

CITY OF LYNN

**Regular City Council Meeting, January 22, 2019
Council President Darren P. Cyr**

**Ten Councilors Present
Moment of Silence.
Pledge of Allegiance.**

**Motion made by Councilor Colucci and seconded by Councilor Barton to accept the Meeting Minutes of January 8, 2019.
Motion carried.**

COMMUNICATIONS:

Dear Councilors:

I am hereby appointing the following as my designees to serve on the Lynn Council on Aging. Their terms are effective immediately and all will expire on January 31, 2021:

Ms. Dianna Chakoutis, 39 Thistle Street
Ms. Betty Gonzalez Munoz, 115 O'Callaghan Way
Ms. Carly McClain, 22 Albion St, Salem
Mr. Robert Mazzone, 34 Apple Blossom Lane
Mr. Arthur Akers, 55 Newcastle St
Mr. Charles Mitchell, 12 Brookline Avenue
Ms. Marlene Vasi Eddy, 150 Lewis St
Ms. Minette Lall, 300 Lynn Shore Drive
Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Starbard to grant the following appointments, effective immediately and will expire on January 31, 2021:

**Ms. Dianna Chakoutis, 39 Thistle Street
Ms. Betty Gonzalez Munoz, 115 O'Callaghan Way
Ms. Carly McClain, 22 Albion St, Salem
Mr. Robert Mazzone, 34 Apple Blossom Lane
Mr. Arthur Akers, 55 Newcastle St
Mr. Charles Mitchell, 12 Brookline Avenue
Ms. Marlene Vasi Eddy, 150 Lewis St
Ms. Minette Lall, 300 Lynn Shore Drive
Motion carried.**

Dear Councilors:

I am hereby appointing the following as my designees to serve on the Lynn Municipal Finance Corporation Board. Their terms are effective immediately and will expire on January 31, 2022:

Mr. Donald Smith, 11 Fiske Lane
 Ms. Ann Mannion, 408 Broadway
 Mr. Justin Sacco, 699 Boston St
 Ms. Judith Lewin-Callahan, 300 Lynn Shore Drive
 Mr. Daniel Richard, 51 Hood St.

Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Field to grant the following appointments, effective immediately and will expire on January 31, 2022:

**Mr. Donald Smith, 11 Fiske Lane
 Ms. Ann Mannion, 408 Broadway
 Mr. Justin Sacco, 699 Boston St
 Ms. Judith Lewin-Callahan, 300 Lynn Shore Drive
 Mr. Daniel Richard, 51 Hood St.**

Motion carried.

Dear Councilors:

I am hereby appointing the following as my designees to serve on the Economic Development and Industrial Corporation Board. Their terms are effective immediately and will expire on June 30, 2021:

Mr. Tyrone Brown, 325 Chatham St.
 Mr. Ted Smith, 32 Scranton Way
 Ms. Magnolia Contreras, 20 Shepard St.

Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Hong to grant the following appointments, effectively immediately and will expire on June 30, 2021.

**Mr. Tyrone Brown, 325 Chatham St.
 Mr. Ted Smith, 32 Scranton Way
 Ms. Magnolia Contreras, 20 Shepard St.**

Motion carried.

Dear Councilors:

I am hereby appointing Mr. Richard Valentine, 27 Bullfinch St to serve on the Public Arts Commission. His term is effective immediately and will expire on January 31, 2020. Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Net to appoint Richard Valentine to the Public Arts Commission, effective immediately and will expire on January 31, 2020.

Motion carried.

Dear Councilors:

I am hereby appointing Mrs. Teri Krawitz, 19 Grosvenor Park, to serve on the Zoning Board of Appeals. Her term is effective immediately and will expire on January 15, 2021. Sincerely, Mayor Thomas M. McGee

Motion made by Councilor Colucci and seconded by Councilor Net to appoint Teri Krawitz to the Zoning Board of Appeals, effective immediately and will expire on January 15, 2021.

Motion carried.

COMMUNICATIONS FROM LYNN CITY COUNCIL

COUNCIL RE-APPOINTMENTS TO THE LYNN HUMAN RIGHTS COMMISSION:

Pamela Freeman, 442 Chestnut St, term effective immediately, and will expire on January 22, 2022

Omozee Idusuyi, 284 Boston St term effective immediately and will expire on January 22, 2021

Michael Ouk, 45 Elm St, term effective immediately and will expire January 22, 2021

Jesse Warren, 5 Ladd Rd, term effective immediately and will expire January 2020

Motion made by Councilor Colucci and seconded by Councilor Net to reappoint.

