

**CITY OF LYNN**

**Regular City Council Meeting, August 9, 2011  
Council President Timothy Phelan Presiding**

**Eleven Councillors Present  
Moment of Silence.  
Pledge of Allegiance.**

**Motion made by Councillor Colucci and seconded by Councillor Crowley to accept the Meeting Minutes of June 21, 2011.  
Motion carried.**

**Motion made by Councillor Trahant and seconded by Councillor Cyr to suspend the rules to present citations to the Greater Lynn Babe Ruth 14 U All Star Team "2011 New England Regional Champions" and the Greater Lynn Babe Ruth 16U All Star Team "2011 State Tournament Champions".**

**PUBLIC HEARINGS:**

Petition of Banh Mi Café, Tony Svong Ly, for permission for a sandwich shop at 141 Essex Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Cyr and seconded by Councillor Colucci to TABLE.**

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

**11 YES 0 NO**

Petition of Verizon, Robert E. Grassia, for permission to place approximately 150 feet of Underground Conduit and one (1) hand hole on Nahant Street at the intersection of Tudor Street.

The following appeared in Favor:

Kathy Frasier, Verizon

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Cyr to TABLE.**

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

**11 YES 0 NO**

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

-Petition of El Monumento Cafeteria, Miguel Angel Minier, for permission for an open cafeteria with 4 tables for eat in and take out from 8 a.m. to 11p.m. 7 days a week at 28 Market Square. (Capano)

-Petition of Classic Hot Dog Co., James W. Conroy, for permission to operate a mobile "Hot Dog" truck at Global Gas Station, 180 Boston Street/8 Washington Street. (Crighton)

-Petition of National Grid, Doreen Alhamdaune, for permission to install a steel stub pole (26-84) in the public way at 98-102 Hamilton Avenue, Lynn. (Colucci)

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

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

**11 YES 0 NO**

### **UNFINISHED BUSINESS:**

**Motion made by Councillor Trahan and seconded by Councillor Colucci to remove from the Table the Petition of NextG Networks, Inc., for Conduit and Fiber Location and to Attach Equipment to Existing Utility and Street light Pole #10 on Church Street to Neptune Boulevard, Blossom Street to Shepard Street. Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Crighton to set down for Public Hearing.**

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

**11 YES 0 No**

**Motion made by Councillor Colucci and seconded by Councillor Trahan to remove from the Table the Petition of the Greek-American Croation Social Club, Inc., Nickolas L. Nikolopoulos, President, for permission for a non-profit, social, fraternal organization with sale of alcoholic beverages to members and guests at 39-41 Buffum Street, Second Floor.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Cyr to grant.**

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

**11 YES 0 NO**

**COMMITTEE REPORTS:****Report of the August 9, 2011 Committee on Ways and Means recommending the following to be accepted:**

Councillor Capano: A RESOLUTION THAT THE CITY OF LYNN FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO MCMANUS FIELD/NEPTUNE BOULEVARD PARK.

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

Whereas: McManus Field/Neptune Boulevard Park is or will be dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 14; and

Whereas: McManus Field/Neptune Boulevard Park's ultimate restoration, guided in principal by both user and neighborhood requests and/or the City's Open Space & Recreation Plan, will greatly enhance this facility with improved infrastructure, equipment, ballfields, etc.; and

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

Whereas: This 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 assist 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 McManus Field/Neptune Boulevard Park is \$740,000 and the City has allowed \$240,000 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 Councillor Lozzi and seconded by Councillor Colucci to grant.**

**Motion carried.**

2 Councillor Ford: Ordered that the Lynn City Council be requested to rescind the Demolition Order at 418-420 Boston Street (Approved March /2010)

**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 an Order that the Lynn City Council be requested to rescind the Demolition Order at 418-420 Boston Street (Approved March /2010).**

**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**

3.Councillor Lozzi: Ordered that the Solicitor's Office prepare a Release of a Slope Easement at 94 Den Quarry Road for Her Honor the Mayor to execute on behalf of the City of Lynn.

