

CITY OF LYNN

**Regular City Council Meeting, September 11, 2012
Council President Timothy Phelan Presiding**

Eleven Councillors Present

Moment of Silence. Motion made by Council President Phelan to remember Ralph Cronin who is at home recovering from surgery and Councillor Ford's brother who recently passed away.

In remembrance of 9-11, George FitzHenry, President of the Lynn Veterans Council lead the audience in the Pledge of Allegiance.

Council President Phelan called the following to the podium: Councillor Buzzy Barton, Fire Chief Dennis Carmody, along with representatives from the Fire Department: Firefighter Paul Hanrahan, Firefighter Kirle Taylor, Firefighter Kevin Wilkins, and representatives from the Police Department: Lieutenant Fee, Sergeant Donnelly, Sergeant Dunnigan, Officer Cauley, Officer Kim, Officer Torosian and Officer Torres requested a moment of Silence in remembrance of 9-11. Councillor Buzzy Barton also asked that those who lost their lives that day be remembered.

**Motion made by Councillor Lozzi and seconded by Councillor Capano to accept the Meeting Minutes of July 10, 2012 and August 14, 2012.
Motion carried.**

Motion made by Councillor Lozzi and seconded by Councillor Colucci to suspend the rules to present Mr. Kim Garbarino with a citation in recognition of his recent accomplishment as the First Lynner to swim the English Channel on August 12, 2012.

Motion made by Councillor Crighton and seconded by Councillor Cyr to suspend the rules to present Girls Inc./Part of the Solution a citation in recognition of their dedication and hard work in developing young minds and programs for the youth of the City of Lynn.

COMMUNICATIONS:

Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Ms. Jamie Cerulli to the Off-Street Parking Commission. Ms. Cerulli's term is effective immediately and will expire on September 11, 2015. Sincerely,
Judith Flanagan Kennedy, Mayor

Motion made by Councillor Lozzi and seconded by Councillor Cahill to suspend the rules to appoint Jamie Cerulli to the Off-Street Parking Commission, effective immediately and will expire on September 11, 2015.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Dear Councilors:

I am hereby reappointing Mr. Stephen Martin to the Lynn Housing Authority Neighborhood Development Commission. Mr. Martin's term is effective immediately and will expire on May 25, 2017. Sincerely, Judith Flanagan, Kennedy, Mayor

Motion made by Councillor Trahan and seconded by Councillor Cahill to suspend the rules to reappoint Stephen Martin to the Lynn Housing Authority Neighborhood Development Commission, effective immediately and will expire on May 25, 2017.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

Petition of Market Square Exchange & Emporium, Matthew Boccuzzi, for a sign permit at 32 Market Square.

The following appeared in Favor:

Matthew Boccuzzi, Owner

No one Spoke in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Neighborhood Development Associates, Inc., to allow the construction of a single family home in a Business District (lesser use) at Lot 9, Burns Street.

The following appeared in Favor:

Peggy Phelps, LHAND

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Sweet D's Food Cart, Desiree DeVirgilio, for permission to operate a mobile food cart on the public way at Lynn Commons, and various streets throughout the City of Lynn Thursday through Sunday, hours Thurs. Fri., 10:30 am to 8 p.m., Sat. Sun., 9:00 am to 8:00 pm

The following appeared in Favor:

Desiree DeVirgilio

The following appeared in Opposition:

John Kasian, Office of Economic and Community Development

Ryan Lozzi, Lynn Youth Football

Public Hearing Closed.

Motion made by Councillor Cahill and seconded by Councillor Lozzi to DENY

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of North Bay Apartments, Brian Brinkers, for permission for a sign permit at 87 Park Street.

The following appeared in Favor:

Brian Brinkers

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Cyr to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Crighton and seconded by Councillor Trahan to remove from the Table.

Motion carried.

Councillor Crighton explained that this property was in Councillor Capano's Ward and he would defer to Councillor Capano.

Motion made by Councillor Capano and seconded by Councillor Cahill to grant.

Motion carried by the following yea and nay vote to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of NightHawk Acquisitions, Paul Soughley, for permission for 16 Unit Rental Apartments in the Central Business District at 129-153 Broad Street.

The following appeared in Favor:

Representative from NightHawk Acquisitions

Seth Albain, 7 Central Square

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Cahill to grant the prayer of the Petitioner.

Motion made by Councillor Cahill and seconded by Councillor Crighton to amend the motion to request that the ISD Director personally oversee the project and communicate directly with the Ward Councilor.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Capano absent at vote).

Motion on the main motion by the following yea and nay vote:

10 YES 0 NO (Councillor Capano absent at vote).

Petition of Massage & Company, Elaine Sullivan, for permission for Therapeutic Massage, Monday-Sunday, 9 am – 8 pm at 161 Eastern Avenue.

No one appeared in Favor.

No one appeared in Opposition.

Public hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Metro PCS LL, Bryan Wilson, for permission to add one (1) dish antenna to existing rooftop wireless communication facility at Kings Beach Towers, 130 Eastern Avenue.

-Petition of American Building Technologies, Romain Strecker, for permission to transform vacant 2nd and 3rd floor warehouse space into 3 apartments and 1 office for existing business, office hours 8 am to 5 pm Monday through Friday at 263 Western Avenue

-Petition of Verizon, Robert Grassia, for permission to place approximately 216 Feet of Underground Conduit on Tremont Street and approximately 75 feet of Underground Conduit on Market Street.

