

CITY OF LYNN

**Regular City Council Meeting – March 10, 2015
Council President Daniel F. Cahill, Presiding**

Eleven Councillors Present

Moment of Silence – Councillor Barton asked that Anne White be remembered and also a special welcome back to Veterans Director Mike Sweeney.

Pledge of Allegiance

Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of February 24, 2015.

Motion carried.

PUBLIC HEARINGS:

Public Hearing on An Act Authorizing the City of Lynn to Grant an Additional Liquor License for the Sale of All Alcoholic Beverages Not to be Drunk on the Premises.

No one spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Ford and seconded by Councilor Trahant to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Public Hearing on An Ordinance Amending a Portion of the Zone Map of the City of Lynn and the Zone Ordinance of the City of Lynn (Lynnway)

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Council President Cahill stated that a letter from the Planning Board was received and the Board voted in favor.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Public Hearing on An Ordinance Amending a Portion of the Zone Map of the City of Lynn and the Zone Ordinance of the City of Lynn. (Boston St)

Motion made by Councilor Chakoutis and seconded by Councilor Ford to table the Public Hearing upon the recommendation of the Planning Board until March 24, 2015.

Motion carried.

Public Hearing on An Ordinance Amending the Ordinance Relative to Snow Removal in the City of Lynn.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Crighton and seconded by Councilor Cyr to amend the ordinance to codify the fines as \$50 for First Offense; \$100 for Second Offense; and \$300 for Third Offense and to include under Sections 1:00 (A) and (B) the words "Fire Hydrants",

Motion on the Amendment carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Crighton and seconded by Councilor Cyr to grant

11 YES 0 NO

Petition of Fiesta Shows, Eugene Dean, for permission for a carnival for Fourth of July Fireworks at Keaney Park, 50 Goodridge Street, June 3-7, 2015.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Fiesta Shows, Eugene Dean, for permission for a carnival for Fourth of July Fireworks at McManus Park, Lynn Tech, May 6-10, 2015.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Walnut Street Café, James Chalmers for permission for al All Alcohol License at 157, Walnut Street, where Wine & Malt License is currently there.

The following appeared in Favor:

James Chalmers, 72 Keslar Avenue, Lynn

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Ford and seconded by Councilor Colucci to grant the prayer of the Petitioner with the stipulations that there be no loud music; that patrons do not park in Resident Parking areas; and that the area be kept clean.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of El Tropical Restaurant, Luis Ortiz, for permission for a Beer & Wine License at existing restaurant at 429 Lynnway.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Crighton to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Comcast, Timothy Broderick, for permission to place from existing vault/manhole at 39 Buffum Street, (1) 4" pvc conduit 120' +/- in an Easterly Direction to property of 9 Buffum Street.

The following appeared in Favor:

Timothy Broderick, Comcast

Jim Page, Comcast

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Comcast, Timothy Broderick for permission to place from existing vault/manhole at corner of Oxford Street and Washington Street, (2) 4' pvc conduits 310' +/- in a Northwesterly direction up Washington Street to Central Avenue to Andrew Street & place new manhole on Andrew Street. From new manhole, place (2) 4' pvc conduits 480' +/- Southwesterly on Andrew Street to existing vault/manhole on Andrew Street near intersection of Market Street. Continue from existing vault/manhole on Andrew Street and place (2) 4' pvc conduits 365' +/- Southwesterly on Andrew Street, Southeasterly on Market Street and then Southwesterly on State Street to existing vault/manhole on State Street, place (1) 4' pvc conduit 70' +/- in a Southerly direction to property of 2 State Street.

The following appeared in Favor:

Timothy Broderick, Comcast

Jim Page, Comcast

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Capano to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Public Hearing on an Ordinance Repealing the Ordinance to Establish a Bill of Rights for Homeowners in the City of Lynn.

No one appeared in Favor.

The following appeared in Opposition:

Issac Hodes, Lynn United For Change

Nicole Summer, North East Legal Aid

George Norris, 5 Marshall Court, Lynn

Julie and John Carroca, Eastern Avenue, Lynn

Lizziette Flores, 39 Baker Street, Lynn

Show of Hands in the Audience – 100 +

Public Hearing Closed

Motion made by Councilor Barton for the Council Members to enter into Executive Session for the purpose of discussing existing and possible future litigation regarding the Ordinance Establishing a Bill of Rights for Homeowners in the City of Lynn.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Executive Session began at 9:20 p.m.

Motion made by Councilor Trahan and seconded by Councilor Cyr to exit Executive Session.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Executive Session ended at 10:02 p.m.

Motion made by Councilor Colucci and seconded by Councilor Trahan to go back into regular session.

Motion carried.

Motion made by Councilor Capano and seconded by Councilor Trahan to amend the Ordinance and repeal Sections 3-12 and Section 13.