Motion carried.

COUNCIL APPOINTMENT TO THE LYNN HUMAN RIGHTS COMMISSION:

Diane Cameron, 98 Nells Pond Road effective immediately and will expire on January 22, 2020

Motion made by Councilor Colucci and seconded by Councilor Starbard to appoint Diane Cameron, effective immediately and will expire on January 22, 2020.

Motion carried.

COUNCIL RE-APPOINTMENT TO THE LYNN PUBLIC ARTS COMMISSION:

Annette Sykes, 161 Lynn Shore Drive, term effective immediately and will expire on January 22, 2020

Motion made by Councilor Colucci and seconded by Councilor Walsh to Re-Appoint.

Motion carried.

COUNCIL APPOINTMENT TO THE LYNN PUBLIC ARTS COMMISSION:

Tia Cole, 5 Daigle Road, term effective immediately and will expire on January 22, 2022.

Motion made by Councilor Colucci and seconded by Councilor Walsh to appoint.

Motion carried.

COUNCIL RE-APPOINT TO THE PINE GROVE CEMETERY COMMISSION:

(These re-appointments are all effective immediately and will expire on January 22, 2022)

Mary Yanakakis, 93 Wyman Street

Arthur Dulong III, 127 Gardiner Street

Mary Wright, 41 Woodlawn Street

Ralph Tyler, Jr., 214 Chatham Street

Motion made by Councilor Colucci and seconded by Councilor Net to re-appoint.

Motion carried.

CORRESPONDENCE FROM THE COUNCIL PRESIDENT DARREN CYR TO THE CITY CLERK

Dear Mrs. Rowe:

I respectfully submit to you my motion to reconsider the vote taken on January 8, 2019 relative to the Ordinance establishing the salary of the Personnel Director. Thank you in advance for your assistance in this matter.

Sincerely,

Darren P. Cyr

Council President

Motion made by Councilor Field and seconded by Councilor Barton to reconsider the vote of January 8, 2019.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Lozzi absent).

Motion made by Councilor Starbard and seconded by Councilor Walsh to grant the Proposed Ordinance Establishing the Salary of the Personnel Director as follows:

**IN THE YEAR TWO THOUSAND AND NINETEEN, AN ORDINANCE
ESTABLISHING THE SALARY OF THE PERSONNEL DIRECTOR IN THE CITY OF
LYNN**

SECTION 1:00 A Salary Ordinance dated January 9, 2007 relating to the Personnel Director is hereby repealed.

SECTION 2:00 The Personnel Director shall be considered a Level I Department Head for salary and benefit purposes.

SECTION 3:00 The Personnel Director shall be entitled to all contractual benefits provided to members of AFSME Local 3147 except that the Personnel Director shall not be entitled to a car allowance or overtime pay. Years of governmental service outside of the City of Lynn shall not be considered for longevity purposes.

SECTION 4:00 This Ordinance shall take effect as provided for in the Lynn City Charter.

**Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).**

PRESENTATION BY JAMES M. COWDELL, DIRECTOR OF EDIC AND UTILE CO. Re: an update on Lynn Waterfront Master Plan/Revisions and progress to date.

PUBLIC HEARINGS:

Petition of Aidan O'Donovan, Cambridge MA for Lynn Organics LLC to allow the operation of a recreational cannabis retailer at 193-195 Oxford St.

The following appeared in Favor:

Aidan O'Donovan, Cambridge, MA

Matt O'Neil, Swampscott

James M. Cowdell, EDIC Director

The following appeared in Opposition:

Zac Andrews, Swampscott

Pastor Kirt Lang, Lynn

Public Hearing Closed

Motion made by Councilor Chakoutis and seconded by Councilor Barton to Grant.

Motion carried by the following yea and nay vote

9 YES 1 NO (Councilor Colucci voted NO; Councilor Lozzi absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Eli Volynsky 10 Fiddler Crab Tree Lane, Mashpee, MA owner of Tree Market LLC to operate a Marijuana Retail business at 3 Mt. Vernon St. **(Chakoutis)**

-Petition of National Grid for grant of location at 693 Western Ave to feed a new Pad-Mount Transformer for a 24 unit apartment building. **(Hogan)**

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

Motion carried.

