

**CITY OF LYNN**

**Regular City Council Meeting – March 22, 2016  
Council President Daniel F. Cahill, Presiding**

**Eleven Councillors Present**

**Moment of Silence. Councilor Barton asked that the family of State Trooper Thomas Clardy be remembered. Councilor Colucci asked that the people of Belgium be remembered.**

**Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of March 8, 2016.**

**Motion carried.**

**Council President Cahill introduced three Lynn Classical students, Thomas Mackin, Mehdi Bakhouch, and Kevin Chasse who are attending the City Council meeting as part of their government studies.**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Union Variety, Mahababul Haque, for permission for a second floor for an apartment residential use (2 bedroom). (Colucci)

-Petition of Central Square Artist Tents, Francisco Meneses, for permission to allow use of artist tents, sidewalk and parking areas on Saturday and/or Sunday, 8-5 p.m. No Flea Market. (Chakoutis)

-Petition of Central Square Artist Tents, Francisco Meneses for permission to allow Food Trucks to park on private parking spots 7 a.m to 7 p.m. weekdays 7 a.m. to 12 a.m. Friday and Saturday. (Chakoutis)

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

**Motion carried.**

## **UNFINISHED BUSINESS:**

To be adopted permanently:

An Ordinance Amending the Ordinance Creating a Human Rights Commission in the City of Lynn.

**Motion made by Councilor Net and seconded by Councilor Barton to grant.**

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

**11 YES 0 NO**

Ordered that having convened in an open meeting on February 23, 2016, prior to the closing date, the Lynn City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated on or before April 8, 2016, for the Tracy Elementary School, located at 35 Walnut Street, Lynn, MA 01905, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for:

- Elimination of existing severe overcrowding;
- Prevention of severe overcrowding expected to result in increased enrollments;
- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation expected and decrease related costs in a school facility;
- Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state approved local requirements.

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant, or any other funding commitment from the Massachusetts School Building Authority, or commits the District of Lynn to filing an application for funding with the Massachusetts School Building Authority.

**Motion made by Councilor Capano and seconded by Councilor Lozzi to grant.**

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

**11 YES 0 NO**

## **COMMITTEE REPORTS:**

**Report of the March 22, 2016 Committee on Ordinance and Rules Committee recommending the following to be accepted:**

Public Hearing: An Ordinance Amending the Ordinance Relative to Graffiti in the City of Lynn.

**IN THE YEAR TWO THOUSAND SIXTEEN AN ORDINANCE AMENDING THE ORDINANCE  
RELATIVE TO GRAFFITI IN THE CITY OF LYNN**

Be it ordained by the City Council of the City of Lynn, and by the authority of the same, as follows, to wit:-

**SECTION 1:00**

The purpose of this Ordinance is to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. The City of Lynn considers graffiti a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless graffiti is removed from public and private property, the graffiti tends to remain. Neighboring properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the City of Lynn.

**SECTION 2:00**

(a) The existence of graffiti on public and private property in violation of this Ordinance is expressly declared to be a public nuisance and, therefore, is subject to removal and abatement provisions specified in this Ordinance.

(b) It is the duty of the owner of the property in which the graffiti has been applied and any person who may be in possession or who has the right to possess such property at all times to keep the property free and clear of graffiti.

**SECTION 3:00**

(a) "Graffiti" means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by a graffiti implement, to the extent that the graffiti was not authorized in advance by the owner of the property.

(b) "Graffiti Implement" means an aerosol paint contained, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

**SECTION 4:00**

(a) It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any City owned property or, without permission of the owner, on any privately owned property.

(b) It shall be unlawful for any person, with the intent to deface public property, to possess any graffiti implement while upon school property, any public facility, park, playground, swimming pool, recreational facility, or other public building or within fifty (50) feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless authorized by the City. The provisions of this section shall not apply to the possession of broad tipped markers by a minor attending or traveling to or from school at which the minor is enrolled.

(c) It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any aerosol paint container, or paint stick to any person under the age

of eighteen (18) years without the express written consent of the parent or legal guardian of the person.

#### SECTION 5:00

(a) Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the Department of Inspectional Service. Such removal shall be done in a manner prescribed by the Department of Inspectional Services. Any person applying graffiti shall be responsible for the removal or for the payment for the removal. Where graffiti is applied by an un-emancipated minor, the parents or legal guardian shall also be responsible for such removal or payment for the removal.

(b) If graffiti is not removed by the perpetrator according to the previous paragraph, graffiti shall be removed pursuant to the following provisions:

1. It is unlawful for any person who is the owner or who has primary responsibility for the control of property or for repair and maintenance of property in the city, to permit property that is defaced with graffiti to remain defaced for a period of fourteen (14) days after service by first class mail of notice of the defacement. This notice shall contain the following information:
  - i. The street address or legal description of the property sufficient for identification of the property.
  - ii. A statement that the property constitutes a graffiti nuisance.
  - iii. A statement that the graffiti must be removed within fourteen (14) days after receipt of the notice and that if the graffiti is not abated within that time, the City, as prescribed by law, will declare the property a public nuisance.
  - iv. An information sheet identifying any graffiti assistance programs available through the City and private graffiti removal contractors.

