

**CITY OF LYNN**

**City Council Meeting, March 27, 2018  
Council President Darren P. Cyr**

**Eleven Councillors Present**

**Moment of Silence. Councilor LaPierre asked that the Family of Dawn Kenney be remembered. Councilor Walsh also asked that the Family of Thomas Laramie be remembered.**

**Pledge of Allegiance.**

**Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of February 27, 2018 and March 7, 2018.**

**Motion carried.**

**PUBLIC HEARINGS:**

Petition of Nest Forward 139 Munroe Street for a Sign Permit

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed

**Motion made by Councilor Chakoutis and seconded by Councilor Barton to grant the prayer of the Petitioner.**

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

**11 YES 0 NO**

Petition of Maximo Duran, owner of the Lincoln Market at 200 Essex Street for a Sign Permit.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Starbard and seconded by Councilor LaPierre to grant the prayer of the Petitioner.**

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

**11 YES 0 NO**

Public Hearing regarding an Ordinance to Prevent Wage Theft in the City of Lynn.

The following appeared in OPPOSITION:

Rick Wood, LACC Member

Christopher Bibby, LACC Member

4 Show of Hands in the Audience

The following appeared in Favor:

Cynthia Mark, Chief, Fair Labor Division, Office of Attorney General

Mario Chun, Lynn

Thomas O'Mally, Boston (AFL-CIO Housing Trust)

Naro Ramos, Lynn

Kathleen Santoro, Lynn

Cristino Costa, 598 Essex Street, Lynn

Jeff Crosby, Lynn

100 Show of Hands.

Public Hearing Closed.

Council President Cyr passed the gavel to Council Vice-President Barton.

Motion made by Councilor Cyr and seconded by Councilor Capano to grant with the following amendments:

WHEREAS, the City of Lynn annually spends hundreds of thousands of dollars purchasing food, apparel and other goods and services; and

WHEREAS, the City of Lynn, as a consumer, intends to be cognizant of the impact that our consumption has on the workers that provide services throughout Lynn; and

WHEREAS, the Lynn City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Lynn; and

WHEREAS, the practice commonly known as "wage theft"-improperly withholding payment from employees and failing to pay them according to required schedules-harms the well-being of employees, their families, and their communities; and

WHEREAS, low income, immigrant, and limited English proficient workers are most vulnerable to this practice, who represent a high percentage of the population of the Municipality of Lynn; and

WHEREAS, workers in the hospitality service and construction industries are also vulnerable to this practice; and

WHEREAS, the high cost of wage theft to the City, its business community, and its residents impedes the City's economic development and growth; and

WHEREAS, requiring City vendors to certify to the City their compliance with federal and state wage law, or to report violations and provide a wage bond, strengthens the City's ability to hire vendors that treat their employees fairly; and

WHEREAS, prohibiting the Purchasing Department from contracting with debarred vendors for the period of debarment will help to ensure that City resources are not used to support house vendors debarred for wage law violations; and

WHEREAS, the City desires to ensure that potential and current recipients of licenses issued under G.L. chapter 138 and chapter 140 comply with applicable wage laws;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lynn that the City of Lynn Ordinance Code as amended is hereby further amended and adopted as follows:

**SECTION 1—Definitions.**

A. For the purpose of this Ordinance, the following definitions apply:

1. “Employee” – a natural person who performs work for an employer operating within the geographic boundaries of Lynn, but shall not include any bona fide independent contractor as defined by G.L. c. 149, § 148B;
2. “Employer” – any natural person or business, whether or not incorporated or unincorporated, who suffers or permits another to work (1) in the City of Lynn,(2) under a contract to which the City of Lynn or one of its Departments is signatory, or under agreement with the City for tax incentives, or (3) who otherwise maintains a commercial presence in the City of Lynn. This definition excludes:
  - 1) The United States or a corporation wholly owned by the government of the United States; and
  - 2) The Commonwealth of Massachusetts, its subdivisions, and corporate bodies.
3. “Employ,” including as used in the term “employment” – to suffer or permit to work.
4. “Independent contractor” – as defined in G.L. c. 149, § 148B (“Massachusetts Independent Contractor Law”) and any applicable regulations or advisory guidance implementing that statute.
5. “Minimum wage” – as defined at G.L. c. 151, § 1 as well as any other state or federal statute or regulation establishing a minimum fair wage for particular occupations or classes of workers.
6. “Overtime” – as defined in G.L. c. 151, § 1A.
7. “Prevailing wage” – as defined in G.L. c. 149, §§ 26-27H.

8. “Timely Payment of Wages” – as defined by G.L. c. 149, § 148.
9. “Wage” – as defined by G.L. c. 149, §148.
10. “Wage Theft” – any action by an Employer, his officers, agents, or employees causing Employer not to make a timely and /or complete payment of wages, to pay the minimum wage or prevailing wage, or to pay overtime earned and owing to an employee.
11. “Application” – an initial application or a renewal of a license or permit.
12. “City Contractor” – an Employer who holds or seeks to hold a contract for goods, services, or labor with the City of Lynn
13. "Administrative Citation"—a civil citation issued by the attorney general pursuant to G.L c. 149 § 27C, a civil citation issued by the Department of Labor pursuant to 29 U.S.C. § 201 *et seq.* and/or 29 C.F.R. § 578, or any other civil citation for violation of M.G.L. c. 149 or c. 151 and/or 29 U.S.C. § 201 *et seq.* issued by any other federal, state, or local administrative agency.
14. “Stop work order”—as defined in G.L. c. 152, § 25C and 452 C.M.R. § 8.00.
15. “TIF Agreement”—a tax increment financing agreement, as such term is defined by G.L. c. 23A, § 3A, c. 40, § 59, and 760 C.M.R. 22.00 *et seq.*
16. “TIF Plan”—a tax increment financing plan, as such term is defined by 760 C.M.R. 22.00 *et seq.*
17. “EACC”—Economic assistance coordinating council, as defined by G.L. c. 23A, § 3A and established by G.L. c. 23A, § 3B.