COMMITTEES:

Report of the January 22, 2019 Committee on Utilities recommending the following to be accepted:

PUBLIC HEARINGS:

Request of Comcast to install new underground conduits at 148 Pleasant Street to provide cable service to businesses on Pleasant St. **(Hogan) - Granted**

Request of Comcast to install new underground conduits to the existing Verizon Manhole at 77 Alley Street and excavating to place a conduit to 150 Blossom St **(Hogan) - Granted**

PUBLIC HEARINGS CONTINUED FROM JANUARY 8, 2019:

Petition of National Grid to install 50' of 12-5" conduits crossing Marine Blvd, between 2 new manholes on private property of National Grid. Also, install 25' of 4-5" conduits to existing manholes #5 and #6. **(Hogan) - Granted**

Petition of National Grid to install one joint owned pole on Marine Blvd midspan to pole 20 and pole 19. **(Hogan) - Granted**

Petition of National Grid to install new 500KVA Pad-Mount transformer for proposed building at 500 Lynnfield St. Will need to trench 5' in sidewalk to sweep up pole. **(Lozzi) - Granted**

Petition of National Grid to install +/- 10' of PVC conduit from an existing handhole @ the corner of #3 and #11 Lewis St to #3 Lewis St. **(Cyr) - Granted**

Petition of National Grid to install one JO Pole on Broadway and remove 1 SO Pole on Broadway. The State requests the anchor attached to pole 80 be removed currently

anchored into Sluice Pond Dam. New stub pole 80-1 and sidewalk anchor guy to be installed ~5' from existing pole. **(Lozzi) - Granted**

Petition of National Grid to install 1 SO wooden pole with an anchor 90' from an existing pole 9 on Estes St. New location will be in front of 19 Broad St to feed service @ 26 Broad St. **(Colucci) - Granted**

Petition of National Grid to install conduit encased in concrete from Pole #10 Estes St to 26 Broad St. **(Colucci) - Granted**

NEW BUSINESS:

STATUS / Request to National Grid to provide an update on the following properties:

392 Eastern Ave – **Work Order scheduled for February 12, 2019**

Hayes Avenue - **Ongoing**

30 Belle Avenue - **Ongoing (Dispute between National Grid & Verizon)**

OTHER BUSINESS:

Crown Castle: 32 Erie Street, 16 Pierce Road, 15-19 Garland Street, On Atlantic Terrace on backside of 35 Grosvenor Park, Chancery Lane, 227 Lynnfield Street, Intersection of 67 Woodlawn and Tapley , 34-38 Bonavesta Street, 16 Hanover Street, 147 Fairmount Avenue (across street), and 201 Linwood Street.

After a brief discussion, motion made by Councilor Field and seconded by Councilor Chakoutis to DENY.

REPORT ACCEPTED.

Report of the January 22, 2019 Committee on Recreational Cannabis Site Plan Review recommending the following to be accepted:

1. Presentation / Massachusetts Green Retail
Proposed Location – 829 Boston Street – **Motion to move to next step.**
2. **OTHER BUSINESS**

REPORT ACCEPTED.

Report of the January 22, 2019 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of FIFTY FOUR THOUSAND SIX HUNDRED NINETY DOLLARS AND FIFTY FIVE CENTS (54,690.55)

From the Account of <u>98035-7800</u>	Reserve	54,690.55
To the Account of <u>11124-0701</u>	Council	1,314.89
To the Account of <u>11304-0701</u>	Comptrollers	902.20
To the Account of <u>11404-0701</u>	Treasurers	2,907.13
To the Account of <u>11454-0701</u>	Collectors	320.50
To the Account of <u>11504-0701</u>	Assessors	1,884.78
To the Account of <u>11604-0701</u>	City Clerk	4,137.02
To the Account of <u>11704-0701</u>	Purchasing	1,684.54
To the Account of <u>11724-0701</u>	IT	2,995.14
To the Account of <u>11724-0702</u>	IT	3,025.08
To the Account of <u>11914-0701</u>	Law Dept	6,959.09
To the Account of <u>11934-0701</u>	ISD	8,903.34
To the Account of <u>22104-0701</u>	LPD	4,618.32
To the Account of <u>43904-0701</u>	Care of Dogs	576.48
To the Account of <u>43924-0701</u>	Parking	2,298.50
To the Account of <u>44004-0701</u>	DPW	10,848.65
To the Account of <u>65824-0701</u>	Veterans	1,314.89

To fund Sick/Pers Buy Backs per Collective Bargaining.

