

CITY OF LYNN

**Regular City Council Meeting, April 25, 2017
Council President Darren P. Cyr Presiding**

**Nine Councilors Present (Councilor Cahill and Chakoutis absent)
Moment of Silence. Council Vice-President Barton asked that the Aggannis Family be remembered. Councilor Capano asked that the Family of Lenny Clements also be remembered.
Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of April 11, 2017
Motion carried.**

Council President Cyr stated that Councilor Chakoutis had a family emergency and could not be present and Councilor Cahill called to say he was in Budget Meetings at the State House.

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

Dear Councilors:

I am hereby appointing Coco Alinsug to the Lynn Cultural Council effective immediately. His term will expire: December 31, 2020. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Trahant and seconded by Councilor LaPierre to appoint Coco Alinsug to the Lynn Cultural Council, effective immediately and will expire on December 31, 2020.

Motion carried by the following ye and nay vote:

9 YES 0 NO

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Robert Muise to the Lynn Housing Authority Neighborhood Development Commission immediately. His term will expire: May 25, 2020. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Trahant and seconded by Councilor LaPierre to appoint Robert Muise to the Lynn Housing Authority Neighborhood Development Commission, effective immediately and will expire on May 25, 2020.

Motion carried by the following ye and nay vote:

9 YES 0 NO

PUBLIC HEARINGS:

Petition of River St Business Park, LLC for construction of a multi-use Business Center containing the following uses: Auto Repair/Auto Body shops, Contractor's Yard, Retail Store, Fitness Center, Boat Construction, Maintenance and Repair, General Offices and a Builder's Yard/Shop.

The following appeared in Favor:

Attorney Demakis, Lynn

Gerry Raffaele, Nahant

Calvin Anderson, 12 Concord Street, 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 to include the stipulations from the Zoning Board of Appeals and to include the following stipulations: No Cars Parked on Street; No Auto Body Shop; and All Repairs on vehicles to be done indoors.

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councilor Cahill and Chakoutis absent).

Petition of Bruno's Bar and Burger, 858 Western Ave for a Sign Permit

The following appeared in Favor:

Paul Coleman, 858 Western Avenue, Lynn

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councilor Cahill and Chakoutis absent).

Petition of Frank Peace, owner of "Pie and Pint" at 23 Central Ave Unit 102, AKA 68 Central Square, for a Restaurant with an Full Alcohol License

The following appeared in Favor:

Frank Peace, 23 Central Avenue, Lynn

Calvin Anderson, 12 Concord Street, Lynn

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councilor Cahill and Chakoutis absent).

Petition of Frank Peace owner of “Brew on the Grid” at 23 Central Ave, Unit 101 for a Restaurant with a Full Alcohol License.

The following appeared in Favor:

Frank Peace, 23 Central Avenue, Lynn

Calvin Anderson, 12 Concord Street, Lynn

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councilor Cahill and Chakoutis absent).

An Ordinance Amending the Zone Ordinance regarding Food Establishments in the City of Lynn.

IN THE YEAR TWO THOUSAND AND SEVENTEEN AN ORDINANCE AMENDING THE CITY OF LYNN ZONE ORDINANCE

Be it ordained by the City Council of the City of Lynn and by the authority of the same, the Zone Ordinance of the City of Lynn is amended as follows, to wit:

Section 1

Footnote (19) is added to Section 4 Table of Use Regulations and shall read as follows:

(19) A Food Service Establishment as defined in this Ordinance shall be allowed as an Accessory Use within a Retail Store, allowed by right under this Ordinance, with greater than 40,000 square feet of retail space devoted to the sales of goods to the public.

Section 2

Footnote (19) is added to the Section 4 Table of Use Regulations listing of Uses to both Food Service Establishment and Retail Stores as follows:

| |
|--|
| Food Service Establishment (9), (13), (17), (19) |
|--|

| |
|-------------------------------------|
| Retail Stores (9), (13), (14), (19) |
|-------------------------------------|

Section 3

The following is added to Section 6 Accessory Uses:

"Food Service Establishments A Food Service Establishment as defined in this Ordinance shall be allowed as an Accessory Use within a Retail Store, allowed by right under this Ordinance, with greater than 40,000 square feet of retail space devoted to the sale of goods to the public."

The following appeared in Favor:

Attorney James Moore, Lynn

No one appeared in Opposition.

Public Hearing Closed.

Council President Cyr asked that the Recommendation from the Planning Board be read into the record.

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

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councilor Cahill and Chakoutis absent).