#### SECTION 6:00

(a) Whenever the City becomes aware or is notified and determines that the graffiti is located on publicly or privately owned property viewable from a public or quasi public place, the City shall be authorized to use public funds for the removal of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the property owner or responsible party agrees to pay the costs of repainting or repairing.

(b) Prior to entering upon private property, the City for the purpose of graffiti removal, the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified in this Ordinance, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this section, the property owner or responsible party shall be fined according to the provisions specified below.

#### SECTION 7:00

A property owner may appeal a determination by the City of Lynn that graffiti located on his/her property constitutes a public nuisance. Said appeal shall be governed in accordance

with Massachusetts General Laws Chapter 40, § 21D. Following the hearing pursuant to Massachusetts General Laws Chapter 40, § 21D, the City of Lynn may immediately cause the graffiti to be removed should the hearing officer determine that said graffiti constitutes a public nuisance.

SECTION 8:00

The City of Lynn shall place a lien on the property for all costs incurred by the City of Lynn in removing, repainting and repairing graffiti found in violation of this Ordinance. Said lien shall be filed with the Essex County Registry of Deeds.

If the owner of said property fails to remove such graffiti in violation of Section 5.00 of this ordinance, or fails to provide written consent upon request for the graffiti to be removed pursuant to Section 6.00 of this Ordinance after receiving notice of the same, such owner shall be subject to the following fines: fifty dollars (\$50.00) for the first violation, one hundred and fifty dollars (\$150.00) for the second violation, and three hundred dollars (\$300.00) for all subsequent violations unless another fine is stated herein. Unless otherwise specified, each day shall constitute a separate violation. Dispositions, payments and/or appeals of violations of this Ordinance shall be made through the Parking Department of the City of Lynn, Room 102, City Hall, Lynn, Massachusetts. Proceedings may be commenced by the City of Lynn to place liens on real or personal property and/or a criminal complaint may be sought as provided in M.G.L. c. 270 §16.

If the owner of said property removes the graffiti or executes an indemnity agreement allowing the City of Lynn to enter upon said property to remove the graffiti within fourteen (14) days, no fine shall be assessed.

SECTION 9:00

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 10:00

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.

**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 Ordinance amending the Ordinance Relative to Graffiti in the City of Lynn.**

**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**

**OTHER BUSINESS:  
REPORT ACCEPTED.**

**Report of the March 22, 2016 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to appropriate from Overlay Surplus the sum of Three Hundred Thousand Dollars and Zero Cents to Acct. 11505/3000.

**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 transfer Ordering that the City Comptroller be and is hereby authorized to appropriate from Overlay Surplus the sum of Three Hundred Thousand Dollars and Zero Cents to Acct. 11505/3000.**

**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 Sixteen Thousand Dollars and Zero Cents (\$16,000.00) from the Reserve Account to the Clerks Expense Account.

**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 transfer in the amount of Sixteen Thousand Dollars and Zero Cents (\$16,000.00) from the Reserve Account to the Clerks 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 Twenty Two Thousand Four Hundred Sixty Dollars and Zero Cents (\$22,460.00) as allotted to the City of Lynn Fire Department by the Massachusetts Emergency Management Agency (CDA) for the FY15 Emergency Management Grant. Grant Period 3/4/16-9/30/16.

**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 "Available Funds" the amount of Twenty Two Thousand Four Hundred Sixty Dollars and Zero Cents (\$22,460.00) as allotted to the City of Lynn Fire Department by the**

**Massachusetts Emergency Management Agency (CDA) for the FY15 Emergency Management Grant. Grant Period 3/4/16-9/30/16.**

**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 Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) increasing the Max obligation for the FY16 Tobacco Control Grant. Grant Period 3/17/16-6/30/16.

**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 "Available Funds" the amount of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) increasing the Max obligation for the FY16 Tobacco Control Grant. Grant Period 3/17/16-6/30/16.**

**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 Six Thousand Eight Hundred Eighty Five Dollars and Zero Cents (\$6,885.00) as allotted to the City of Lynn Cultural Council by the Massachusetts Cultural Council (MCC) for the FY16 LC Grant. Grant period 3/1/16 – 6/30/16.

**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 "Available Funds" the amount of Six Thousand Eight Hundred Eighty Five Dollars and Zero Cents (\$6,885.00) as allotted to the City of Lynn Cultural Council by the Massachusetts Cultural Council (MCC) for the FY16 LC Grant. Grant period 3/1/16 – 6/30/16.**

**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 Ninety Thousand Two Hundred Ninety Six Dollars and Zero Cents (\$190,296.00) as allotted to the City of Lynn School Department by the Department of Public Health (DPH) for the FY16 ESH Essential School Health Grant. Grant period 7/1/15-6/30/16.