## **SECTION 2—Wage Theft Advisory Committee.**

### **A. Wage Theft Advisory Committee—defined**

There shall be established a Wage Theft Advisory Committee, comprised of one (1) designee submitted by the Lynn City Council, one (1) designee submitted by the Mayor, one (1) representative chosen by the Lynn City Council from a list provided by the North Shore Labor Council, one (1) representative chosen by the Lynn City Council from a list provided by the Lynn Area Chamber of Commerce, one (1) representative chosen by the Lynn City Council from a list provided by the North Shore Latino Business Association, one (1) representative chosen by the Lynn City Council from a list provided by the North Shore Building Trades Council, one (1)

representative chosen by the Lynn City Council from a list provided by the Lynn Worker Center, and one (1) representative from the Lynn community chosen by the Lynn City Council from a list provided by New Lynn Coalition. Members of the Wage Theft Advisory Committee may be reappointed annually and must be appointed no later than the second meeting of the new year.

### **B. Duties**

The Wage Theft Advisory Committee will meet at least once every two months to review Wage Theft Complaints and provide advice to the City Council on the implementation and effectiveness of the wage theft ordinance. In addition, each year the Committee shall elect from among its members a volunteer Secretary who shall receive wage theft complaints received by the City Solicitor's office, pursuant to Section 3.C of this Ordinance, and coordinate any response to such complaint that is required by the Ordinance. In addition, members of the Wage Theft Advisory Committee may offer education, guidance, and referrals to employees affected by wage theft in Lynn at City-sponsored events and in collaboration with other City departments.

### **C. Reporting Requirements**

The City of Lynn shall publish an annual report, through the Wage Theft Advisory Committee, detailing all wage theft complaints received and action taken in response to such complaints, including specifically the status or final disposition of each complaint, where available. The report shall also include civil and criminal judgments issued by the state and federal courts, administrative citations, and final administrative orders, including but not limited to debarments, against Employers pursuant to G.L. c. 149 and G.L. c. 151, if known.

### **D. Conflict of Interest**

For purposes of this ordinance no member of the Wage Theft Advisory Committee shall participate in any proceeding concerning a beneficiary, a covered vendor, or a covered employee, if the member or any member of his or her immediate family has a direct or indirect financial interest in said individual or in the award of a service contract, subcontract or assistance or the granting of relief to said individual.

## **Section 3—Wage Theft Complaint Process.**

### **A. Filing and Receipt of Complaints**

The City of Lynn, at the office of the City Solicitor, shall be referred complaints of violations of state law under G.L. c. 149 and c. 151. The City Solicitor's Office shall refer employees affected by wage theft in Lynn to appropriate agencies. Complaints may be filed by an affected employee or any other person.

## **B. Required Communication with Attorney General's Office**

On a Biannual basis, a representative from the City will request to meet with the Office of the Attorney General to discuss complaints involving City employers and to better coordinate on issues of wage theft in the City.

## **C. Required Communication with Other City Departments**

The City Solicitor's Office shall forward each complaint submitted to the City of Lynn's Purchasing Agent and the Lynn Licensing Commission, the Lynn City Council, to the Wage Theft Advisory Committee. If the complaint pertains to work performed at any property subject to a TIF Agreement, the City Solicitor's office shall also send a copy to the EACC.

## **Section 4—Requirements for City Contractors.**

### **A. RFP/Bid and Successful Bidder Requirements**

1. Every Request for Proposals (RFP) or bid issued by the Purchasing Agent shall include the certification and disclosure requirements imposed by this Section.
2. Every RFP or bid issued by the Purchasing Agent shall notify bidders that they have an affirmative duty to report any criminal or civil judgment, administrative citation, or final administrative determination for wage theft against the bidder or any of its subcontractors entered within the five (5) years prior to bid submission, as well as any debarments against the bidder or any of its subcontractors in effect while its bid is pending to the City, and shall further notify bidders that if they are the successful bidder, they and any of their subcontractors have an affirmative duty to report any criminal or civil judgement, administrative citation, final administrative determination, order, or debarment against the bidder or any its subcontractors while their contract with the City is in effect, within five (5) business days of receipt. The RFP or bid will identify the Purchasing Department as the department to whom this must be reported.
3. Every RFP or bid issued by the Purchasing Agent shall notify bidders that they may not contract with the City if they have been either voluntarily or involuntarily debarred by the federal government, any agency of the Commonwealth of Massachusetts or any other state, or any municipal body—including, but not limited to, the City of Lynn—for the entire term of the debarment. Such RFPs or bids shall also notify bidders that they may not use any subcontractor who has been debarred by the federal government or any state or municipal government during the period of that subcontractor's debarment.
4. Bidders that are subject to municipal, state, or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the

Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their bids or proposals shall be rejected. Such bidders shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a Contract, upon a finding or order of such debarment or prohibition, the City may terminate the contract.

5. Successful bidders must either:

a. Provide a certification of compliance as required by this Section. To the extent that the bidder has been in business for less than five years it shall provide a certification certifying compliance for the entire period of time for which the entity has been in existence.

b. To the extent a judgment, citation, or final administrative order has been issued against a bidder within five years prior to its bid, provide a copy of the same, in addition to documentation demonstrating that all damages, fines, costs, and fees have been paid. In addition, the bidder must post a bond, to be maintained for the life of the contract, as specified by this Section.

6. Successful bidders must agree to post the notice available at <http://www.mass.gov/ago/docs/workplace/wage/wagehourposter.pdf> in a conspicuous location accessible to all of their employees. To the extent not all employees would have reasonable access to the notice if posted in a single location by the successful bidder, the successful bidder must inform the Purchasing Agent or other City department of the number and location of postings in order to ensure that the successful bidder provides reasonable notice to all of their employees and agrees to make those additional postings.

## **B. Certification and Disclosures**

The Purchasing Agent entering into contracts on behalf of the City shall adopt the attached certification and disclosure requirement for all applicants providing:

1. That an applicant certify to the Purchasing Agent that neither they nor any of their subcontractors have been subject to a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of G.L. c. 149, G.L. c. 151, or 29 U.S.C. § 201 *et seq.* within five (5) years of their application;

2. In the alternative, the applicant shall disclose to the Purchasing Agent any such criminal or civil judgment, administrative citation, final administrative determination, or debarment and include a copy of the same in their applications.