An Ordinance Amending the Zone Ordinance regarding extending the Central Business District in the City of Lynn.

IN THE YEAR TWO THOUSAND SEVENTEEN AN ORDINANCE AMENDING THE CITY OF LYNN ZONING ORDINANCE AND THE CITY OF LYNN ZONE MAP

Be it ordained by the City Council of the City of Lynn and by the authority of the same, the Zone ordinance of the City of Lynn is hereby amended as follows, to wit:

Section 3.2

The Zoning Map is hereby amended by extending the Central Business District (CBD) to include all properties located on the Northerly side of Pleasant Street from Tremont Street to City Hall Square/South Common Street, all properties with frontage on Tremont Street from Market Street through Pleasant Street and all properties with frontage on South Common/City Hall Square from Pleasant to Market Streets. These properties shall include the property at 55 Tremont Street shown on Lynn Parcel 068-729-024; the property at 32 City Hall Square shown as City of Lynn Parcel 068-729-034; the property at 10 Pleasant Street shown as City of Lynn Parcel 068-729-028-047; and the property at 30 Pleasant Street shown as City of Lynn Parcel 068-729-025.

The following appeared in Favor:

Attorney James Moore, Lynn

Resident, 225 Walnut Street, Lynn

No one appeared in Opposition.

Public Hearing Closed.

Council President Cyr asked that the Recommendation from the Planning board be read into the records.

Motion made by Councilor Walsh and seconded by Councilor Lozzi to grant.

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of All Day Convenience Store at 548 Summer St, for a Beer and Wine License (**Capano**)

-Petition of Market Basket for a Sign Permit at 40 Federal Street (**Walsh**)

-Petition of Fiesta Shows to hold a Carnival at Keaney Park from June 1, through June 4 with set up beginning on May 29, 2017. Hours will be: Thurs and Fri 5 pm to 11 pm and Sat and Sunday 1 pm to 11 pm. (**Trahan**)

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

Motion carried.

COMMITTEE REPORTS**Report of the April 25 2017 Committee on Utilities recommending the following to be accepted:**

National Grid requests permission to install one sole owned 40 class 3 pole with down guy and anchor with 4 ft lead length. Pole will be located across from Pole 66 Jenness St on town property on the east side of Jenness St. Pole will be labeled 66-84. – Tabled

REPORT ACCEPTED.

Report of the April 25, 2017 Committee on Public Safety and Public Health recommending the following to be accepted:

Discussion with the Police Chief and the Fire Chief regarding the recent public safety issues in the City of Lynn and other Business.

Motion made by Councilor Capano and seconded by Councilor Trahan to request the Solicitor's Office to draft a Proposed Ordinance for a Meal Tax in the City of Lynn and forward to City Council.

Motion carried.

Motion made by Councilor Lozzi and seconded by Councilor Barton to request the Solicitor's Office to draft a Proposed Ordinance for Bond to fund Public Safety Improvements.

Motion carried.

REPORT ACCEPTED.

Report of the April 25, 2017 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of FORTY EIGHT THOUSAND EIGHT HUNDRED NINETY NINE DOLLARS AND EIGHTY SIX CENTS (48,899.86)

From the Account of 98035-7800 Reserve 48,899.86

To the Account of 22404-0700 Fire-PR SBB Retiree 48,899.86

To fund Fire Dept Staff retirement payouts.

Council 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 to transfer the sum of FORTY EIGHT THOUSAND EIGHT HUNDRED NINETY NINE DOLLARS AND EIGHTY SIX CENTS (48,899.86)

From the Account of 98035-7800 Reserve 48,899.86

To the Account of 22404-0700 Fire-PR SBB Retiree 48,899.86

To fund Fire Dept Staff retirement payouts.

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 (Councilors Cahill and Chakoutis absent).

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

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

Transfer the sum of TWENTY TWO THOUSAND TWO HUNDRED NINETEEN DOLLARS AND NINETY THREE CENTS (22,219.93)

From the Account of 98035-7800 Reserve 22,219.93

To the Account of 22104-0800 Police-PR Long 13,039.78

To the Account of 22104-1000 Police-PR 9,180.15

To fund Police Dept Staff retirement payout.

Council 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 to transfer the sum of TWENTY TWO THOUSAND TWO HUNDRED NINETEEN DOLLARS AND NINETY THREE CENTS (22,219.93)

From the Account of 98035-7800 Reserve 22,219.93

To the Account of 22104-0800 Police-PR Long 13,039.78

To the Account of 22104-1000 Police-PR 9,180.15

To fund Police Dept Staff retirement payout.