Motion carried by the following yea and nay vote:

8 YES 3 NO (Councilor Cahill, Councilor Cyr, and Councilor Lozzi voting NO)

Motion made by Councilor Capano and seconded by Councilor Trahan to approve as amended.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Academy of Sin, LLC, d/b/a Lynn CrossFit, Robert Fautz, for permission for a CrossFit gym at 860 Western Avenue, Lynn, Sunday-Saturday, 5:30 a.m. to 6:00 p.m. (Capano)

-Petition of Comcast, Timothy Broderick, for permission to place from existing vault/manhole on Silsbee Street, (1) 4" pvc conduit 200 +/- in a Southeasterly Direction to property at 4 Mount Vernon Street. (Chakoutis)

-Petition of C Bistro, Jody Harrah, for permission for a wine and malt license at an existing restaurant at 159 Central Avenue.

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

Motion carried.

COMMITTEE REPORTS:

Report of the March 10, 2015 Committee on Public Works/DPW Task Force recommending the following to be accepted:

1. Discussion re: Setting Up Procedures and Time Lines for Snow Emergencies.
2. **OTHER BUSINESS:**

REPORT ACCEPTED.

Report of the March 10, 2015 Committee on Economic & Workforce Development Committee recommending the following to be accepted:

1. Discussion re: Proposal / Parking Meters in the City of Lynn
2. **OTHER BUSINESS:**

REPORT ACCEPTED.

Report of the March 10, 2015 Committee on Ways and Means Committee recommending the following to be accepted:

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

Appropriate the sum of ONE MILLION DOLLARS AND ZERO CENTS (\$1,000,000.00) From the Account of Free Cash to the Account of ISD Exp-Snow Removal \$950,000.00 and Parking Expense-Outside Professional \$50,000.00

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 a financial transfer appropriating the sum of ONE MILLION DOLLARS AND ZERO CENTS (\$1,000,000.00) From the Account of

Free Cash to the Account of ISD Exp-Snow Removal \$950,000.00 and Parking Expense-Outside Professional \$50,000.00

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 Fifteen Thousand, Five Hundred Twenty One Dollars and Ninety One Cents (\$15,521.91) From the Account of Reserve to the Account of Clerk/Payroll.

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 a financial transfer in the amount of Fifteen Thousand, Five Hundred Twenty One Dollars and Ninety One Cents (\$15,521.91) From the Account of Reserve to the Account of Clerk/Payroll.

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 Five Thousand Dollars and Zero Cents (\$5,000.00) From the Account of Reserve to the Account of Clerk/Advertising.

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 a financial transfer in the amount of Five Thousand Dollars and Zero Cents (\$5,000.00) From the Account of Reserve to the Account of Clerk/Advertising.

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 Twenty Two Thousand Seven Hundred Seventy Eight Dollars and Twenty Cents (\$22,778.20) from the Reserve Account to Parking Sick Buy Back \$5,143.41, Parking Longevity \$6,947.03 and Parking Salaries \$10,687.79.

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 a financial transfer in the amount of Twenty Two Thousand Seven Hundred Seventy Eight Dollars and Twenty Cents (\$22,778.20) from the Reserve Account to Parking Sick Buy Back \$5,143.41, Parking Longevity \$6,947.03 and Parking Salaries \$10,687.79.

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 Eighteen Thousand Nine Hundred Fifty Five Dollars and Seventy Seven Cents (\$18,955.77) from the Reserve Account to the ISD Payroll Account.

Transfer the sum of Ten Thousand One Hundred Dollars and Zero Cents (\$10,100.00) from the Account of State Election Funds to the City Clerk Expense.

Licensing Committee

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 a financial transfer in the amount of Eighteen Thousand Nine Hundred Fifty Five Dollars and Seventy Seven Cents (\$18,955.77) from the Reserve Account to the ISD Payroll Account.

Transfer the sum of Ten Thousand One Hundred Dollars and Zero Cents (\$10,100.00) from the Account of State Election Funds to the City Clerk Expense.

Licensing Committee

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 ACCEPTED

Report of the March 10, 2015 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Contreras, Adalgisa, 17 Highland Ave. #1 - **Tabled**

De Los Santos, Esmerlin, 17 Hanover St. #3- **Tabled**

Harris, Edward C. , 5 Holten St., Peabody, MA - **Granted**

Miranda, Tanya, 19 Palmer St. Apt. 2, Salem, MA - **Granted**

TAXI OPERATOR (30 DAY REVIEW)

Brady, Christopher, 80 Silsbee St. #208, - **Granted**

SECOND HAND-RENEWAL

156 Chestnut St., E.T. Communications - **Granted**

SIGN RENEWAL**391A ESSEX ST.- Granted****OTHER BUSINESS****REPORT ACCEPTED.****NEW BUSINESS:**

Motion made by Councilor Capano and seconded by Councilor Trahant to remove from the Table the Petition of National Grid, Rafael Panos, for permission to install 2-5" conduits encased in concrete approximately 70' +/- in a southeast direction from existing P18 Harbor Street to existing manhole #22. This is a reliability job which is required to remove faulty underground switches in manhole #22 feeding customer at #164 Blossom Street and re-feeding them from new overhead fuses at P18 Harbor Street

Motion carried.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Colucci and seconded by Councillor 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