

CITY OF LYNN

**Regular City Council Meeting – May 3, 2016
Council President Daniel F. Cahill, Presiding**

**Eleven Councillors Present
Moment of Silence
Pledge of Allegiance**

**Motion made by Councillor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of April 26, 2016.
Motion carried.**

Councilor Barton asked that the family of Kelly Vaughan be remembered. Councilor Walsh also asked that the family of the U.S. Navy Seal recently killed in Iraq be remembered.

UNFINISHED BUSINESS:

Motion made by Councilor Colucci and seconded by Councilor Trahan to remove from the Table the Petition of Aries Café G, Greek African Social Club, Aregawe Berhe, for permission for a Wine and Malt License at 39 Buffum Street.

Motion made by Councilor Colucci and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulation and the hours are 4:00 p.m. to 12:00 Midnight seven days a week.

**Motion carried by the following yea and nay vote:
11 YES 0 NO**

Motion made by Councilor Colucci and seconded by Councilor Trahan to remove from the Table to Petition of Union Variety, Mahababul Haque for permission for a second floor for an apartment resident use (2 Bedroom) at 88-90-92-94 Union Street.

Motion made by Councilor Colucci and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulations that all requirements by the Inspectional Services Department be followed.

**Motion carried by the following yea and nay vote:
10 YES 1 NO (Councilor Cyr voting NO).**

Motion by Councilor Lozzi and seconded by Councilor Trahan to remove from the Table the Petition of Chestnut Street Realty Trust, Hashmat A. Rauf, for permission for a 2 story addition with 10 residential units above existing stores (residential use in a Business District at 522-538 Chestnut Street. (Petitioner submitted a Letter of Withdrawal).

Motion made by Councilor Lozzi and seconded by Councilor Trahan to accept the Letter of Withdrawal Without Prejudice.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

Petition of Leahy Landscaping, Inc., Matthew Leahy, for permission for a contractor's yard at 732R Lynnway.

The following appeared in Favor:

Attorney Thomas Demakis

On 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 Kings Auto Body and Repair, Noe Arnulfo Ryes, for permission to add Auto Body to existing Auto Repair and Flammables at 37 Bennett Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Western Avenue Auto Body, Raffi Keikian , for permission for a sign permit at 882 Western Avenue.

The following appeared in Favor:

Representative from the Sign Company

Calvin Anderson, 12 Concord Street, Lynn

No one appeared in Opposition.

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:

11 YES 0 NO

Continued New Business – Lynn Woods Conservation Restriction.

The following appeared in Favor:

Jim Comeau, DCR

Vanessa Johnson, Essex County Greenbelt Association

Steve Babbitt, 31 Manson Street, Lynn

Ms. Melissa, 11 Perkins Street, Lynn

Jane Kelly, 27 Deer Cove, Lynn

Dave Purley, 27 Homestead Road, Lynnfield

Joe Scanlon, 236 Parkland Avenue, Lynn

David LeBlanc, 10 Hawthorne Street, Lynn

Joan Smally, 10 Menlo Avenue, Lynn

Mike Toomey, 93 Judge Road, Lynn

Michael Lebednik, 12 Millard Avenue, Lynn

Tina Katz, 67 Menlo Avenue, Lynn

David Yorkman, Lynnfield

Jill Saboni, Menlo Avenue, Lynn

Justin Sirois, 79 Carter Road, Lynn

Alejandro Perez, 248 Chatham Street, Lynn

Mark McInerney, 81 Pennybrook Road, Lynn

Ashley Seiger-Jones, 86 Menlo Avenue, Lynn

Calvin Anderson, 12 Concord Street, Lynn

Dick Lynch, Saugus River Watershed Project

Leslie Courtemanche, 97 Fellsmere Street, Lynn

Mary Chalmer Fountain, 9 Thistle Street, Lynn

Dave Pruitt, New Hampshire

Linda Blandino, 151 Lynnfield Street, Lynn

Nicholas Zaino, 2 Fuller Street Court, Lynn

100 Show of Hands

Motion made by Councilor Lozzi and seconded by Councilor Walsh to order to grant a Conservation Restriction to the Massachusetts Department of Conservation and Recreation and Essex County Greenbelt Association, Inc. on terms mutually acceptable to the City and to the grantees on all or a portion of those parcels of land in Lynn, Lynnfield and Saugus which are owned by the City of Lynn and comprise the Lynn Woods Reservation;