**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 an Order that the Solicitor's Office prepare a Release of a Slope Easement at 94 Den Quarry Road for Her Honor the Mayor to execute on behalf of the City of Lynn.**

**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**

**REPORT ACCEPTED.**

**Report of the August 9, 2011 Committee on Public Safety recommending the following to be accepted:**

The following individual was appointed Constable:  
Michael Gilroy, 115 Euclid Avenue, Lynn - **Granted**  
**REPORT ACCEPTED.**

**Report of the August 9, 2011 Committee on Minor Licenses recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Brady, Chris, 78 Grant St.-Denied 7/12/11- **Granted w/30-60-90 Day Review**  
 Doucette, Ronnie, 512 Farms Dr. Burlington -60 day review tabled 7/12/11 - **Granted**  
 Faris, Adil, 12 Cedar St.Malden- 90 day review - **Tabled**  
 Joseph, Dwayne, 3 Kingsley Terr.-30 day review- **Granted**  
 Kellum, Peter, 69 Rockland St. Swampscott,-90 day review - **Tabled**

**LIVERY OPERATORS (NEW)**

Smith, Tyekiya, 65 Centre St. #3 60 day review - **Tabled**

**PUBLIC HEARINGS-EXTENDED HOURS**

108 Boston St.-Burger King- Sun-Wed 6 AM-12 Thurs-Sat-6 AM-2 AM-Tabled 7/12/11-**Tabled**  
 116 Boston St.-Wendy's-Dining Room-Sun-Sat-10 AM-10 PM, Drive Thru-Sun-Sat10 AM-4 AM  
 -Tabled 7/12/11 - - **Tabled**  
 60 Boston St.-McDonald.-Dining Room 5 AM-10 PM Drive Thru 24 hours - **Tabled**  
 64 Franklin St.-El Calmadan, 24 hours- **Granted**  
 567 Lynnway-McDonalds, Dining Room-5 AM-11 PM Drive thru 24 hours- **Granted**  
 17 Market Sq-People's Choice- 10:30 AM- 2 AM 7 days- **Granted**

**SIGN LICENSE - RENEWALS**

549 Boston St., Dynasty Fashion- **Granted**  
 244 Broadway, Mino's Roastbeef- **Granted**  
 318 Broadway, Dragon Island- **Granted**  
 151 Central Ave., Kevin's Bar & Grill ( tax title) - **Tabled**  
 56 Central Square, Turbine Wine Bar, Inc- **Granted**  
 544 Chestnut St., Maya Multi Services- **Granted**  
 6-12 Commercial St., M.C. Heald Liquor - **Granted**  
 495 Eastern Ave., Tangles - **Granted**  
 61a Essex St., Bibis Hair Studio- **Granted**  
 161 Essex St., Alnour Market- **Granted**  
 215 Essex St., A Tu Estilo Iris Beauty - **Granted**  
 274-276 Essex St., Couture Nails- **Granted**  
 2 Lafayette St., Professional Beauty Salon- **Granted**  
 415 Lynnway, Metro PCS- **Granted**  
 29 Market Square, Lynn Comm. Health Family - **Granted**  
 38 Oakville St., P & B Welding- **Granted**  
 189 Union St., La Fe Restaurant - **Granted**  
 752 Western Ave., McCarthy Glass- **Granted**  
 840 ½ Western Ave., Deny's Tailor Shop- **Granted**

**FLAMMABLE - RENEWAL**

134 Broadway – Roman Catholic Cemetery Assoc. - **Granted**

**AUTO BODY/AUTO REPAIR/FLAMMABLE RENEWAL**

10 Camden St. – Thibedeau Auto Body- **Granted**

**COIN OPERATED DEVICES – RENEWAL**

497 Lynnway – Lynnway Rec. Bowling - 1 Class II, 3 Class III- **Granted**

**COIN OPERATED VENDORS – RENEWAL**

A-1 Vending – 227 Nahaten St., Norwood, MA- **Granted**

C & R Vending Co. – 21 Gates Rd., Middleton, MA- **Granted**

Four Star Vending – P.O. Box 1210, Middleton, MA- **Granted**

**30 DAY REVIEW FROM JUNE 21, 2011 (OVERDUE TAXES)**

**106 Chestnut St. – Kevin Auto Sales & Repair – Granted for 30 Days**

**106 Chestnut St. – Duran Auto Repair – Granted for 30 Days**

**CANNING:**

Lynn Chargers Football (Adults Only) – August 18, 19, 20, 21, 2011- **Granted**

Lynn Tech Class of 2013 (Adults Only) – August 25, 2011- **Granted**

Lynn English Girls Soccer (Adults Only) – August 30, 31, 2011 & September 16, 17, 18, 2011- **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the August 9, 2011 Committee on Public Property recommending the following to be accepted:**

