

CITY OF LYNN, MASSACHUSETTS

LYNN CITY COUNCIL

2016-2017

Ward One Wayne A. Lozzi
Ward Two William R. Trahant, Jr.
Ward Three Darren P. Cyr, Vice-President
Ward Four Richard C. Colucci
Ward Five Dianna M. Chakoutis
Ward Six Peter L. Capano
Ward Seven John M. Walsh, Jr.



At-Large Buzzy Barton
At-Large Daniel F. Cahill, President
At-Large Brian P. LaPierre
At-Large Hong L. Net

City Clerk Mary F. Audley

MEETINGS SCHEDULED FOR THE WEEK BEGINNING OCTOBER 9, 2016:

RECEIVED
CITY CLERK'S OFFICE
2016 OCT -7 P 11
LYNN, MASS

Tuesday, October 11, 2016:

Ordinance and Rules Committee, 6:30 P.M., Room 402

Discussion re: Discussion and/or Set Down for Public Hearing a Proposed Amendment to the Zone Ordinance and City of Lynn Zone Map; and Other Business.

Ways and Means Committee, 6:45 P.M., Room 402

Discussion re: Financial Transfers, Ordered that Her Honor the Mayor is hereby authorized to execute all documents necessary to obtain the \$2.5 Million Dollar MassWorks Grant for the purpose of improving roadways in the vicinity of the new Market Basket; Discussion re: RFP – Lynn YMCA Metro North: Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held on Tuesday, November 8, 2016 at the various polling places; and Other Business.

Licensing Committee, 7:15 P.M., Room 402

Discussion re: Minor Licenses and Other Business.

CITY COUNCIL MEETING, 8:00 P.M., COUNCIL CHAMBERS

City Council Agenda

Monday, October 10, 2016:

- City Hall Closed / Columbus Day

/tcy

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ORDINANCE AND RULES COMMITTEE AGENDA
TUESDAY, OCTOBER 11, 2016
6:30 P.M. - ROOM 402

DISCUSSION AND/OR TO BE SET DOWN FOR PUBLIC HEARING:

1. A Proposed Amendment to the Zone Ordinance and City of Lynn Zone Map.
2. **OTHER BUSINESS:**

/tcy

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WAYS AND MEANS COMMITTEE AGENDA
TUESDAY, OCTOBER 11, 2016
6:45 P.M. - ROOM 402

1. **Financial Transfers**
2. **Ordered that Her Honor the Mayor is hereby authorized to execute all documents necessary to obtain the \$2.5 Million Dollar MassWorks Grant for the purpose of improving roadways in the vicinity of the new Market Basket.**
3. **Discussion re: RFP – Lynn YMCA Metro North**
4. **Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places heretofore designated:**

Warrant for STATE ELECTION on Tuesday, the Eighth Day of November, 2016, from 7:00 a.m. to 8:00 p.m.
GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the City of Lynn who are qualified to vote in the STATE ELECTION to vote at:

- 1-1 Shoemaker School – Clearview Avenue
- 1-2 Briarcliff Lodge – 112 Kernwood Drive
- 1-3 Sisson School – 56 Conomo Avenue
- 1-4 Sisson School – 56 Conomo Avenue
- 2-1 St. Pius Lower Church Hall – Maple Street
- 2-2 St. Pius Lower Church Hall – Maple Street
- 2-3 St. Pius Lower Church Hall – Maple Street
- 2-4 St. Pius Lower Church Hall – Maple Street
- 3-1 Marshall Middle School – 100 Brookline Street
- 3-2 Marshall Middle School – 100 Brookline Street
- 3-3 Marshall Middle School – 100 Brookline Street
- 3-4 Marshall Middle School – 100 Brookline Street
- 4-1 Kipp Academy – 90 High Rock Street
- 4-2 Kipp Academy – 90 High Rock Street
- 4-3 Lynn Museum – 590 Washington Street
- 4-4 Lynn Museum – 590 Washington Street
- 5-1 Lynn Vocational Technical Institute Annex – Commercial Street

- 5-2 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-3 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-4 Community Hall – 10 Church Street
- 6-1 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-2 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-3 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-4 Lynn Tech Fieldhouse – Neptune Boulevard
- 7-1 Breed Jr. High School – 90 O’Callaghan Way
- 7-2 Breed Jr. High School – 90 O’Callaghan Way
- 7-3 Breed Jr. High School – 90 O’Callaghan Way
- 7-4 Breed Jr. High School – 90 O’Callaghan Way