Further Ordered: To seek approval of the foregoing grant from the General Court pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts; and Further Ordered: To record in the Essex South District Registry of Deeds the plan entitled “Plan of Land Lynn Woods Reservation in Lynn, Saugus and Lynnfield, Mass (Essex County)” by the BSC Group dated June 24, 1998 and to prepare and record such additional plans or plan amendments as may be desirable to effectuate the foregoing showing the addition and/or deletion of portion(s) of parcels and/or entire parcel(s) when the mutually agreed upon conservation restriction agreement is finally determined.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Proposed Ordinance to Amend the Zone Ordinance to Establish a Medical Marijuana Overlay District in the City of Lynn.

The following appeared in Favor:

Lisa Wallace, Lynn

Edward Nunez, 102 South Street, Lynn

Attorney John Mihos, Lynn

Attorney Daniel Glissmars

David Zeller, Lynn

No one appeared in Opposition.

Motion made by Councilor Cyr and seconded by Councilor Lozzi to continue the Public Hearing to May 24, 2016.

Motion carried.

COMMITTEE REPORTS:

Report of the May 3, 2016 Committee on Public Property and Parks

recommending the following to be accepted:

Discussion re: RFP – Lease for and Development of Neptune Boulevard Property (Vacant Land).

Motion by Councilor Barton and seconded by Councilor Colucci to authorize the Law Department to re-advertise the RFP for the sale rather than the lease of the vacant land on Neptune Boulevard.

Motion carried by the following yea and nay vote:

11 YES 0 NO

OTHER BUSINESS

REPORT ACCEPTED.

Report of the May 3, 2016 Ad Hoc Committee/Relocating of Polling Places

recommending the following to be accepted:

Discussion re: Polling Locations in the City of Lynn.

Motion made by Councilor LaPierre and seconded by Attorney Lamanna to recommend that the voting for Ward 4, Precinct 1 and Precinct 2 be moved to Kipp Academy, 90 High Rock Street.

Motion carried.

OTHER BUSINESS

REPORT ACCEPTED.

Report of the May 3, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following actions:

Certify as an "Available Fund" the amount of Two Hundred Thirty Nine Thousand Dollars and Zero Cents (\$239,000.00) as allotted to the City of Lynn Office of Economic & Community Development by North Shore Workforce Investment Board for Youth Works Summer 2016 Jobs.

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 Two Hundred Thirty Nine Thousand Dollars and Zero Cents (\$239,000.00) as allotted to the City of Lynn Office of Economic & Community Development by North Shore Workforce Investment Board for Youth Works Summer 2016 Jobs.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

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

11 YES 0 NO

Certify as an "Available Fund" the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) as allotted to the City of Lynn Department of Public Works by the Gerondelis Foundation Inc., for bulky item dumpster days coordinated by Covanta Transfer Station.

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 Thousand Dollars and Zero Cents (\$50,000.00) as allotted to the City of Lynn Department of Public Works by the Gerondelis Foundation Inc., for bulky item dumpster days coordinated by Covanta Transfer Station.

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 Nine Thousand Nine Hundred Ninety Three Dollars and Six Cents (\$9,993.06) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security for the FY16 Underage Alcohol Enforcement Grant. Grant Period 1/8/16 – 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 an "Available Fund" the amount of Nine Thousand Nine Hundred Ninety Three Dollars and Six Cents (\$9,993.06) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security for the FY16 Underage Alcohol Enforcement Grant. Grant Period 1/8/16 – 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

Transfer the sum of Twenty Thousand Dollars and Zero Cents (\$20,000.00) from the Reserve Account to the Settlement Expense Account.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00) from the Reserve Account to the Settlement 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

Report of the May 3, 2016 Committee on Ordinance and Rules recommending the following to be accepted:

Introductory Discussion regarding the Ordinance to amend the Zone Ordinance and create a Medical Marijuana Overly District.

REPORT ACCEPTED.

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