Councilor 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 transferring the sum of FIFTY FOUR THOUSAND SIX HUNDRED NINETY DOLLARS AND FIFTY FIVE CENTS (54,690.55)

From the Account of <u>98035-7800</u>	Reserve	54,690.55
To the Account of <u>11124-0701</u>	Council	1,314.89
To the Account of <u>11304-0701</u>	Comptrollers	902.20
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To the Account of <u>11704-0701</u>	Purchasing	1,684.54
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To the Account of <u>44004-0701</u>	DPW	10,848.65
To the Account of <u>65824-0701</u>	Veterans	1,314.89

To fund Sick/Pers Buy Backs

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

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

10 YES 0 NO (Councilor Lozzi absent).

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

1 YES 0 NO (Councilor Lozzi absent).

Transfer the sum of ONE HUNDRED FOURTEEN THOUSAND DOLLARS AND ZERO CENTS (114,000.00)

From the Account of 99305-3200 Outside Tuition-Exp 114,000.00

To the Account of 22105-8500 LPD-Exp 114,000.00

To fund purchase of Security Camera's.

Councilor 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 transferring the sum of ONE HUNDRED FOURTEEN THOUSAND DOLLARS AND ZERO CENTS (114,000.00)

From the Account of 99305-3200 Outside Tuition-Exp 114,000.00

To the Account of 22105-8500 LPD-Exp 114,000.00

To fund purchase of Security Camera's.

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

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

10 YES 0 NO (Councilor Lozzi absent).

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

1 YES 0 NO (Councilor Lozzi absent).

Certify as an "Available Fund" the amount of TWO HUNDRED TWENTY TWO THOUSAND ONE HUNDRED THIRTY THREE DOLLARS AND SIXTY THREE CENTS (222,133.63) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY19 Shannon Community Safety Initiative Grant. Grant Period 12/21/18-12/31/19

*Emergency Preamble in order for the Police Department to start spending these funds.

Councilor Starbard 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 TWO HUNDRED TWENTY TWO THOUSAND ONE HUNDRED THIRTY THREE DOLLARS AND SIXTY THREE CENTS (222,133.63) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY19 Shannon Community Safety Initiative Grant. Grant Period 12/21/18-12/31/19

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

Certify as an "Available Fund" the amount of TWO HUNDRED NINETY NINE THOUSAND FOUR HUNDRED FOURTEEN DOLLARS AND ZERO CENTS (299,414.00) as allotted as an amended amount of additional funding to the City of Lynn by Transportation Bond Bill Chapter 90 for FY19.

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

Councilor Starbard 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 TWO HUNDRED NINETY NINE THOUSAND FOUR HUNDRED FOURTEEN DOLLARS AND ZERO CENTS (299,414.00) as allotted as an amended amount of additional funding to the City of Lynn by Transportation Bond Bill Chapter 90 for FY19.

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

Report of the January 22, 2019 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS NEW:

Lopez Felipe, Cesar Augusto: 30 Franklin St- **Granted**

Morales Diaz, Cristopher: 16 Clarence St, Everett MA- **Granted**

Ordonez, Edwin: 1 Brightwood Terr. #3- **Granted**

Robinson, Jonathan: 57 Munroe St- **Granted**

LIVERY OPERATORS NEW:

Martinez, Ramon: 322 Essex St- **Granted**

Morel, Christina: 47 Collins St #7 (Tabled 01/08/19-No Show) - **DENIED**

CLASS II AUTO DEALER- AUTO BODY/REPAIR/FLAM/TRANSFER W/LOCATION :

Heaths Court #5, Unique Motors Inc. - **Granted**

AUTO REPAIR/FLAMMABLE – NEW

10 Heaths Court #1, W Motor Services - **Tabled**

10 Heaths Court , Ultimate Performance Marine LLC - **Granted**

182 Alley St, Transmission Reis- **Granted with Standard Stipulations**

SECOND HAND ARTICLE – RENEW

41 State St, Gamestop - **Granted**

857 Western Avenue, Lynn Phnom Penh Jewelry- **Granted**

OLD GOLD AND SILVER – RENEW

852 Western Avenue, Lynn Phnom Penh Jewelry - **Granted**

OTHER BUSINESS

REPORT ACCEPTED.