3. The Purchasing Department, when issuing an RFP or bids shall notify applicants that they have an affirmative duty to report any criminal or civil judgment, administrative citation, final administrative determination, order, or debarment against them or any of their subcontractors related to Wage Theft and occurring while the contract is in effect to the department within five (5) business days of receipt.

### **C. Reporting and Notice Requirements during the Contract Term**

1. Upon request by the Purchasing Agent, all City Contractors shall furnish their monthly certified payrolls to the City's Purchasing Agent for all employees working on City contracts.
2. To the extent a contract is for a term of one year or more, a City Contractor will provide the Purchasing Agent with a certification compliant with this Section on the effective date of the contract and at each anniversary thereof until the contract expires.
3. All City Contractors will furnish to the Purchasing Agent any criminal or civil judgment, administrative citation, final administrative determination, order, or debarment related to Wage Theft and issued during the term of their contract(s) with the City against the City Contractor or its sub-contractors within five (5) business days of receipt.
4. To the extent required as set forth at Subsection (D) below, all City Contractors shall maintain a wage bond for the term of the contract(s) with the City.

### **D. Wage Bonds**

1. Any successful bidder or City Contractor or subcontractor who has had a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment, resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 *et seq.* or any other state or federal laws regulating the payment of wages within five (5) years prior to the date it submits its bids or proposals, and that is not otherwise prohibited from public contracting shall be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees employed on the specific City of Lynn contract. Such bond must be maintained for the terms or extensions of any Contract, and proof of such bond must be provided upon request by the City.
2. Any City Contractor or subcontractor that receives a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment, resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 *et seq.*, or any other state or federal laws regulating the payment of wages during the term of the Contract, and that is not otherwise prohibited from public contracting, shall be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees employed on the specific City of Lynn contract, based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms or extensions of any Contract, and proof of such bond must be provided upon request by the City.



### **E. Suspension or Revocation of Contract/Wage Theft as Material Breach of Conditions in RFP or Bid**

If a City Contractor is found to be in violation of G.L. c. 149, G.L. c. 151, or 29 U.S.C. § 201 *et seq.*, or this Section, and therefore in breach of its contract with the City, the City may take one or more of the following actions:

1. Revocation of City Contractor's contract with the City;
2. Suspension of City Contractor's contract with the City;
3. Imposing conditions on any future contracts with the City, including, but not limited to, the posting of a wage bond and other reasonable requirements.

### **F. Requirements for Successors-in-Interest**

The requirements of this Section, including any sanctions imposed herein, that are applicable to any Employer shall also be applicable to, and effective against, any successor Employer that (i) has at least one of the same principals or officers as the prior Employer; and (ii) is engaged in the same or equivalent trade or activity as the prior Employer.

## **SECTION 5—Requirements for Licensees and Prospective Licensees.**

### **A. Requirements for License Applicants**

Any application filed by an Employer to the License Commission for any license issued pursuant to M.G.L. c. 138 or M.G.L. c. 140 may be denied if, during the five-year period prior to the date of the application, the applicant Employer has been subject to a federal or state criminal or civil judgment, administrative citation, order, debarment, or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 *et seq.*, or any other state or federal laws regulating the payment of wages. Each such applicant shall certify that she has not been found guilty, liable or responsible, in the past five years, in any judicial or administrative proceeding, for any violation of any of the laws set forth above.

### **B. Requirements for License Holders**

Any license or permit issued by the License Commission under M.G.L. c. 138 or M.G.L. c. 140 to an Employer may be modified, suspended or revoked if, during the term of the license or permit, the licensee or permittee Employer has been subject to a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 *et seq.* or any other state or federal laws regulating the payment of

wages.

### **C. Wage Bonds for License Holders**

Employers granted a License or Permit that have disclosed a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 *et seq.* or any other state or federal laws regulating the payment of wages within five (5) years prior to the date they submit their applications, or Employers granted a License or Permit who become subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 *et seq.*, or any other state or federal laws regulating the payment of wages during the term of the License or Permit, shall be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms or extensions of any License or Permit, and proof of such bond must be provided upon request by the City. Failure to comply with this Subsection may constitute grounds for modification, suspension, and/or revocation of the license or permit pursuant to Subsection B.

### **D. Requirements for successors-in-interest**

The requirements of this Section, including any sanctions imposed herein, that are applicable to any Employer shall also be applicable to, and effective against, any successor Employer that (i) has at least one of the same principals or officers as the prior Employer; and (ii) is engaged in the same or equivalent trade or activity as the prior Employer.

## **SECTION 6—Requirements for Tax Increment Financing (TIF) Agreements**

### **A. Certifications and Disclosures**

It shall be a special and material condition of any future TIF Agreement that any and all persons, natural or corporate, who are signatories to the TIF Agreement provide the City of Lynn, via its Wage Theft Advisory Committee, with a list of all construction managers, general contractors, lead or prime contractors, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier engaged to perform work on the property subject to the tax increment financing plan during the term of the TIF Agreement. An initial list must be provided to the Wage Theft Advisory Committee prior to the start of any work on the property subject to the TIF Agreement. Should any additional or replacement entities be engaged to perform work on the property subject to the TIF Agreement during the term of the TIF Agreement, the signatory must provide the name of such entity no later than fourteen (14) days after that entity begins work on the property.

