

## CITY OF LYNN

**Regular City Council Meeting – May 20, 2014  
Council President Daniel F. Cahill, Presiding**

**Ten Councilors Present (Councilor Colucci absent).**

**Moment of Silence. Councilor Net asked that our Veterans be remembered.**

**Councilor Trahan asked that Jeff Earp be remembered as he was recovering and**

**Councilor Ford asked that former Mayor Edward Clancy also be remembered as he too was recovering.**

**PUBLIC HEARINGS:**

Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser (4<sup>th</sup> of July Fireworks) at 50 Goodrich Street (Keaney Park) from June 6-8, 2014. Hrs. Fri. 12-11pm, Sat Noon to 10:00 p.m., Sun Noon to 6:00 p.m. Set up June 2 and 3.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

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

**10 YES 0 NO (Councilor Colucci absent).**

Petition of Sabor Marquense, Wilfred Rodriguez, for permission for a restaurant at 875 Western Avenue.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulation of a 12 Midnight closing.**

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

**10 YES 0 NO (Councilor Colucci absent).**

Petition of Asadero Richie's, Jose Luis Acosta, at 680 Western Avenue, 7 days a week, 7 am – 2 am.

The following appeared in Favor:

Asadero Richie

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Trahan to TABLE.**

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

**10 YES 0 NO (Councilor Colucci absent).**

Petition of AutoZone Retail Auto Parts Store, Brian Siddal, for permission for a sign permit at 86 Boston Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

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

**10 YES 0 NO (Councilor Colucci absent).**

### **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Beauty Supply Supermarket, John Chang, for permission for a sign permit at 294 Union Street.

-Petition of National Grid, Rafael Panos, for permission to install 1 SO Pole beginning at a point approximately 839 feet northwest of the centerline of the intersection of Hollis Avenue and Great Woods Road. National Grid to install a 40 ft. pole for a new service drop to the Wyoma Little League Clubhouse.

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

**Motion carried.**

### **COMMITTEE REPORTS:**

#### **Report of the May 20, 2014 Committee on Government Administration recommending the following to be accepted:**

Discussion re: Update / Taxi Companies and Taxi Medallions in the City of Lynn **(Attorney Sam Vitali stated that Union Cab has agreement, subject to the License Committee. Union Taxi will seek approval of transfer from the License Committee).**

**ORDERED** that the City of Lynn in entering into a License Agreement with the Lynn Housing Authority to expand the Wyoma Square Parking Lot hereby indemnifies and saves harmless the Lynn Housing Authority from any and all claims, actions, damages liability, penalties, fines forfeitures, demands, causes of action, suits of any nature whatsoever, administrative proceedings, clean-up costs, response, and restoration, and any other costs and expenses of any nature whatsoever, judgments, including, but not limited to, attorney, consultant, engineering, and other professional fees, rising out of,

relating to, resulting from, or incurred in defense of any of the foregoing, and the amount of any settlement, on account of (a) the city's use and occupancy of the License area; (b) the city's use of any equipment/vehicles thereon or appurtenances thereto, including such may result from any accident, fire or theft on or about the license area however caused; (c ) without limitation, third party claims for bodily injury (including death) property damage, theft, public nuisance, lost wages, tort, strict liability, or environmental claims, such as response actions or natural resources damages claims under any applicable law; and (d) any issues or claims arising out of any city ordinance, state law or regulation, or any other law whatsoever. City's indemnity obligations under this paragraph shall survive expiration, suspension, termination and/or revocation of this license.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn. WHEREAS, An Emergency relative to an order that the City of Lynn in entering into a License Agreement with the Lynn Housing Authority to expand the Wyoma Square Parking Lot hereby indemnifies and saves harmless the Lynn Housing Authority from any and all claims, actions, damages liability, penalties, fines forfeitures, demands, causes of action, suits of any nature whatsoever, administrative proceedings, clean-up costs, response, and restoration, and any other costs and expenses of any nature whatsoever, judgments, including, but not limited to, attorney, consultant, engineering, and other professional fees, rising out of, relating to, resulting from, or incurred in defense of any of the foregoing, and the amount of any settlement, on account of (a) the city's use and occupancy of the License area; (b) the city's use of any equipment/vehicles thereon or appurtenances thereto, including such may result from any accident, fire or theft on or about the license area however caused; (c ) without limitation, third party claims for bodily injury (including death) property damage, theft, public nuisance, lost wages, tort, strict liability, or environmental claims, such as response actions or natural resources damages claims under any applicable law; and (d) any issues or claims arising out of any city ordinance, state law or regulation, or any other law whatsoever. City's indemnity obligations under this paragraph shall survive expiration, suspension, termination and/or revocation of this license.**