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT. FOR THIS COMMONWEALTH
 REPRESENTATIVE IN CONGRESS. SIXTH DISTRICT
 COUNCILLOR SIXTH DISTRICT
 SENATOR IN GENERAL COURT THIRD ESSEX DISTRICT
 REPRESENTATIVE IN GENERAL COURT EIGHTH, NINTH, TENTH AND
 ELEVENTH DISTRICT
 SHERIFF. ESSEX COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A **YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A **NO VOTE** would make no change in current laws regarding gaming.

del estado otorgar una licencia para un establecimiento adicional de máquinas tragamonedas en un lugar que cumpla

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

Per Order, MARY F. AUDLEY, City Clerk/Election Chairperson

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LICENSING COMMITTEE AGENDA
TUESDAY, OCTOBER 11, 2016
7:15 PM – ROOM 402

TAXI OPERATORS (NEW)

Canga, Orel, 1086 Blue Hill Ave., Milton, MA
Cherubin, Allan, 13 Park St.
Doucette, Justin, 55 Clark St.
Errico, Christopher, 22 Warren St. #13
Garcia, Jelame P., 3 Circuit Ave.
Perez Hiciano, Jhoelis, 11 James St.
Reed, Angelia, 44 Estes St. #9
Serrano, Emal, 36 Grove St.

LIVERY OPERATORS (NEW)

Johnson, Justin, 80 Silsbee St. #301
Dysart, James William, 98 Ashland St. #2
Garcia, Jelame P., 3 Circuit Ave.
Harris, Edward C., 5 Holten St., Peabody, MA

TAXI MEDALLION AGREEMENT

Nova, Felix, 91 Oakville St. #1/DCBA Transportation

EXTENDED HOURS (NEW) - PUBLIC HEARING

Taco Bell-124 Boston Street

RENEWAL -CHRISTMAS TREE & WREATH LICENSE

800 Lynnway, Tree Brothers

RENEWAL-SIGN LICENSE

369 Boston St., Lucky 7 Market
274 Essex St., Couture Nails
15 Lewis St., Giovanni's
161 Lewis St., Harriet's Beauty Salon
415 Lynnway, Metro PCS
525 Lynnway, ESE Energy, Gulf Express

Licensing Committee Agenda

October 11, 2016

Page 2

30 Market St., North Shore Vacuum Cl. Co.
46 Ocean St., The Yard Sale
50 Ocean St., Breeze Hair Studio
95 Union St., Desi's Hair Design
98 Union St., Enma's Dry Cleaning
350 Washington St., Rincon Macorisano
32 Western Ave. W. Proodian & Sons, Inc.
108 Western Ave., Western Ave Market
437 Western Ave., N & N Construction
472 Western Ave., Aracelis Beauty Salon
659 Western Ave., Desi's Hair Design
728 Western Ave., J.P. Barbara Shop
863 Western Ave., Mekong Market
877 Western Ave., Apsara Angkor Restaurant
1069 Western Ave., Fisher Auto Parts

AUTO REPAIR/FLAMMABLE LICENSE – NEW

315 Lynnway Auto Tech Owner Issa Koubidy

371 Summer St. – Express Auto and Tires Repair (VIP Audio Auto is current owner Willy Lopez is selling the business to Miguel A. Maria and Luichy J. Mariano who are changing the name of the business).

*** ALSO SEE COMPLAINT BELOW**

FLAMMABLE LICENSE – RENEWAL

152 Boston St. – Advance Auto Parts

71 Linden St. – C. Bain, Inc.

500 Lynnfield St. – NSMC Union Hospital

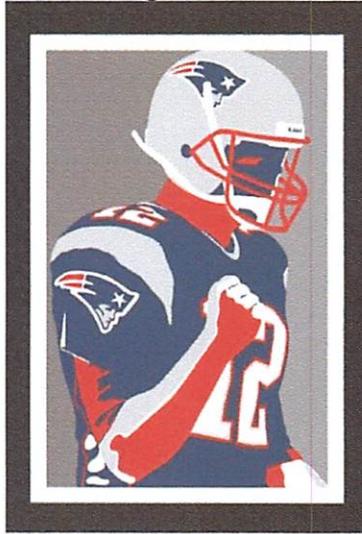
453 Lynnway – EZ Landscaping, Inc.

OTHER BUSINESS:

COMPLAINT – *OWNER OF VIP AUTO - 371 SUMMER ST – STORING AND SELLING VEHICLES AT HIS ESSEX ST RESIDENCE.