All signatories to the TIF Agreement shall further certify that they shall not engage any entity to perform work on the property covered under the TIF Agreement which is subject to any debarment for any reason, or an unpaid criminal or civil judgment, administrative citation, or final administrative determination for wage theft, and that they shall not (a) have entities performing work on the property who have been the subject of an indictment, judgment, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law; nor (b) have any entities performing work on the property who have been the subject of a government suspension or debarment, rejection of any bid or disapproval of any proposed contract or subcontract, including pending actions, for lack of responsibility denial or revocation of prequalification or a voluntary exclusion agreement; nor (c) have entities performing work on the property who have been the subject of any governmental determination of a violation of any public works law or regulation, or labor law or regulation or regulation of any OSHA violation deemed "serious or willful" within the five (5) year period preceding the date such Agreement is signed. If, notwithstanding such certification, any interested person gives the City of Lynn written notice, via the Wage Theft Advisory Committee, that any person or entity engaged to perform work on a property subject to a Tax Increment Financing Plan is subject to a debarment or an unpaid criminal or civil judgment, administrative citation, or final determination in violation of the certification provisions of this subsection and entered within the five (5) year period prior to the date the TIF Agreement is signed, the Secretary of the Wage Theft Advisory Committee shall write to all signatories to the TIF Agreement within ten (10) days and request that the outstanding judgment or determination be satisfied or that the person or entity subject to such judgment or determination be immediately replaced on the project. If the outstanding judgment or determination has not been satisfied, nor the person or entity subject to such judgment replaced on the project, within fourteen (14) days of when the Secretary informs the signatories to the TIF Agreement of the outstanding violation, then the TIF Agreement shall provide that such an event materially frustrates the public purpose for which this TIF Agreement and any certification of the tax increment financing plan by the City was intended to advance.

#### **B. Special and Material Conditions of TIF Agreements with City of Lynn**

It shall be a special and material condition of any TIF Agreement that any construction manager, general contractor, or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the work during the term of their TIF Agreement on the property that is the subject of the Tax Increment Financing Plan shall comply with the following qualification and condition at all times during their performance of work on the property:

- (1) The firm must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in

accordance with G.L. c.152 and provide documentary proof of such coverage to the Building Inspector to be maintained in the Building Department as a public record;

- (2) The firm must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. (G.L. c.149, §148B on employee classification);
- (3) The firm must comply with G.L. c. 149, § 148 with respect to the payment of wages; and
- (4) The firm must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority.

### **C. Wage Theft Complaints for Properties Covered by TIF Agreements**

The City of Lynn's Wage Theft Advisory Committee shall promptly respond to any complaints for violations of the legal obligations outlined at subsections (B)(1)–(4), including complaints for wage theft, filed through the City Clerk that pertain to work performed at any property subject to a TIF Agreement by sending notice of such complaint to all signatories of the TIF Agreement within thirty (30) days of receiving such complaint. The Wage Theft Advisory Committee may take appropriate steps to resolve such complaint after such notice is provided, including, but not limited to, arranging informal and voluntary mediations involving the affected worker, the Agreement signatories, and any implicated contractor or subcontractor of any tier on the project. If, after the Wage Theft Advisory Committee has properly served notice of a complaint upon the signatories to a TIF Agreement pursuant to this subsection, any Employer becomes subject to a federal or state criminal or civil judgment, administrative citation, stop work order, debarment, or final administrative determination resulting from a violation of any of the legal obligations outlined at subsections (B)(1)–(4), and if such judgment, citation, or order is not satisfied or discharged, or the offending Employer replaced on the project, within fourteen (14) days of the entry of such judgment, citation, or order, the parties agree that such an event materially frustrates the public purpose that the TIF Agreement and any certification of the tax increment financing plan by the City was intended to advance.

### **D. Termination of TIF Agreements**

In the event the public purpose of a TIF Agreement or TIF Plan is materially frustrated pursuant to Subsection (A) and/or (C), the City Council shall hold a public hearing and vote at its next regularly scheduled meeting regarding whether to terminate the tax relief provided by such TIF agreement and petition the EACC for revocation of that portion of its certification of the TIF Plan corresponding to such TIF Agreement. If the termination of such TIF Agreement is approved by the Council and Mayor, or by the Council over the Mayor's veto, the owner of the property covered by such TIF Agreement shall forfeit the receipt of any funds or future tax benefits and/or shall return any such funds already received in connection with the project.

#### **E. Requirements for Successors-in-Interest**

The requirements of this Section, including any sanctions imposed herein, that are applicable to any Employer shall also be applicable to, and effective against, any successor Employer that (i) has at least one of the same principals or officers as the prior Employer; and (ii) is engaged in the same or equivalent trade or activity as the prior Employer.

#### **G. Reporting and Notice Requirements during Agreement Term**

Upon request by the Wage Theft Advisory Committee, all Employers performing work upon a property subject to a TIF Agreement shall furnish their monthly certified payrolls to the Wage Theft Advisory Committee for all employees providing labor or services at the property subject to such Agreement.

#### **Section 7--Severability**

If any provision of this Ordinance is held invalid or unenforceable by any court, such a holding does not invalidate or render unenforceable any other provision of the Ordinance, and the rest of the Ordinance shall remain in full force and effect

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

**11 YES 0 NO**

Public Hearing regarding an Ordinance Amending the Zone Ordinance of the City of Lynn to Establish a Recreational Cannabis Overlay District.

The following appeared in Favor:

William Burtun, Nahant, MA

Mr. Alexia, 189 Essex Street, Lynn

No one spoke in Opposition.

Public Hearing Closed.

Council President Cyr turned the gavel over to Council Vice-President Barton.

**Motion made by Councilor Cyr and seconded by Councilor Capano to grant with the following amendments:**

**Section 1. Purpose.** The purpose of this section is to regulate the time, place and manner of Cannabis establishments. The zoning will serve to preserve the character of the community and create a place for residents to responsibly have access to legal cannabis while mitigating community impact. This ordinance should serve as a guide that will support the citizens' right to access legal cannabis, protecting the public health and safety and expanding new growth for the tax base.

**Section 2. Scope.** This section relates only to Cannabis establishments authorized by General Laws, Chapter 94G, and not to medical Cannabis treatment centers authorized by General Laws, Chapter 941, the location and operation of which is governed elsewhere in this Ordinance, nor to Cannabis-related businesses not required to be licensed by Chapter 94G.