**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 Colucci absent).**

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

**10 YES 0 NO (Councilor Colucci absent).**

City of Lynn Audit (Year Ended June 30, 2013). **(Motion to accept Audit Report).  
REPORT ACCEPTED.**

**Report of the May 20, 2014 Committee of the Ways and Means 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 Eighty Three Thousand Nine Hundred Nine Dollars and Zero Cents (\$1,483,909.00) as allotted to the City of Lynn by Transportation Bond Bill Chapter 291D of the Acts of 2014.

**Councillor 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 transfer certifying as an "Available Fund" the amount of One Million Four Hundred Eighty Three Thousand Nine Hundred Nine Dollars and Zero Cents (\$1,483,909.00) as allotted to the City of Lynn by Transportation Bond Bill Chapter 291D of the Acts of 2014.**

**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 Colucci absent).**

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

**10 YES 0 NO (Councilor Colucci absent).**

Transfer the sum of Three Thousand Two Hundred Twenty Four Dollars and Zero Cents (\$3,224.00) from the Reserve Account to the Interest Expense Account.

**Councillor 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 transfer transferring the sum of Three Thousand Two Hundred Twenty Four Dollars and Zero Cents (\$3,224.00) from the Reserve Account to the Interest Expense Account.**

**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 Colucci absent).**

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

**10 YES 0 NO (Councilor Colucci absent).**

Transfer the sum of Fifteen Thousand Dollars and Zero Cents (\$15,000.00) from the Fire Payroll Account to the Settlements/Expense Account.- **TABLED**

Ordered that Her Honor the Mayor is hereby authorized to enter into a lease/purchase agreement in excess of three (3) years for financing of the Energy Management Project in the Lynn Public Schools for the Inspectional Services Department.

**Councillor 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 that Her Honor the Mayor is hereby authorized to enter into a lease/purchase agreement in excess of three (3) years for financing of the Energy Management Project in the Lynn Public Schools for the Inspectional Services 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:**

**10 YES 0 NO (Councilor Colucci absent).**

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

**10 YES 0 NO (Councilor Colucci absent).**

Resolution that the City of Lynn file and accept grants from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs for the Common Backyards Grant Program.

#### **RESOLUTION**

**A RESOLUTION THAT THE CITY OF LYNN FILE AND ACCEPT GRANTS FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE COMMON BACKYARDS GRANT PROGRAM**

Whereas: Kiley Park is a treasured community wide asset and the preservation to this Facility as a City priority as evidenced by the most recent Open Space and Recreation Plan; and

Whereas: Kiley Park is or will be dedicated to park and recreation purposes under M.G.L. c 45, Section 14; and

Whereas Kiley Park's ultimate restoration, guided in principal by both user and neighborhood requests and/or the City's Open Space and Recreation Plan, will greatly enhance this facility with a water spray park; and

Whereas: The overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of this project; and

Whereas: The project was viewed as a series of phases to be implemented over time, by priority as fiscal resources become available, with the intention of securing grant funding, when and if available, to asset in this effort; and

Whereas: The Executive Office of Energy and environmental affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and

Whereas: This phase of the Kiley Park water spray park is \$200,000.00 and the City has allowed \$50,000.00 in Community Development Block Grant Funds;

**NOW, THEREFORE, BE IT**

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs.
2. That the Mayor be and is hereby authorized to take such actions as are necessary to carry out the terms, purposes and conditions of these grants to be administered by the Office of Economic and Community Development.
3. That this resolution shall take effect upon passage.