OTHER BUSINESS

Agenda



**October 11, 2016
Sixteenth Regular Meeting**

Roll Call
Moment of Silence
Pledge of Allegiance

Accept Meeting Minutes of September 27, 2016

COMMUNICATIONS:

PUBLIC HEARINGS:

Petition of Taco Bell, Brian Rector, for permission for a Sign Permit at 124 Boston Street. (Chakoutis)

Petition of Mass Telepage, Maria Suarez, for permission for a sign permit at 875 Western Avenue. (Capano)

Petition of Spina's Auto Body, Alfred Spina, for use of Auto Body shop at an existing Auto Repair Shop (McLaughlins) at 164 Blossom Street, Hours M-F, 8-5. (Capano)

Petition of Comcast, Timothy Broderick for permission to intercept existing conduit on Willow Street and place new manhole. From new manhole, place (1) 3" pvc conduit 45' +/- in a Northeasterly direction to property of 51 Willow Street. (Chakoutis)

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way north of the intersection of Park Street and Bennett Circle, on Park Street. Location approximately shown on plan attached. (Chakoutis)

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach Equipment to a new utility pole in the right of way southwest of the intersection of S. Common Street and Market Square, on S. Common Street. Location approximately shown on plan attached. (Capano)

Petition of Mobilitie, LLC, Scott Schneider, for permission to install backhaul transport equipment on a proposed 73' utility pole in the public right of way located northeast of the intersection of Washington St and Boston St with electricity connection and location approximately shown on plan attached. (Chakoutis)

Petition of Mobilitie, LLC, Scott Schneider, for permission to install backhaul transport equipment on a proposed 72' utility pole in the public right of way located north of the intersection of Waverly and Boston St electricity connection and location approximately as shown on plan attached. (Chakoutis)

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way northeast of the intersection of Baker St and Brimblecom St on Baker St with electricity connection and location approximately shown on plan attached. (Chakoutis)

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way northeast of the intersection of Andrew St and Market St on Andrew St with electricity connection and location approximately shown on plan attached. (Chakoutis)

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of Broad St and Liberty Square on Liberty Square with electricity connection and location approximately shown on plan attached. (Chakoutis)

PUBLIC HEARINGS TO BE SET DOWN:

Petition of National Grid, Chris Radzik for permission to install 2-4" PVC conduit from Pole #1 to property at 124 Boston Street. (Chakoutis)

Petition of Comcast, Robert Oliveira, for permission to intercept existing conduit on Market Street & place a new 4'x4' manhole. From new manhole place (1) 4" PVC Communication Conduit 185' +/- in a northeasterly direction to the rear building at 324 Broad Street to provide service to 200 Market Street. (Chakoutis)

Petition of Vicente Fresco, for permission to park an oil truck on property of a home based business at 143 Alley Street. (Capano)

UNFINISHED BUSINESS:

COMMITTEE REPORTS

**Ordinance
Ways and Means
Licensing**

NEW BUSINESS

TABLED ITEMS

TABLED IN COUNCIL 8/16/16:

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way north of the intersection of Baker Street and Brimblecom Street, on Baker Street. Location approximately shown on plan attached.

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of Goodridge Street & Memorial Park Avenue. Location approximately shown on plan attached.

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way east of the intersection of Hamilton Avenue and Lawton Avenue, on Lawton Avenue. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way south of the intersection of Loughton Street and Washington Street, on Loughton Street. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way southeast of the intersection of Lawton Avenue and Beaudry Terrace, on Lawton Avenue. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way southwest of the intersection of So. Common Street and Market Square, on So. Common Street. Location approximately shown on plan attached.

Petition of Mobilite, LLC, Scott Schneier, for permission to attach equipment to a new utility pole in the right of way northwest of the intersection of Waverly Street and Boston Street, on Waverly Street. Location approximately shown on plan attached.

Petition of Mobilitie, LLC, Scott Schneider, for permission to attach equipment to a new utility pole in the right of way north of the intersection of Park St and Bennett Circle on Park Street and to install backhaul transport equipment on a proposed 72' utility pole in the public right of way located east of the intersection of Park St and Bennett Circle. Location approximately shown on plan attached.

TABLED IN WAYS & MEANS COMMITTEE – AUGUST 16, 2016:

Transfer the sum of Fifty Thousand Seventy Five Dollars and Zero Cents (\$50,075.00) from the Reserve Account to the ISD Expense Account.

Transfer the sum of Eight Hundred Thirty Three Dollars and Thirty Three Cents (\$833.33) from Mayor's Expense to Unpaid Bills Prior Year.