1. Discussion re: 516-522 Lynnway/DPW Salt Shed - **Tabled**

2. BID OPENING: Proposals for “Legal and Support Services” to be provided to homeless/at-risk individuals at the Lynn Multi-Service Center at 100 Willow Street. **Received one (1) Bid: Neighborhood Legal Services. Motion made by Councillor Cyr and seconded by Councillor Colucci to request Office of Economic and Community Development to work with Law Department to draft a Lease Agreement. (Lays over to September 13, 2011).**

3. Discussion re: Request from Fall Fest to hang a banner from August 29, 2011 to September 19, 2011. – **Granted**  
**REPORT ACCEPTED.**

**Report of the August 9, 2011 Committee on Finance recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to make the following Appropriation Transfer:

From the Account of Reserve Fund:

To the Account of Collectors Expense: \$15,098.79

**(Lays over to September 13, 2011)**

From the Account of Fire Department Expense:  
 To the Account of Unpaid Bills of Prior Years:           \$     99.05  
**(Lays over to September 13, 2011)**

From the Account of Fire Department Expense:  
 To the Account of Unpaid Bills of Prior Years:           \$   220.00  
**(Lays over to September 13, 2011)**

From the Account of Reserve Fund:  
 To the Account of DPW Unpaid Bills of Prior Years:   \$237,141.44  
**(Lays over to September 13, 2011)**

Appropriate as an "Available Fund" the amount of Twenty Five Thousand (\$25,000.00) Dollars as awarded to the City of Lynn Fire Department by the Commonwealth of Massachusetts Emergency Management Agency for an Emergency Management Performance Grant.  
**(Lays over to September 13, 2011)**

Appropriate as an "Available Fund" the amount of Fifty Five Thousand Five Hundred Forty (\$55,540.00) Dollars as awarded to the City of Lynn Office of Economic & Community Development by the North Shore Workforce Investment Board for summer Youth employment.

**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 an Appropriate as an "Available Fund" the amount of Fifty Five Thousand Five Hundred Forty (\$55,540.00) Dollars as awarded to the City of Lynn Office of Economic & Community Development by the North Shore Workforce Investment Board for summer Youth employment.**

**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**

**REPORT ACCEPTED.**

### **NEW BUSINESS:**

**Councillor Crowley requested an update on the matter involving the termination of John Pace as Comptroller and if the City received the six weeks of pay that was paid to the Comptroller over and above what he was suppose to receive. Attorney Vitali stated that he did not think so.**

**Motion made by Councillor Crowley and seconded by Councillor Colucci Ordering the Lynn Police Department, in conjunction with the District Attorney's Office to initiate an investigation into the facts surrounding the termination of John Pace as Comptroller.**

**Councilor Cahill suggested that the Order allow the Law Department to pursue any and all claims the City may have in good faith, including civil or criminal action in the matter of the termination of John Pace.**

**The City Solicitor advised the City Council that this matter is currently in litigation and that it could not be discussed in a public forum. He advised the City Council to go into Executive Session if it wished to pursue further discussion of this matter.**

**Motion made by Councillor Cyr and seconded by Councillor Crowley to go into Executive Session.**

**Motion carried.**

**City Council entered Executive Session at 8:57 p.m.**

**City Council reconvened the City Council Meeting at 9:27 p.m.**

**Council President Phelan stated for the record that the discussion in Executive Session was only about the pending litigation between the City of Lynn and John Pace and that there were no votes taken. He added that the Minutes of the Executive Session will become public upon conclusion of the litigation.**

**Motion made by Councillor Crowley and seconded by Councillor Trahan to withdraw his motion.**

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

**11 YES 0 NO**

**Motion made by Councillor Crowley and seconded by Councillor Colucci to request the Lynn Police Department to investigate the relevant facts of the termination of Comptroller John Pace.**

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

**11 YES 0 NO**

**Motion made by Councillor Colucci 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**