

CITY OF LYNN

**Regular City Council Meeting – July 19, 2016
Council President Daniel F. Cahill, Presiding**

**Eight Councillors Present (Councilors LaPierre, Lozzi, and Net absent).
Moment of Silence. Councilor Cyr asked that this meeting be dedicated to the men and women in Blue in support of them and their families.
Pledge of Allegiance**

Council President Cahill announced that Councilor LaPierre, Councilor Lozzi and Councilor Net were on a pre-scheduled vacation that was planned prior to the City Council Meeting being rescheduled.

**Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of June 28, 2016 and July 5, 2016.
Motion carried.**

Council President Cahill introduced Dr. Alison Brookes from the Lynn Shelter Association. He stated that Dr. Brookes wanted to inform the City Council of the Shelter's upcoming event.

COMMUNICATIONS:**Communication from Her Honor the Mayor:**

Veto of Ordinance Modernizing and Reorganizing the Office of the City Clerk.

Motion made by Councilor Colucci and seconded by Councilor Cyr to override the Veto.

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi and Net absent).

Communication from Her Honor the Mayor:

Veto of Home Rule Petition Amending Certain Provisions of the Lynn City Charter to Modernize and Improve Elections in the City of Lynn.

Motion made by Councilor Cahill and seconded by Councilor Capano to accept for the files.

Motion carried.

PUBLIC HEARINGS:

Public Hearing on a Proposed Ordinance Requiring Licenses for Mobile Food Vehicles (aka Food Trucks) in the City of Lynn.

The following appeared in Favor:

Clint Muche, Deputy ISD Director

Francisco Meneses, Lynn

Aaron Reames, Bent Water Brewing Company

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Cyr to grant.

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi and Net absent).

Public Hearing on a Proposed Amendment of the City of Lynn Zone Ordinance to Provide for the Permitting and Regulation of Mobile Food Vehicle (aka food trucks) on Private Property.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Cyr and seconded by Councilor Capano to grant.

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi and Net absent).

Petition of Illy, LLC, Yuriy Blyakman for permission for mix use, multilevel with 115 units with 1 bedroom or studio only in a residential and business structure at 50 Silsbee Street.

The Following appeared in Favor:

Mr. Einseberg, Representing the Owner

5 Show of Hands in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

Petition of Holy Family Church, Rev. Gregory Mercurio, for permission for a "Festa Italian" to include Food Booths, Games, Tents with No Rides on August 4, 5 & 6, Thurs-Fri. 6 pm-10 pm, Sat 12 pm – 10 pm at 26 Bessom Street.

The following appeared in Favor:
 William Travascio, Holy Family Church
 No one appeared in Opposition.
 Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:
 8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).**

Petition of A-Starr Auto Sales –Auto Repair, Bernadino Duprey, for permission for Auto Sales – Auto Repair at 46 Bennet Street.

The following appeared in Favor:
 Bernadino Duprey, Owner of Business
 Orlando Concepcion, Lynn
 No one appeared in Opposition.
 Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Trahant to grant the prayer of the Petitioner with the stipulation that there be no more than five cars parked there and no cars on street.

**Motion carried by the following yea and nay vote:
 8 YES 0 NO (Councilors LaPierre, Lozzi and Net absent).**

Petition of PIPS, Daniel Houck, for permission for a Café/Ping Pong Lounge with All Alcohol Beverage License, Monday through Sunday, 8 am to 12 am at 271 Western Avenue. (Lydia Pinkham Building)

The following appeared in Favor:
 Daniel Houck
 No one appeared in Oppositions.
 Public Hearing Closed.

Motion made by Councilor Trahant and seconded by Councilor Cyr to continue the Public Hearing to next meeting.

Motion carried.

Petition of Lewis Signs of Lynn for a Sign Permit for District 45 Restaurant at 45 Lewis St.

The following appeared in Favor:
 Attorney Sam Vitali
 No one appeared in Opposition.
 Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:
 8 YES 0 NO (Councilors LaPierre, Lozzi and Net absent).**

Petition of National Grid, Chris Radzik, for permission to replace utility sidewalk box handhole HH-4 on Portland Street and install approximately 5' +/- of 1-3" conduit to the customer handhole to provide an upgrade service to residential home.

The following appeared in Favor:

John Jankowski, National Grid

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilor LaPierre, Lozzi and Net absent).

Petition of National Grid, Chris Radzik, for permission to replace damaged utility sidewalk box handhole HH-6 on Rogers Avenue and install approximately 5' +/- of 1-3" conduit to the customer handhole to provide an upgrade service to residential home.