**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 "Available Funds" the amount of One Hundred Ninety Thousand Two Hundred Ninety Six Dollars and Zero Cents (\$190,296.00) as allotted to the City of Lynn School Department by the Department of Public Health (DPH) for the FY16 ESH Essential School Health Grant. Grant period 7/1/15-6/30/16.**

**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 Twelve Thousand Nine Hundred Sixty Two Dollars and Sixteen Cents (\$12,962.16) from State Election Funds to Elections PR.

**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 transfer in the amount of Twelve Thousand Nine Hundred Sixty Two Dollars and Sixteen Cents (\$12,962.16) from State Election Funds to Elections PR.**

**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 Cahill absent at vote).**

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

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

**REPORT ACCEPTED.**

**Report of the March 22, 2016 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATOR (NEW)**

**Akerley, Serena, 119 Lewis St. #11- Granted**



**LIVERY OPERATOR (NEW)**Covil, Stephen J., 628 Chestnut St. - **Granted**Desir, Gary, 583 Broadway #3, Chelsea, MA 02150 - **DENIED**Pari, Matthew, 13 Roy St. Apt. #1, Swampscott, MA- **30 Day Review- Granted****LEASE AGREEMENT**Bratini, Pelagio, 29 Morris St. - Garcia Taxi- **Granted****SECOND HAND ARTICLE LICENSE RENEWAL**156 Chestnut St., E & T Communications (*currently closed due to Fire*) - **Granted****SECOND HAND ARTICLE-NEW**8 East Highland St., The Wolfs Den (Home Occup) - **Tabled****CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

164 Blossom St. – Jim McLaughlin’s Lynnway Truck Center –

*(approved 12/8/15 pending payment of overdue taxes – NOT paid to date).* –**Granted-Will review in six months.****CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**164 Blossom St. – JEM Auto (*approved 12/8/15 pending payment overdue taxes – NOT paid to date*). - **Granted**106 Chestnut St. – Kevin Auto Sales & Repair (**overdue taxes**) - **Granted**1071 Western Ave. – Bonia Motors (**overdue taxes**) – **Granted – will review in six months.****CLASS III AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL**1069R Western Ave. – Cap’s Auto Wrecking Corp. (**overdue taxes**) - **Granted****AUTO BODY/REPAIR/FLAMMABLE LICENSE – NEW**

1127 Western Ave. – Bridge Auto Body (New owner, same location)

**REVIEW CORI-** **Granted****AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**17C Alley St. – Alley Auto Body & Repair Inc. - **Granted**19 Alley St. – Spina’s Auto Body Inc. - **Granted**47 Bennett St. – Auto Works Collision Center- **Granted**16 Chestnut St. – Ed & Vin’s Garage of Lynn, Inc. - **Granted**892 Washington St. – Giovanni Auto Body- **Granted**1117 Western Ave. – Pro-tech Auto Body & Performance- **Granted****AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**68 Bennett St. – E & J Auto Repair- **Granted**805 Boston St. – A.G. Inc. dba Town Line Service- **Granted**131 Commercial St. – North Shore Car Rental- **Granted**159 Commercial St. – Advance Auto Repair- **Granted**180 Commercial St. – Lou’s Custom Exhaust- **Granted**109 Lynnfield St. – R & R American Service Station, Inc. - **Granted**125 Pleasant St. – Caruso’s Auto Repair- **Granted**35 Suffolk St. – City Transportation- **Granted**105 Willow St. – Bill Walsh Auto Repair- **Granted**905 Western Ave. – S & S Auto Repair- **Granted****FLAMMABLE LICENSE – RENEWAL**225 Blossom St. ext. – Nationalgrid - **Granted**

**CANNING:**

Greater Lynn Babe Ruth (Adults Only) – April 14, 15, 16, 2016 - **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the March 22, 2016 Committee on Public Property and Parks Committee recommending the following to be accepted:**

1. Discussion re: Request from the Lynn Fire Department to dispose of a 1998 Ford Explorer, VIN#1FMZU34E8WUA88358.- **Granted**
2. Discussion re: Request from the Lynn Fire Department to transfer a 1985 Chevrolet D30 (Forestry Truck) VIN#1GCGD34J0FF42482 to the DPW.- **Granted**
3. Discussion re: Set Down a Public Hearing relative to a Proposed Conservation Restriction for the Lynn Woods Reservation. - **Tabled**
4. **OTHER BUSINESS**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

**Council President Cahill stated that he has establish an Ad Hoc Committee to discuss the relocation of various polling locations in the City of Lynn. Committee mebers are Councilor Hong Net (Chairman), Councilor Diana Chakoutis, Councilor Brian Lapierre, Assistant City Solicitor James Lamanna and Election Commissioner Mary Audley.**

**Motion made by Councilor Cyr and seconded by Councilor Barton to grant.  
Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Lozzi 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**