

CITY OF LYNN

Regular City Council Meeting, November 26, 2013
 Council President Timothy Phelan Presiding

Eight Councillors Present (Barton, Crighton & Ford absent)

Moment of Silence. Council President Phelan stated that Councillor Barton was unable to attend this evening's meeting due to the passing of his close friend's wife. Council President Phelan asked that Edith Roach be remembered. Also, Councillor Colucci asked that former Mayor Anthony Marino be remembered.

Pledge of Allegiance.

Council President Phelan announced that Councillor Barton was at a Wake, Councillor Crighton was away on his Honeymoon, and Councillor Ford had to pick his son up from school.

Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of November 12, 2013.

Motion carried.

PUBLIC HEARINGS:

Petition of National Grid for permission to install 80' of conduit and secondary service from pole 9 across the street to 4 Meghan's Way.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing closed.

Motion made by Councillor Lozzi and seconded by Councillor Trahant to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 30 Holly Avenue and, after hearing, may make record an order adjudging it to be a nuisance to the neighborhood or dangerous and prescribing to its disposition, alteration, or regulation, all as authorized by Massachusetts General Laws, Chapter 139, Section 1.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing closed.

Motion made by Councillor Lozzi and seconded by Councillor Trahant to grant.

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

PUBLIC HEARINGS TO BE SET DOWN:

Motion made by Councillor Colucci and seconded by Councillor Trahan to suspend the rules to allow Attorney Lamanna to speak regarding setting down a Public Hearing for the Thurgood Marshall Bond Order:

Timothy Phelan, Council President, Lynn City Council, Lynn City Hall, Lynn, MA 01901. Re: Thurgood Marshall Middle School Bond Order – Dear Council President Phelan: As you are aware, on August 13, 2013, the Lynn City Council voted to approve a ninety-two million dollar bond, subject to reimbursement from the Commonwealth of Massachusetts for the construction of a new Thurgood Marshall Middle School. The City Council voted to have the bond order approved by the City electorate and said bond order was approved on September 17, 2013. The City is now in the process of filing the necessary paperwork to access the bond monies. This office has been notified that pursuant to Section 3 - 10(c) of the City Charter, a loan order requires a Public Hearing with notice published in the local newspaper one week prior to the Hearing. Bond counsel had previously approved similar City of Lynn bond orders where no such Public Hearing had been scheduled. The City Council was adhering to past precedent in not scheduling a Public Hearing where the voters of Lynn are required to approve and ratify the City Council vote authorizing a bond in excess of four million dollars.

Upon the advice of bond counsel, this office is respectfully requesting that the Lynn City Council schedule a Public Hearing for December 10, 2013 for the purpose of approving the ninety-two million dollar bond. This vote will allow the City to access the monies necessary to construct the Thurgood Marshall Middle School. Enclosed please find the Council Vote dated August 13, 2013 which should be reapproved at the next Council meeting following notice and a Public Hearing. The language of the vote should be identical to that of the Council Order dated August 13, 2013. Should you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours, Michael J. Barry, City Solicitor.

CITY OF LYNN

IN CITY COUNCIL

A SUPPLEMENTAL BOND ORDER TO PAY COSTS OF CONSTRUCTING, ORIGINALLY EQUIPPING AND FURNISHING A NEW ELEMENTARY SCHOOL

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF LYNN AS FOLLOWS:

That the vote of the City Council of September 10, 2013 that was approved by the voters of the City at the City Election held on September 17, 2013, is hereby supplemented so as to confirm that the City appropriates the amount of Ninety-Two Million Dollars (\$92,000,000) for the purpose of paying costs of constructing, originally equipping and furnishing a new Thurgood Marshall Middle School, to be located at 120 Brookline Street, in Lynn, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. To meet this appropriation the City Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of Ninety-Two Million Dollars (\$92,000,000) under and pursuant to Chapter 44, Section 7, Clause (3) of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City therefor. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the City incurs in excess of any grant approved by and received from the MSBA on account of the Project shall not exceed the lesser of (i) eighty percent (80%) of eligible approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement relating to the Project that may be executed between the City and the MSBA.

FURTHER 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 of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Motion made by Councillor Colucci and seconded by Councillor Cahill to set down for Public Hearing on December 10, 2013.

Motion carried.

Motion carried by the following yea and nay vote:

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

COMMITTEE REPORTS:**Report of the November 26, 2013 Committee on Waterfront and Economic Oversight:**

1. Update from EDIC Director re: Waterfront and Downtown – Informational Meeting.

2. OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 19, 2013 Committee on Minor Licenses recommending the following to be accepted:**EXTENDED HOURS 30 DAY REVIEW**

People's Choice, 17 Market Square- **Granted/Close & Lock Doors at 1:15 a.m., Close at 1:30 a.m. with stipulation that if there is trouble, will automatically revert to Midnight.**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 26, 2013 Committee on Minor Licenses recommending the following to be accepted:**TAXI OPERATORS (NEW)**

Reynoso, Felix. 68 Allen Ave. - **Granted**

Rosario, Amaurys. 90 Park St # 9. (**See Lynn District Court Letter**) - **DENIED**

TAXI OPERATORS – TABLED

Perez, Luis Y. 11 Laurel St # 1. (**No Show on 11/12/2013**) - **Granted**

TAXI OPERATORS- 30 DAY REVIEW.