**Section 3. Definitions**

*For the purpose of this document the word Cannabis is used in place of Marijuana as found in MA General Laws, Chapter 94G*

- a. **Commission (CCC):** the Cannabis Control Commission.
- b. **Community Host Agreement:** an agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis establishment and a municipality setting forth additional conditions for the operation of a Cannabis establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing.
- c. **Craft Co-Op:** a Cannabis cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand Cannabis and Cannabis products to deliver Cannabis to Cannabis establishments but not to consumers.
- d. **Independent testing laboratory:** a laboratory that is licensed by the commission and is:
  - (1) Accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission;

- (2) Independent financially from any medical Cannabis treatment center or any licensee or Cannabis establishment for which it conducts a test; and
  - (3) Qualified to test Cannabis in compliance with regulations promulgated by commission pursuant to this chapter.
- e. **Cannabis cultivator:** an entity licensed to cultivate, process and package Cannabis, to deliver Cannabis to Cannabis establishments and to transfer Cannabis to other Cannabis establishments, but not to consumers.
  - f. **Cannabis Cultivation:** Use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a Marijuana Cultivator, Micro-Business, Research Facility, Craft Marijuana Cultivator Cooperative, Registered Marijuana Dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning.
  - g. **Cannabis establishment:** a Cannabis cultivator, independent testing laboratory, Cannabis product manufacturer, Cannabis retailer or any other type of Cannabis business Licensed under Chapter 94G of the General Laws. The term does not include establishments whose business is related to Cannabis but does not involve the handling of Cannabis, for example, cultivation supplies and equipment.
  - h. **Cannabis product manufacturer:** an entity licensed to obtain, manufacture, process and package Cannabis and Cannabis products, to deliver Cannabis and Cannabis products to Cannabis establishments and to transfer Cannabis and Cannabis products to other Cannabis establishments, but not to consumers.
  - i. **Cannabis products:** products that have been manufactured and contain Cannabis or an extract from Cannabis, including concentrated forms of Cannabis and products composed of Cannabis and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
  - j. **Cannabis retailer:** an entity licensed to purchase and deliver Cannabis and Cannabis products from Cannabis establishments and to deliver, sell or otherwise transfer Cannabis and Cannabis products to Cannabis establishments and to consumers.
  - k. **Micro-Business:** a cannabis establishment that is licensed to act as a licensed cannabis cultivator in an area less than 5,000 square feet;

licensed cannabis product manufacturer, and licensed cannabis delivery service in compliance with the operating procedures for each such license.

**Section 4. Place**

- a. No Cannabis establishment (except a cannabis retail sales storefront which has been permitted to operate as a medical cannabis treatment center, shall be located within 200 feet of pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 licensed by the Department of Education. in operation at the time of application for a special permit or site plan approval as measured by a typical path of travel door to door. This exception shall not apply to cannabis retail stores who are permitted to operate as a medical cannabis treatment center within the medical cannabis treatment center overlay district.
- b. No Cannabis establishment shall be located within 500 feet of another licensed Cannabis establishment.
- c. No Cannabis establishment shall be located within a building containing residential units, except mixed use buildings in the (CBD) and (BSBZ) zones. This prohibition includes transient housing or group housing.
- d. As defined in M.G.L. c. 94G, the number of cannabis retail storefronts shall be limited to nor more than 20% of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, §15.

Business type	Zone allowed
Cannabis retail sales storefront.	B3, B, BSBZ, CBD, LI, HI <sup>1</sup>

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<sup>1</sup> Except retail cannabis sale storefronts that have also been permitted to operate a medical cannabis treatment center in any district in the City of Lynn within the medical cannabis treatment center overlay districts may be allowed in the zoning district in which there are allowed to dispense medical cannabis.



Independent testing laboratory	B3, B, BSBZ, CBD, LI, HI
Delivery	B3, B, CBD, LI, HI
Cultivation, manufacturer	LI, HI

- e. All Cannabis cultivation, processing, testing, product manufacturing, retail, and other state-licensed Cannabis businesses shall operate within a fully enclosed building. For purposes of this section, a greenhouse shall be considered a "fully enclosed building." However, a partially enclosed deck that is part of a Cannabis business is allowed, as long as other provisions of this ordinance are met.
- f. A Cannabis retail sales storefront is permitted by Special Permit in the B, B3, BSBZ, CBD, LI and HI zoning district as well as those permitted within the medical cannabis treatment overlay district.
- g. An independent testing laboratory is permitted by Special Permit in the B3, B, BSBZ, CBD, LI and HI zoning districts.
- h. A craft co-opt, cannabis cultivator, cannabis product manufacturer and micro-business shall be permitted by Special Permit in the LI and HI zoning districts.

### **Section 5. Time and manner**

- a. Odor:** No Cannabis establishment shall allow the escape of noxious odors. They shall incorporate odor control technology and provisions, and ensure that emission do not violate MGL Chapter 111, Section 31 C.
- b. Signage:** All business signage shall be subject to the requirements of the Cannabis Control Commission, ordinances of the City of Lynn and any conditions contained in the Special Permit.

- c. **Visual Impact:** Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located. No outside storage of any cannabis plants, products and paraphernalia is permitted.
- d. **Home Occupation.** Cannabis establishments are not permitted as a Home Occupation.
- e. **Security.** Every application for a Special Permit for the operation of a Cannabis establishment shall include a security plan describing all security measures. This should include site security, security for the transportation of Cannabis and Cannabis products. Safety plans should mitigate any potential harm to the employees and the public including ensuring all customers are 21+. These plans shall be kept private (between the city and establishment) and out of the public record for the security of the establishment.

## **Section 6 Other**

- a. **Community Host Agreement.** Any Special Permit Any Special Permit issued by the Lynn City Council shall be conditioned on the execution of a Community Host Agreement.
- b. **State Law.** Cannabis establishment operations shall conform at all times to General Laws, Chapter 94G, and regulations issued thereunder.
- c. **License requirement.** The applicant shall submit proof that the application to the Cannabis Control Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as integral component of the application to the Lynn City Council. No person shall operate a Cannabis establishment without having a license in good standing from the Commission (CCC).
- d. **Energy Use.** All cannabis cultivators shall submit an energy use plan to the Lynn City Council to demonstrate best practices for energy conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.
- e. **Line Queue Plan.** The applicant shall submit a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be disrupted.
- f. **Traffic Impact Statement.** Any cannabis establishment open to the general public (such as retail dispensary, or, social consumption and delivery only operations) may be required to submit a detailed Traffic Impact Statement. This is required in each case where a proposed

new building, use or project will contain more than 10,000 square feet, or will include one of the following uses which generates high volumes of trips: convenience stores, drive-in restaurant, automotive service station, or bank.