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 (Councilors Cahill and Chakoutis absent).

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

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

Transfer the sum of TWELVE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS (12,400.00)

From the Account of 98035-7800 Reserve 12,400.00

To the Account of 11905-3000 PERS- Exp 12,400.00

To fund Assessment Center held January 23, 2017 to establish a civil service list for Police Chief.

Council 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 to transfer the sum of TWELVE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS (12,400.00)

From the Account of 98035-7800 Reserve 12,400.00

To the Account of 11905-3000 PERS- Exp 12,400.00

To fund Assessment Center held January 23, 2017 to establish a civil service list for Police Chief.

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 (Councilors Cahill and Chakoutis absent).

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

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

Transfer the sum of TWENTY SIX THOUSAND SIXTY DOLLARS AND ZERO CENTS (26,060)

From the Account of 43924-1000 Parking-PR 26,060

To the Account of 43904-1000 Care of Dogs-PR 23,596

To the Account of 43914-1000 Abandoned Veh-PR 2,464

To reallocate funds from Parking Department to Care of Dogs and Abandoned Vehicles.

Council 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 to transfer the sum of TWENTY SIX THOUSAND SIXTY DOLLARS AND ZERO CENTS (26,060)

From the Account of 43924-1000 Parking-PR 26,060

To the Account of 43904-1000 Care of Dogs-PR 23,596

To the Account of 43914-1000 Abandoned Veh-PR 2,464

To reallocate funds from Parking Department to Care of Dogs and Abandoned Vehicles.

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 (Councilors Cahill and Chakoutis absent).

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

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

Transfer the sum of TWO HUNDRED TWENTY DOLLARS ZERO CENTS (220.00)

From the Account of 9F163-9510 State Election Funds 220.00

To the Account of 11605-3000 City Clerk-Exp 220.00

To fund Pre Employment Physical for staff member, not budgeted.

Council 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 to transfer the sum of TWO HUNDRED TWENTY DOLLARS ZERO CENTS (220.00)

From the Account of 9F163-9510 State Election Funds 220.00

To the Account of 11605-3000 City Clerk-Exp 220.00

To fund Pre Employment Physical for staff member, not budgeted.

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 (Councilors Cahill and Chakoutis absent).

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

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

Ordered that the City Comptroller be and is hereby authorized to take the following action:

Certify as an "Available Fund" the amount of ONE MILLION FIVE HUNDRED FIVE THOUSAND THREE HUNDRED FORTY THREE DOLLARS AND ZERO CENTS (1,505,343.00) as allotted to the City of Lynn by Transportation Bond Bill Chapter 90 for FY18.

Emergency Preamble in order for DPW to start spending this funding.

Council 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 that the City Comptroller be and is hereby authorized to take the following action:

Certify as an "Available Fund" the amount of ONE MILLION FIVE HUNDRED FIVE THOUSAND THREE HUNDRED FORTY THREE DOLLARS AND ZERO CENTS (1,505,343.00) as allotted to the City of Lynn by Transportation Bond Bill Chapter 90 for FY18.

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 (Councilors Cahill and Chakoutis absent).
 Emergency Order was then adopted by the following ye and nay vote:
9 YES 0 NO (Councilors Cahill and Chakoutis absent).
REPORT ACCEPTED.

Report of the April 25, 2017 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Byrd, Misty 4 Friend St. Lynn MA - **Granted**

Garcia, Rodolfo 21 Blossom St Lynn - **Granted**

EXTENDED HOUR LICENSE – 60 DAY REVIEW

DOMINO'S PIZZA 341-347 Union St. - **Granted**

FOOD TRUCK LICENSE – NEW (to be located at 80 Commercial Bent Water)

Cambriello, Richard, 82 Crest Ave Revere – Daddy's Bonetown Burger - **Granted**

Yin, Nareth 342 Boston St – Sach Ko (Asian Food) - **Granted**

CLASS II AUTO DEALER/AUTO REP/FLAM – CHANGE OF BUSINESS NAME

164 Blossom St. – Jim McLaughlin's Lynnway Truck Center, Inc. - **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE- 30 DAY REVIEW