The following appeared in Favor:

John Jankowski, National Grid

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Councilor Net absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Top Notch Contracting, Andre Mazzi, for permission to change a first floor commercial use to a residential use with a one bedroom, 1 bathroom residence at 1 Broad Street. (Colucci)

-Petition of Los Chamos Cuisine, Manuel Rendon, for permission for outside seating with three (3) tables at an existing restaurant with hours of Tues-Fri 9 a.m. to 8 p.m., Sat 10 am to 9 pm and Sun 11 am to 6 pm at 227 Union Street. (Colucci)

-Petition of LaRuta Restaurant, Francisco Tolentino, for permission for a Wine and Malt License at existing restaurant at 21 Neptune Boulevard with hours of operation 7 days 8:00 am to 12:00 am. (Capano)

-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.

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

Motion carried.

UNFINISHED BUSINESS:

Motion made by Councilor Chakoutis and seconded by Councilor Barton to remove from the Table the Petition of Central Square Artist Tents, Francisco Meneses for permission to allow Food Trucks to park on private parking spots 7 am to 7 pm weekdays and 7 am to 12 am Friday and Saturday.

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

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

COMMITTEE MEETINGS:

Report of the July 19, 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 Reserve Account to the Legal Expense Account.

Transfer the sum of One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00) from the Treasurer Expense to the Treasurer Payroll.

Councilor Barton 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 Reserve Account to the Legal Expense Account.

Transfer the sum of One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00) from the Treasurer Expense to the Treasurer Payroll.

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:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

Transfer the sum of Four Hundred Eighty Seven Dollars and Ninety Six Cents (\$487.96) from DPW Expense to Unpaid Bills Prior Year.

Transfer the sum of One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00) from the Treasurer Expense to the Treasurer Payroll.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Four Hundred Eighty Seven Dollars and Ninety Six Cents (\$487.96) from DPW Expense to Unpaid Bills Prior Year.

Transfer the sum of One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00) from the Treasurer Expense to the Treasurer Payroll.

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:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

Certify as an "Available Fund" the amount of Forty Nine Thousand Eight Hundred Twenty Seven Dollars and Thirty Cents (\$49,827.30) as allotted to the City of Lynn Department of Public Works by the Department of Transportation DOT for the FY2017 Complete Streets Program Grant. Grant Period 7/18/16 – 12/31/16.

Councillor Barton 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 Forty Nine Thousand Eight Hundred Twenty Seven Dollars and Thirty Cents (\$49,827.30) as allotted to the City of Lynn Department of Public Works by the Department of Transportation DOT for the FY2017 Complete Streets Program Grant. Grant Period 7/18/16 – 12/31/16.

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 (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

Certify as an “Available Fund” the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) as allotted to the City of Lynn Health Department by Partners HealthCare to support the Mass in Motion Program. Grant Period 10/1/2016 – 9/30/2017,.

Councillor Barton 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 Health Department by Partners HealthCare to support the Mass in Motion Program. Grant Period 10/1/2016 – 9/30/2017,.

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 (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

Certify as an “Available Fund the amount of Eighty Five Thousand Dollars and Zero Cents (\$85,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY2017 Strategic Prevention Framework Partnership for Success Grant. Grant period 2/1/16 – 9/29/20.

Councillor Barton 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 Eighty Five Thousand Dollars and Zero Cents (\$85,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY2017 Strategic Prevention Framework Partnership for Success Grant. Grant period 2/1/16 – 9/29/20.

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 (Councilors LaPierre, Lozzi, and Net absent).

**Emergency Order was then adopted by the following ye and nay vote:
8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).**

Certify as an "Available Fund" the amount of One Million Seven Hundred Forty Five Thousand Three Hundred Seventy Two Dollars and Ninety-Five Cents (\$1,745,372.94) as allotted to the City of Lynn Health Department by the Department of Public Health for the FY2017 Prevention Wellness Trust Grant. Grant period 7/1/16 – 6/30/17.

Councillor Barton 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 Seven Hundred Forty Five Thousand Three Hundred Seventy Two Dollars and Ninety-Five Cents (\$1,745,372.94) as allotted to the City of Lynn Health Department by the Department of Public Health for the FY2017 Prevention Wellness Trust Grant. Grant period 7/1/16 – 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 ye and nay vote:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

Ordered that the Mayor and the Purchasing Agent be authorized to execute a contract for an energy consultant as selected through the RFP Process for a period of three (3) years,.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the Mayor and the Purchasing Agent be authorized to execute a contract for an energy consultant as selected through the RFP Process for a period of three (3) years,.

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 (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

REPORT ACCEPTED.