- g. Parking.** Parking shall be governed pursuant to Section 9 of this Ordinance for retail establishments.
- h. Permitting.** The Lynn City Council shall be the Special Permit Granting Authority.
- i. Waivers.** The Lynn City Council may waive applicability of one or more of the requirements imposed by 935 CMR 500.000. The applicant shall be required to submit the request in writing and identify whether the waiver is from a provision in state law or local law. Any waivers from the state law should only be granted if said waiver was also approved by the Cannabis Control Commission under their waiver provisions available in 935 CMR 500.700. The following criteria can be used to request a waiver:
- (A) Compliance would cause undue hardship to the requestor;
  - (B) If applicable, the requestor's non-compliance does not jeopardize the health or safety of any patient or the public;
  - (C) If applicable, the requestor has instituted compensating features that are acceptable to the Lynn City Council; and
  - (D) The requestor provides to the Lynn City Council written documentation, in a form and manner determined by the Lynn City Council, supporting its request for a waiver.
- j. Hemp.** Nothing in this bylaw shall be construed to regulate the cultivation of industrial hemp, as same is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123. Use of land or buildings for hemp processing and/or product manufacture shall be subject to such zoning controls as apply to other (non-cannabis) processing and product manufacture operations.

### **Section 7. Medical Marijuana Treatment Centers**

Medical Marijuana Treatment Centers is hereby deleted from Section 5 Table of Use Regulations. The following language shall appear following the word “facility.” in the definitional Section 5.4 of “Retail Stores.” “Retail stores shall also include Medical Cannabis Treatment Centers which are establishments that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers cannabis or products containing cannabis and/or related supplies for ostensibly medical purposes.

**Section 8. Severability.**

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of this zoning ordinance.

**Council President Cyr stated that the Planning Board sent down a Letter in Support of the proposed Zone Ordinance.**

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

**10 YES 1 NO (Councilor Lozzi voting NO).**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Michelle Doucette owner of “Munchies”, for permission to open an Ice Cream Store/Parlor with seating at 578-582 Chestnut St. **(Lozzi)**

-Petition for a Sign Permit at Bread Dreams located at 66 Market Square **(Capano)**

-Petition of Olde World Remedies Inc., Alan Rothenberg, to open a Medical Marijuana Dispensary at 953 Western Ave, Mon–Sat 9am-8pm **(Capano)**

-Petition of National Grid to install approximately 40 feet of PVC conduit (encased in concrete) from Pole 28 Sagamore St @ Washington St to the property of 776 Washington St in Lynn. **(Chakoutis)**

-Petition of National Grid to install one joint owned pole on Sagamore St beginning at a point approximately 40 feet westerly of the centerline of the intersection of Washington St and Washington St and continuing approximately 40 feet in a westerly direction. **(Chakoutis)**

-Petition of Comcast to place a 4ft’x 4ft’ manhole over the existing Comcast conduit and excavating to place one 4 inch PVC conduit 41 feet +/- to service 377 Lynnway. **(Capano)**

-Petition of Comcast to install a new underground conduit located at Nahant St and Broad St to provide service for business located at 106 Broad St. **(Colucci)**

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

**Motion carried.**

## **COMMITTEE REPORTS:**

### **Report of the March 27, 2018 Committee on Ordinance and Rules recommending the following to be accepted:**

1. Discussion and/or Set Down for Public Hearing:  
A Proposed Ordinance Amending the Zone Ordinance in the City of Lynn.  
(Union Hospital/Medical Village) – **Granted to be Set Down for Public Hearing).**

2. OTHER BUSINESS:  
**REPORT ACCEPTED.**

### **Report of the March 27, 2018 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to appropriate from FY18 Property Tax, State Aid and other Local Receipts, the sum of ONE MILLION DOLLARS AND ZERO CENTS (1,000,000.00) to City of Lynn Health Trust Account.

To Account 0U8015 – 9949 Health Ins–Other Fin Srcs \$1,000,000.00

**Councilor 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 a financial order transferring the sum of ONE MILLION DOLLARS AND ZERO CENTS (1,000,000.00) to City of Lynn Health Trust Account.**

**To Account 0U8015 – 9949 Health Ins–Other Fin Srcs \$1,000,000.00**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Transfer the sum of SEVENTY THOUSAND DOLLARS AND ZERO CENTS (70,000.00)

From the Account of 98035-7800 Reserve 70,000.00

To the Account of <u>22105-3103</u>	Police Exp-Dr Services	30,000.00
To the Account of <u>22105-3104</u>	Police Exp-Hosp Services	40,000.00

To fund unexpected Medical Costs in FY18 that exceeds amount in original budget submission.

**Councilor 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 a financial order transferring the sum of SEVENTY THOUSAND DOLLARS AND ZERO CENTS (70,000.00)**

From the Account of <u>98035-7800</u>	Reserve	70,000.00
To the Account of <u>22105-3103</u>	Police Exp-Dr Services	30,000.00
To the Account of <u>22105-3104</u>	Police Exp-Hosp Services	40,000.00

**To fund unexpected Medical Costs in FY18 that exceeds amount in original budget submission.**

**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 THIRTY THOUSAND FOUR DOLLARS AND NINETY FOUR CENTS (30,004.94)

From the Account of <u>98035-7800</u>	Reserve	30,004.94
To the Account of <u>22404-0700</u>	Fire SBB-PR	21,342.88
To the Account of <u>22404-0800</u>	Fire Long-PR	8,662.06

To fund LFD retirements not in original budget submission.