Report of the January 22, 2019 Committee on RFP Sub-Committee recommending the following to be accepted:

1. Discussion re: RFP for the former Marshall Middle School on Porter Street. – Motion to Approve as Amended and send out. Motion carried.

2. OTHER BUSINESS

REPORT ACCEPTED.

Report of the January 22, 2019 Committee on Public Property and Parks recommending the following to be accepted:

Proposed Grant of Modification of a previously granted Easement for 265 Broadway, Lynn, Massachusetts. A Modification of Easement Agreement dated December 30, 2008 and recorded at Book 29227, Page 298 of said Deeds over that certain portion of the CITY’s said land more particularly described as “Easement Area” as shown on a “Sketch Plan” attached hereto as Exhibit A, which plan is entitled “Plan of 265 Broadway, Lynn, MA, Showing Easement from The City of Lynn”, dated December 4, 2008, LANDMARK Engineering & Surveying, Inc., 583 Chestnut Street, Lynn, MA 01904.

This Modification of Easement will provide the GRANTEE, his successors, heirs and assigns, an exclusive and perpetual easement for all lawful purposes in and to the said “Easement Area” containing approximately 437 square feet of land as described on the aforesaid “Sketch Plan”, including the right to enclose the existing concrete patio presently in existence upon the easement area, the right to modify the existing building located in part upon the easement area, the right to construct such other buildings as may be allowed by the City

of Lynn on the 5,741 square foot parcel, and further grants to the GRANTEE an aerial easement for such portion of a roof overhang as to those portions of the roof which extend at a right angle and no more than 5 feet beyond the Easement Area over and above other CITY land. - **Tabled**

Request from Police Department to dispose of surplus vehicles:

- 2001 Ford Taurus VIN#1FAFP53201A288491 - **Granted**
- 2006 Ford Crown Victoria VIN#2FAFP71W16X122125- **Granted**
- 2000 Ford Crown Victoria VIN#2FAFP71WXYX212408- **Granted**
- 1995 Ford Van VIN#1FTHE24H4SHB58832- **Granted**
- 2005 Ford Crown Victoria VIN#2FAFP71W25X118695- **Granted**
- 2006 Ford Crown Victoria VIN#2FAFP71W56X122127- **Granted**
- 2006 Ford Crown Victoria VIN#2FAFP71W56X122130- **Granted**
- 2000 Ford Expedition VIN#1FM5U16L4YLB18830- **Granted**
- 2011 Ford Crown Victoria VIN#2FABP7BVXB107606- **Granted**
- 2003 Ford Taurus VIN#1FAFP53U63G176392- **Granted**
- 2001 Ford Taurus VIN#1FAFP53221A288492- **Granted**
- 20014 Ford Explorer VIN#1FM5K8AR5EGA70912- **Granted**

Request from Sacred Heart School to hang a banner on Boston street in the vicinity of the school announcing school registration. - **Granted**

Discussion re: City-owned property at 42R Whiting Street. – **Motion to place out to Bid to the Abutters as a non-buildable lot.**

3. OTHER BUSINESS

REPORT ACCEPTED.

OLD BUSINESS:

Council President Cyr passed the gavel to Council Vice-President Barton. Motion made by Councilor Cyr and seconded by Councilor Starbard to remove from the Table the Petition of Attorney Jose Lopez for Yohannes Teferi of Boston, to convert the fire damaged third floor of 330-334 Chatham St into two residential units. (Tabled on Jan 8, 2019-Cyr)

Motion made by Councilor Cyr and seconded by Councilor Starbard to grant with the following stipulations:

- 1. New Plan for Lesser use- 2 Units, 1 bedroom**
- 2. ZBA approval**

**Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Lozzi absent).**

Motion made by Councilor Colucci and seconded by Councilor 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