee on Economic and Workforce Development recommending the following to be accepted:

1. Update from the EDIC Director regarding Economic Development in the city.
2. OTHER BUSINESS

REPORT ACCEPTED.

Report of the November 1, 2016 Committee on Licensing recommending the following to be accepted:

SIX MONTH REVIEW OF TAXES

105 Chestnut Street – Kevin Auto Sales and Repair (Paid in Full – Up to Date)

1059R Western Avenue – Cap’s Auto Wrecking Corp.(Made a Payment of \$9,000.00)

Motion made by Councilor Trahant and seconded by Councilor Net to reinstate Licenses. Motion carried.

REPORT ACCEPTED.

NEW BUSINESS:

Presentation/ROCA

Ms. Emily Fish, Director of Lynn Site and Scott Scharffenberg gave a Presentation and Update on the newly located ROCA Office on Andrew Street. Councilor Barton encouraged the members to stop by and see the great work this organization is doing in the City of Lynn.

Motion made by Councilor Walsh and seconded by Councilor Capano to set down a Public Hearing to further amend the Zone Ordinance as follows:

Section 4.1.1: Change “Apartment House” from “P” to “SP” in the R3 and R4 Districts.

Motion carried.

Motion made by Councillor Colucci and seconded by Councillor Barton 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