**Motion made by Councilor Cyr and seconded by Councilor Barton to grant.**

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

**10 YES 0 NO (Councilor Colucci absent).**

Discussion re: Mayoral Compensation – **Motion to set down for Public Hearing.**  
**REPORT ACCEPTED.**

**Report of the May 20, 2104 Committee on Personnel recommending the following to be accepted:**

Discussion re: Proposed Appointment of Andrew J. Hall as Commissioner of the Department of Public Works, effective July 1, 2014. – **Refer to full Council on June 10, 2014**  
**REPORT ACCEPTED.**

**Report of the May 20, 2104 Committee on Minor Licensing recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Burns, David. 13 Lakeview Ave. Reading.- **Granted**

**TAXI OPERATORS – EVERY COUNCIL MEETING**

Bingham, Joseph T. 56 Broad St # 2. .- **Granted**

**TAXI OPERATORS- 30 DAY REVIEW**

McKenna, James. 36 Western Ave. .- **Granted**

Monfette, Nicolas. 55 Beach Ave. Swampscott (**Table No Show 5/13/14**) - **DENIED**

**TAXI OPERATORS-60 DAY REVIEW**

Lopez-Silvestre, Jorge. 211 Washington St. # 2A - **Granted**

**LIVERY OPERATORS-NEW**

Lieberman, Alex. 14 Tedesco St. Marblehead. .- **Granted**

**LIVERY OPERATORS -30 DAY REVIEW**

Santana, Gustavo. 14 Essex Circle # 2.- **DENIED**

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

1127 Western Ave. – Bridge Auto Body.- **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

100 Ford St. – San Marcos Auto Repair.- **Granted**

371 Summer St. – VIP Audio Auto Repair, LLC .- **Granted**

800 Western Ave. – Henley Enterprises, Inc. dba Valvoline Instant Oil Change .- **Granted**

**FLAMMABLE LICENSE – RENEWAL**

41 Carolyn Rd. – Petruccelli Construction Co. .- **Granted**

120 Liberty St. – Hess 21510.- **Granted**

282 Lynnway – U-Haul Co. of Boston.- **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the May 20, 2014 Committee on Ordinance and Rules recommending the following to be accepted:**

1. Discussion re: Zoning in the Central Business District – **Motion to set down for Public Hearing.**
2. **OTHER BUSINESS**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

**Boston Globe representative to discuss the weekly circulars distributed throughout the City of Lynn.**

James Nee from the Boston Globe and Thomas Carney from Publishers Circulation Fulfillment, Inc. (PCF) were present.

Mr. Carney stated that they distribute to fifteen zip codes and that the delivery procedure is to leave on the porches. He stated that they do send people out to conduct visuals. Mr. Carney stated that yesterday he drove around the community. Councilor Trahanstated that since the Council brought up this issue and requested a representative to attend the Council meeting it has been better and the Council appreciates that.

Councilor Lozzi stated he is not satisfied. He is upset that they are not being put on the porches. Councilor Cyr stated that he has seen an improvement, however he has so

many multi-families in his ward and has noticed that they are being left on the porches to pile up. He has seen them throwing the bags from their car windows and landing on the sidewalk, stairs, and even snow piles. He asked that if the person delivering the bags notice the past issues are piling up on the porches, not to leave them. Councilor Capano asked that if this is the case, can that address be taken off the list.

Mr. Carney stated that residents can call 1-888-myglobe and pick Option 3 to be taken off the list. James Nee stated that they can send out a flyer stating if the resident wants to be taken off the list to please call. Councilor Capano asked Mr. Nee to please do that.

Councilor Trahan said that he had concerns with his elderly constituents who go away for the winter months. The packages continue to be dropped off while they are away. He asked if someone oversees this issue. Mr. Carney stated that the Distribution Center is located at 330 Lynnway. He stated that Distribution staff ride around and check all the time. He also mentioned that the packaging has been changed to a tan color.

Councilor Trahan asked them to send the Council a letter stating what days and areas are delivered. Mr. Carney stated that the delivery is on Thursday and Friday, but he would send a letter with the information requested.

Council President Cahill thanked both gentlemen for attending and he too agreed with the other Councilors in that there has been an improvement in services.

**Motion made by Councillor Barton and seconded by Councillor Trahan 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**