Bruno, Ramon. 138 Franklin St. #7 - **Tabled**

TAXI OPERATORS-60 DAY REVIEW

Blackwell, Christopher. 14 Holland St # 1 (**see police reports**) - **DENIED**

Casey, Diana. 35 Kingswood Ave. - **Granted**

Doucette, Daniel. 64 Lowell St (**TABLE No Show on 11/12/2013**) - **DENIED**

LIVERY OPERATORS-TABLED

Garcia, Jeremy. 172 Shepard St. (**No Show on 11/12/2013**) - **Granted**

Mendez, Kiana. 80 Newhall St (**No Show on 11/12/2013**) - **Granted**

LIVERY OPERATORS -60 DAY REVIEW

Anderson, Kerianne. 15 Crowninshield St # 401. Peabody- **Tabled**

EXTENDED HOURS 30 DAY REVIEW

People's Choice, 17 Market Square – **OK with new hours. No police reports.**

OLD GOLD & SILVER RENEWAL

4 Freeman Sq., Sherman Loan Co., LLC- **Granted**

193 Union St., B & V Jewelry, Co Inc. - **Granted**

PAWN BROKER-RENEWAL

4 Freeman Sq., Sherman Loan Co., Inc. - **Granted**

193 Union St B & V Jewelry, Co. Inc - **Granted**

SECOND HAND LICENSE-RENEWAL

4 Freeman Sq., Sherman Loan Co. Inc. - **Granted**

800 Lynnway, Lynnway Mart- **Granted**

46 Ocean St., Ocean Street Treasure- **Granted**

193 Union St. B & V Jewelry, Co. Inc. - **Granted**

SIGN LICENSE-RENEWAL

118 So. Common St., Cibao Market- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – TRANSFER

87A Rear Bennett St. – Bennett St. Auto Sales, Inc. - **Granted**

(Transfer of ownership from Louis Dropski, III to Harry A. Janice, Jr.) - **Granted**

CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE–RENEWAL

_671 Lynnway – Atlantic Toyota Group, Inc. DBA Atlantic Toyota DBA Atlantic Scion- **Granted**

164A Blossom St. – Jim McLaughlin’s Lynnway Truck Center- **Granted**

CLASS II AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL

847-853 Lynnway – North Shore Group, LLC- **Granted**

44 Marion St. – Mark A. King, Inc. Marion St. Auto Body- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL

75 Boston St. – Boston St. Auto Sales- **Granted**

613 Lynnway – Lynnway Grand Prix Inc. DBA Lynnway Cycles- **Granted**

358 Summer St. – Commercial St. Auto- **Granted**

921 Western Ave. – EDU Auto Sales, Inc. (change of business name) - **Granted**

AUTO REPAIR/FLAMMABLE – NEW

(APPROVED ON 9/24/13 WITH 30 DAY REVIEW FOR 6 MONTHS DUE TO CORI)

35 Suffolk St. – Suffolk St. Auto Repair - **Granted** – come back in 30 days.

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 26, 2013 Committee on Finance recommending the following to be accepted:

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 Four Hundred Forty Four Thousand Seven Hundred Eighty Two Dollars and Zero Cents (\$1,444,782.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education for SPED 240 FY13 Carry Over Grant. Grant Period 10/29/13 – 8/31/14.

Councillor Colucci attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an “Available Fund” the amount of One Million Four Hundred Forty Four Thousand Seven Hundred Eighty Two Dollars and Zero Cents (\$1,444,782.00) as allotted to the City of Lynn School Department

by the Department of Elementary and Secondary Education for SPED 240 FY13 Carry Over Grant. Grant Period 10/29/13 – 8/31/14.

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

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

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

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

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

Transfer the sum of Two hundred Thousand Dollars and Zero Cents (\$200,000.00) from the Reserve Account to the DPW Expense/Vehicles Account.

Councillor Colucci 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 in the amount of \$200,000.00 from the Reserve Account to the DPW Expense/Vehicles Account.

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

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

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

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

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

Transfer the sum of Seventeen Thousand Dollars (\$17,000.00) from the Election/Transfer Acct to the City Clerk Expense Account. **(Lays over to December 10, 2013).**

Transfer the sum of Twenty Five Thousand Three Hundred Twenty Two Dollars and Six Cents (\$25,322.06) from the Reserve Account to the various accounts. **(Lays over to December 10, 2013).**

Transfer the sum of Twenty Two Thousand Six Hundred Dollars and Zero Cents from the Reserve Account to the Personnel Expense/Outside Professional Account. **(Lays over to December 10, 2013).**

Transfer the sum of Thirty Two Thousand Eight Hundred Eleven Dollars and Zero Cents (\$32,811.00) from the Reserve Account to the various Parking Department Accounts. **(Lays over to December 10, 2013).**
REPORT ACCEPTED.

NEW BUSINESS:

ORDERED/ that her Honor the Mayor is hereby authorized to execute the Project Funding Agreement with the Massachusetts School Building Authority for the purpose of proceeding with the construction of a new Thurgood Marshall Middle School.

Councillor Colucci 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 her Honor the Mayor is hereby authorized to execute the Project Funding Agreement with the Massachusetts School Building Authority for the purpose of proceeding with the construction of a new Thurgood Marshall Middle School.

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

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

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

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

8 YES 0 NO (Councillors Barton, Crighton & Ford absent).

Motion made by Councillor Colucci and seconded by Councillor Capano to adjourn.

Motion carried.

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