350 Chestnut St. – Duran Auto Repair- **Granted**

AUTO REPAIR/FLAMMABLE – 30 DAY REVIEW

407 Essex St. – Melo's Tire and Auto Service- **Granted**

AUTO REPAIR/FLAMMABLE – 60 DAY REVIEW

371 Summer St. – Express Auto and Tires Repair- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL

136 Cottage St. – Bay State Auto Service & Sales, LLC- **Granted**

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

35B Alley St. – K & J Auto Body- **Granted**

475 Lynnway – Barrera & Son's Auto Body & Repair- **Granted**

1117 Western Ave. – Pro-Tech Auto Body & Performance- **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

606 Boston St. – Solutions Auto Repair- **Granted**

59 Commercial St. – Rolando's Auto Repair- **Granted**

159 Commercial St. – Advance Auto Repair- **Granted**

12A Ellis St. – Mora Auto Repair- **Granted**

35 Suffolk St. – City Transportation- **Granted**

471A Western Ave. – Luxury Auto Service- **Granted**

905 Western Ave. – S.S. Auto Repair - **Granted**

FLAMMABLE LICENSE – RENEWAL

77 Alley St. – American By Products, Inc. - **Granted**

86 Bennett St. – Seacrest Foods International, Inc. - **Granted**

91 Commercial St. – Hibernia Atlantic, US, LLC- **Granted**

781 Lynnway – Wal-Mart Store #2139 - **Granted**

390 Parkland Ave. – Lynn Water and Sewer Commission- **Granted**
 325 Walnut St. – Lynn Water and Sewer Commission- **Granted**
 240 Western Ave. – Gibbs Oil Company Limited Partnership- **Granted**
 1000 Western Ave. – General Electric Aviation - **Granted**

**OTHER BUSINESS:
 REPORT ACCEPTED.**

Report of the April 25, 2017 Committee on Economic Workforce recommending the following to be accepted:

Discussion re: Update from the EDIC Director regarding the Lynn Waterfront Open Space Master Plan and other Business.

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councilor Capano and seconded by Councilor Trahan ordering that the City of Lynn convey a fee interest for parking purposes by Release Deed for nominal consideration to Haven Plaza Inc. for the above aforementioned discontinued and abandoned portion of a public way known as Market Street and South Street abutting 50-70 Market Square, Lynn, Massachusetts, and shown as “Parcel H” on a Plan of Land in Lynn, Massachusetts, Sheets 1 and 2, prepared for the City of Lynn prepared by Vanasse Hangen Brustlin, Inc., Transportation, Land Development & Environmental Services, 101 Walnut Street, P.O. Box 9151, Watertown, MA 02471-9151, Scale 1 inch = 40 Feet, Date: October 12, 2016, and or with any other subsequent revision(s) to said Plan(s) to said Plan(s) SUBJECT TO the terms and conditions of a Memorandum of Agreement between the City of Lynn and Haven Plaza Inc. and SUBJECT TO Haven Plaza Inc. conveying for nominal consideration a Quitclaim Deed transferring a fee simple interest in the land shown in said Plans as “Parcel G” to the City of Lynn. Said Order serves to further advance and accommodate right of way adjustments along the various public ways.

Further Ordered that the Mayor be authorized to execute any and all documents required by the Law Department.

Council Capano 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 Order that the City of Lynn convey a fee interest for parking purposes by Release Deed for nominal consideration to Haven Plaza Inc. for the above aforementioned discontinued and abandoned portion of a public way known as Market Street and South Street abutting 50-70

Market Square, Lynn, Massachusetts, and shown as “Parcel H” on a Plan of Land in Lynn, Massachusetts, Sheets 1 and 2, prepared for the City of Lynn prepared by Vanasse Hangen Brustlin, Inc., Transportation, Land Development & Environmental Services, 101 Walnut Street, P.O. Box 9151, Watertown, MA 02471-9151, Scale 1 inch = 40 Feet, Date: October 12, 2016, and or with any other subsequent revision(s) to said Plan(s) to said Plan(s) SUBJECT TO the terms and conditions of a Memorandum of Agreement between the City of Lynn and Haven Plaza Inc. and SUBJECT TO Haven Plaza Inc. conveying for nominal consideration a Quitclaim Deed transferring a fee simple interest in the land shown in said Plans as “Parcel G” to the City of Lynn. Said Order serves to further advance and accommodate right of way adjustments along the various public ways.

Further Ordered that the Mayor be authorized to execute any and all documents required by the Law Department.

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 (Councilors Cahill and Chakoutis absent).

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

9 YES 0 NO (Councilors Cahill and Chakoutis absent).

Councilor Net announced that the Khmer New Year Community Fair was being held on April 29, 2017 from 10:00 a.m. to 5:00 p.m. at the Lynn Commons.

Motion made by Councilor Colucci and seconded by Councilor Trahant 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