**Councilor 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 a financial order transferring the sum of THIRTY THOUSAND FOUR DOLLARS AND NINETY FOUR CENTS (30,004.94)**

From the Account of <u>98035-7800</u>	Reserve	30,004.94
To the Account of <u>22404-0700</u>	Fire SBB-PR	21,342.88
To the Account of <u>22404-0800</u>	Fire Long-PR	8,662.06

**To fund LFD retirements not in original budget submission.**

**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 EIGHT THOUSAND TWO HUNDRED EIGHTY SEVEN DOLLARS AND SEVENTY EIGHT CENTS (8,287.78)

From the Account of 98035-7800 Reserve 8,287.78

To the Account of 44004-0700 DPW SBB-PR 8,287.78

To fund DPW retirement payout not in original budget submission.

**Councilor 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 a financial order transferring the sum of EIGHT THOUSAND TWO HUNDRED EIGHTY SEVEN DOLLARS AND SEVENTY EIGHT CENTS (8,287.78)**

From the Account of 98035-7800 Reserve 8,287.78

To the Account of 44004-0700 DPW SBB-PR 8,287.78

To fund DPW retirement payout not in original budget submission.

**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 ONE THOUSAND EIGHT HUNDRED DOLLARS AND FORTY CENTS (1,800.40)

From the Account of 98005-7400 Insurance-Exp  
1,800.40

To the Account of 11765-7400 Workers Comp-Exp 1,800.40

To fund Excess Claims Administration per Contract.

**Councilor 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 a financial order transferring the sum of ONE THOUSAND EIGHT HUNDRED DOLLARS AND FORTY CENTS (1,800.40)**

From the Account of 98005-7400 Insurance-Exp  
1,800.40

To the Account of 11765-7400 Workers Comp-Exp  
1,800.40

To fund Excess Claims Administration per Contract.

**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 FORTY THOUSAND DOLLARS AND ZERO CENTS (40,000.00) as allotted to the City of Lynn Fire Department by the Massachusetts Department of Fire Services (DFS) for the FY18 Replacement Grant. Grant Period 02/13/18-06/30/18

**Councilor 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 Order to certify as an "Available Fund" the amount of FORTY THOUSAND DOLLARS AND ZERO CENTS (40,000.00) as allotted to the City of Lynn Fire Department by the Massachusetts Department of Fire Services (DFS) for the FY18 Replacement Grant.**

**Grant Period 02/13/18-06/30/18**

**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 THREE HUNDRED SIXTY FOUR THOUSAND THREE HUNDRED FOUR DOLLARS AND FIFTY TWO CENTS (364,304.52) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY2018 Prevention Wellness Trust Grant. Grant Period 02/18/18-6/30/18

**Councilor 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 Order to certify as an "Available Fund" the amount of THREE HUNDRED SIXTY FOUR THOUSAND THREE HUNDRED FOUR DOLLARS AND FIFTY TWO CENTS (364,304.52) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY2018 Prevention Wellness Trust Grant.**

**Grant Period 02/18/18-6/30/18**

**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 FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (400,000.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs (ENV) to fund Lynn Commons (large) Improvements PARC # 31 Grant. Grant Period is 02/06/2018 to 06/30/19

**Councilor 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 Order to certify as an "Available Fund" the amount of FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (400,000.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs (ENV) to fund Lynn Commons (large) Improvements PARC # 31 Grant. Grant Period is 02/06/2018 to 06/30/19**

**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 FORTY THOUSAND DOLLARS AND ZERO CENTS (40,000.00) as allotted to the City of Lynn by the Massachusetts Department of Environmental Protection (DEP) for the Recycling IQ Kit for Curbside Communities, another SMRP initiative.

**Councilor 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 Order to certify as an "Available Fund" the amount of FORTY THOUSAND DOLLARS AND ZERO CENTS (40,000.00) as allotted to the City of Lynn by the Massachusetts Department of Environmental Protection (DEP) for the Recycling IQ Kit for Curbside Communities, another SMRP initiative.**

**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 March 27, 2018 Committee on Public Property and Parks recommending the following to be accepted:**

1. Discussion re: A Request from Mount Olive Church, 20 Johnson Street to use a portion of the City Hall Parking Lot (Department Heads Lot) on Sunday July 15, 2018 from Noon – 3:00 p.m. for a Church Cook-Out.

**Councilor Walsh and seconded by Councilor Field to grant with the stipulation that it be contingent on whether there is no show in the Auditorium on July 15, 2018 and/or permission to use the Johnson Street Employee Lot on July 15, 2018. Also, provide Insurance Binder with City of Lynn listed.**

2. Discussion re: Request from the YMCA to amend the Development Agreement to conform with the Mass Works Development Grant.

**Motion made by Councilor Field and seconded by Councilor Walsh Ordering that the Mayor be authorized to enter into and execute a Further Addendum to the Development Agreement and Addendum to THE Development Agreement dated as of the 18<sup>th</sup> day of January 2017, by and between the CITY OF LYNN and YMCA of METRO NORTH, INC, a Massachusetts non-profit corporation having its usual place of business at 20 Neptune Boulevard, Lynn, MA 01902, or an entity formed by YMCA of Metro North, Inc. The aforesaid Further Addendum shall be prepared by and satisfactory to the Law Department.**

**Councilor Field 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 Mayor be authorized to enter into and execute a Further Addendum to the Development Agreement and Addendum to THE Development Agreement dated as of the 18<sup>th</sup> day of January 2017, by and between the CITY OF LYNN and YMCA of METRO NORTH, INC, a Massachusetts non-profit corporation having its usual place of business at 20 Neptune Boulevard, Lynn, MA 01902, or an entity formed by YMCA of Metro North, Inc. The aforesaid Further Addendum shall be prepared by and satisfactory to 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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

3. Discussion re: Sale of Vacant City-Owned Homes.

**Motion made by Councilor Walsh and seconded by Councilor Capano to request the Solicitor's Office draft language to place out to Bid the city-owned property at 34 Grant Street and 48 Saunders Road and present said Bid language to the Public Property and Parks Committee at their next meeting.**