Report of the July 19, 2016 Committee on Public Safety and Public Health recommending the following to be accepted:

The following constables have been approved:

James Appleyard, Essex, MA - **Granted**

Yolanda Paulino, Lynn, MA – **Granted**

Ordered that the City of Lynn opt into the State-wide Public Safety and Mutual Aid Assistance Compact as provided for by Massachusetts General Laws, Chapter 40, Section 4J and 4K.

Councilor Barton attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the City of Lynn opt into the State-wide Public Safety and Mutual Aid Assistance Compact as provided for by Massachusetts General Laws, Chapter 40, Section 4J and 4K.

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:

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

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

8 YES 0 NO (Councilors LaPierre, Lozzi, and Net absent).

REPORT ACCEPTED.

Report of the July 19, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Delly, Jean Paul, 52 Lynn St., Peabody, MA - **Granted**

Errico, Chris J., 22 Warren St. #13 – **Withdrawn – Will reapply in 3 months**

Hidalgo Arnaud, Paul Rafael, 82 Newhall St. #2- **Granted**

Saravia, Ervin, 46 Grove St. - **Granted**

LIVERY OPERATOR (NEW)

Borrelli, Chrissy, 14 Burrill Ave. – **Granted with standard stipulations**

Ingram, Eric W., 18 Hutchinson Ct. – **Granted with standard stipulations**

Santiago, Manuel I., 39 Roslyn St. #3- **Granted with standard stipulations**

TAXI OPERATOR (30 DAY REVIEW)

Gutierrez, Diogenes, 29 Atkins Ave- **Granted**

SECOND HAND ARTICLE-NEW

875 Western Ave., Mass Telepage - **Tabled**

SIGN LICENSE-RENEWAL

541-543 Boston St., Flowers By Lorraine- **Granted**

43 Broad St., Jim's Corner- **Granted**

314 Broadway, Wyoma Square True Value- **Granted**

116 Central Ave, Taqueria Y Pupuseria Monte Cristo - **Granted**

170-172 Chestnut St., Daniel P McIntire- **Granted**

6-14 Commercial St., M.C. Heald Liquor- **Granted**

99 Commercial St., D & M Variety- **Granted**

420 Essex St., Nunez Barbershop- **Granted**

2 Lafayette Pk., Professional Beauty Salon- **Granted**

163 Lewis St., Shoreline Grill- **Granted**

64 Lynnfield St., Nickey's Pizza- **Granted**

624 Summer St., Robert's Cleaners- **Granted**

778 Summer St., Casa Metapan- **Granted**

180 Union St., La Delicious- **Granted**
 201 Union St., My Guatemala Bakery- **Granted**
 205 Union St., Jimenez Market Corp. - **Granted**
 12 Washington St., J & S Transport Co. Inc. - **Granted**
 56 Washington St., Sunshine Market - **Granted**
 340 Washington St., Express Checkout- **Granted**
 111 Western Ave., John's Roastbeef- **Granted**
 444 Western Ave., C & C Machinery, Inc. - **Granted**
 569 Western Ave., Seventh Day Adventist Hispanic Church- **Granted**
 850 Western Ave., Benjy's Market- **Granted**
 860 Western Ave., A & J Auto Repair Inc. - **Granted**
 898 Western Ave., Dea's Diner - **Granted**

OTHER BUSINESS:

Motion made by Councilor Cyr and seconded by Councilor Trahant to send a letter to Wendy's on Boston Street and ask them to appear at next meeting to discuss the possible denial of their request for Extended Hours.

**Motion made by Councilor Trahant and seconded by Councilor Cyr to request ISD to issue a Cease and Desist Order on all motor vehicle repairs at 131 Commercial Street, North Shore Car Rental and request owner to be at August meeting to discuss the possible suspension or revocation of his/her license to operate.
 REPORT ACCEPTED.**

NEW BUSINESS:

Motion made by Councilor Cyr and seconded by Councilor Trahant to amend the Ordinance amending the Zone Ordinance of the City of Lynn Zone Ordinance to Establish a Medical Marijuana Treatment Center Overlay District in the City of Lynn to strike Stipulation Number Two which states: (2) Proceeds to be designated for appropriation by the Council.

**Motion FAILED on the following yea and nay vote:
 6 YES 2 NO (Councilors Capano and Walsh voting NO).**

Motion made by Councilor Cyr and seconded by Councilor Trahant to request the Solicitor's Office to draft a job posting and advertisement for position of Deputy Election Commissioner with a Bachelor Degree preferred and to have Personnel Committee for review and appointment.

**Motion carried by the following yea and nay vote:
 8 YES 0 NO (Councilors LaPierre, Lozzi and Net absent).**

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