**Motion carried.**

**Motion made by Councilor Walsh and seconded by Councilor Capano to request the Solicitor's Office to begin Eviction Proceedings on the following city-owned properties:**

**3 Basse Circle  
465 Essex Street, Unit 2  
20 Heaths Court, Unit 103  
21R Michigan Avenue  
13 Raddin Grove Avenue  
15 Springvale Lane  
61 Nahant Street  
440 Summer Street**

**Motion carried.**

**4. OTHER BUSINESS.**

**REPORT ACCEPTED.**

**Report of the March 27, 2018 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATORS NEW**

MEDINA, MARCOS- 31 Beach Rd, Lynn, MA- **Tabled**

MORALES, JOSE LUIS- 492 Chatham St #2 Lynn, MA- **Granted**

WHITING, DERRICK C. – 176 Ocean Street, Lynn, MA - **Granted**

**LIVERY SERVICE LICENSE NEW**

PSF TRANSPORTATION (owner Mr. Limat) – 190 Williams Ave Lynn, MA- **Granted**

FAVORED HOME CARE INC. (Mr. Ofuokwu) – 297 Broadway Unit 2 - **Granted**

**LIVERY OPERATORS NEW**

LIMAT, PETER JHONNY – 190 Williams Avenue, Lynn, MA - **Granted**

OFUOKWU, AMENZE SANDRA – 9 Saratoga Street Unit B, Lynn, MA - **Granted**

OFUOKWU, RICHARD – 9 Saratoga Street Unit B, Lynn, MA - **Granted**

**MOBILE FOOD TRUCK LICENSE-NEW FOR 3 -11 MT. VERNON ST**

INDULGE INDIA, 10 CRESCENT DR, APT 12D, ANDOVER, MA- **Granted**

PERROS PAISAS, 6 RESERVOIR AVE., REVERE, MA- **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – NEW**

1069A Western Ave. – Mell’s Tire & Auto Service- **Granted with standard stipulations.**

105 Willow St. – Josue Auto Repair- **Granted with standard stipulations.**

**AUTO REPAIR/FLAMMABLE RENEWAL 90 DAY REVIEW**

68 Bennett St. – Car Works Plus- **Granted until end of April.**

**AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

178 Alley St. – Collision Auto Craft- **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

47 Bennett St. – B Auto Repair- **Granted**

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

**FLAMMABLE LICENSE – RENEWAL**

47 Alley St. – Jim Appleyard Bonded Storage, Inc. - **Granted**

37 Bennett St. – Jim Appleyard Bonded Storage, Inc. - **Granted**

84-86 Lynnway – Lynn Yacht Club- **Granted**

780 Lynnway – Wal-Mart- **Granted**

390 Parkland Ave. – Lynn Water and Sewer Commission- **Granted**

325 Walnut. St. – Lynn Water and Sewer Commission - **Granted**

**TRANSIENT VENDOR LICENSE-RENEWAL**

Flax Pond Area, Abdelkader Adlafi (*Flower Sales*) - **Granted**

**CANNING:**

Lynn Band Boosters (Adults Only) – March 17 and March 18, 2018- **Granted**

Lynn English Baseball (Adults Only) – March 29, 30, 31, 2018- **Granted**

Greater Lynn Babe Ruth (Adults Only) – April 14, 15, 16, 2018- **Granted**

**LETTER FROM THE OFFICE OF CONSUMER AFFAIRS AND BUSINESS****REGULATIONS:**

Re: Recent Audit of Dealerships to Assess Compliance with MA Law re: Lemon Law at the following locations: Kyle Holmes Auto Sales; Pride Chevrolet, North Shore Auto Mall. **(To Be Put on the April 10, 2018 Agenda). - Granted**

**HEARING:**

Caps Auto Wrecking, Corp., 1069R Western Avenue

Re: To Determine Whether the Following Licenses Shall Be Suspended, Revoked and/or Denied Renewal: Auto Dealer’s License; Auto Body License; Auto Repair/Flammable License; Motor Vehicle Junk License/Class III; and Junk Dealer License.

**Motion made by Councilor Capano and seconded by Councilor Net to deny all licenses on the site based on the federal court order.**

**Motion carried.**

**OTHER BUSINESS:**

**Motion made by Councilor Capano and seconded by Councilor Field to request the Solicitor’s Office to send letters to the Taxicab Companies and request them at the next meeting regarding complaints from constituents that the meters are not being used.**

**Motion carried.  
REPORT ACCEPTED.**

**Report of the March 27, 2018 Committee on Utilities recommending the following to be accepted:**

**PUBLIC HEARINGS:**

Petition of National Grid to relocate one jointly owned pole #72 located opposite 265 Fays Ave. Pole has a National Grid guy wire into tree on private property. The customer will remove the tree. - **Granted**

Petition of National Grid to install one jointly owned pole on Alden St beginning at a point approximately 35 feet northeast of the centerline of the intersection of 495-497 Eastern Ave and Alden St. – **Granted**

Petition of National Grid and Verizon to install one joint pole and one pole with a guy wire opposite 31 Kent Road – **Granted**

**OTHER BUSINESS  
REPORT ACCEPTED.**

**Report of the March 27, 2018 Committee on Education and Environmental Affairs recommending the following to be accepted:**

1. Discussion re: LaPierre/Motion to Reconsider Relative to Ant Bicycle, Inc., Dockless Bike-Sharing Program  
**Motion made by Councilor LaPierre and seconded by Councilor Walsh to rescind the Motion to Reconsider. Motion carried.**

**2. OTHER BUSINESS  
REPORT ACCEPTED.**

**NEW BUSINESS:**

ORDERED: That \$9,500,000 is appropriated to assist the City in achieving a balanced budget for fiscal years 2018, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to a special act of the General Court of Massachusetts, entitled An Act Relative to the Financial Condition of the City of Lynn, which special act was approved by the Governor earlier today, or pursuant to any other enabling authority, and to issue bonds

or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

**Motion made by Councilor LaPierre and seconded by Councilor Colucci to GRANT.**

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

**11 YES 0 NO**

**Motion made by Councilor Colucci and seconded by Councilor 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**