-Petition of East Coast International Church, Kurt Lange, for permission for a sign permit at 57-65 Munroe Street.

-Petition of Jimmy's Discount Liquors, Jimmy Huynh for permission for a sign permit at 873 Western Avenue.

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

Motion carried.

UNFINISHED BUSINESS:

Laid over from the Public Property Meeting of August 14, 2012:

Ordered to allow the property at 76 Oakwood Avenue to be redeemed by Richard J. Rackett, Administrator/Personal Representative of the Estate of Sandra S. Buckley, owner of record, with stipulation that all taxes, fees and fines be paid within 30 days.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion to approve a banner to hang from September 8 – October 13, 2012 for the Friends of the Council on Aging for their Annual Fundraiser.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Ordered that the Mayor be authorized to execute a Lease Agreement between the City of Lynn and the Lynn Community Elder Services, Inc., for the use of Briarcliff Lodge.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Ordered that the Law Department draft the Order of Abandonment for a portion of land along Blossom Street to be set down for Public Hearing before the Lynn Planning Board and the Lynn City Council.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Adopt permanently: An Ordinance to Include FloodPlain Districts in the City of Lynn. Adopted with an emergency on July 10, 2012.

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 Ordinance to Include FloodPlain Districts in 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

COMMITTEE MEETINGS:

Report of the September 11, 2012 Committee on Public Works recommending the following to be accepted:

Discussion with DPW Commissioner re: Update on Status of Equipment.

Request the DPW solicit bids/proposals for the disposal of surplus DPW vehicles as specified by the Public Property Committee and to forward them to the Public Works Committee for review. **(Granted)**

Ordered that any time the DPW or any city agency puts in a traffic island on a roadway or a road divider known by any name, it must contain green space, including some type of evergreen shrubbery. **(Granted – Lays over to September 25, 2012).**

REPORT ACCEPTED.

Report of the September 11, 2012 Committee on Minor Licenses recommending the following:

TAXI OPERATORS (NEW)

Acevedo, Loyda, 65 Gardiner St - **Tabled**

Barahona, Juan A.-65 Revere St. Revere - **DENIED**

Bennett, Arecak, 11 Nelson St. - **Granted**

Bourgeois, Paul, 41 Rockway Rd Peabody - **DENIED**

Cabrera, Lisandro, 633 Boston St. - **Granted**

Fernandez, Eladio, 16 Tilton Pl. - **Granted**

Gilbert, Scott 320 Cedarbrook Rd (*see probation letter re: Cori*) – **Granted w/30-60-90 Day Review**

Grossi, Michael, 86 Washington St. - **Granted**

Lopez, Blanca I., 20 Park St. #7- **Granted**

Martinez, Ramon, 16 Pinkham St. - **Granted**

McCarthy, Brian, 8 Walnut St. - **Granted**

Nichols, Lesley H., 160 Neptune Blvd #707W- **Granted**

Owens-Finch, Dinesha, 24 Chester Pl. - **Granted**

Pagalday, Juan, 37 Nevada Ave. Malden - **DENIED**

Rueda, Jorge, 7 Harvest St. - **Granted**

Zirpolo, Patricia, 129 Ash St. #11 Reading- **Granted**

TAXI OPERATORS – TABLED

Depena, Domingo, 384 Eastern Ave.-tabled 8/14- **Granted w/30-60-90 Day Review**

Frias, Felix, 28 Brimblecom St. - **Granted**

Gonzalez Lara, Walys B.-10 Essex Court-tabled 8/14- **Granted**

Menard, Steven, 14 Minot St.-tabled 8/14 - **DENIED**

Veliz, Hipolito, 39 Park St.-tabled 8/14/- **Granted**

TAXI OPERATORS- 30 DAY REVIEW

Puello Feliz, Melvin L., 6 Anderson Lane-tabled 8/14- **Granted - DENIED**

TAXI OPERATORS-60 DAY REVIEW

Cordova, Raymond, 11 Hutchinson Ct- **Granted**

Pina-Lantigua, Wilson, 14 Bloomingdale St. Chelsea- **Granted**

Sanon, Samuel, 199 Allen Ave. - **Granted**

TAXI OPERATOR-90 DAY REVIEW

Erikson, John, 7 Central St. Nahant- **Granted**

LIVERY OPERATORS -90 DAY REVIEW

Samianino, Robert B. 20 Neptune Blvd. - **Tabled**

EXTENDED HOURS-PUBLIC HEARINGS

60 Boston St.-McDonald's-Dining Room-5 AM-10PM-Drive Thru 24 hours- **Granted**

108 Boston St.-Burger King,-Sun-Wed-6 AM-Midnight Thurs-Sat.-6 AM-2 AM- **Granted**

116 Boston St.-Wendys, current-9 am-4AM drive thru Dining room 9 AM-Midnight –

WANTS 24 HRS – Granted for One (1) Year

122 Boston St.-Lynn Shell-24 hours- **Granted**

124 Broad St.-George's Roast Beef-10:30 AM- 2:00 A.M. 7 days- **Granted**

317 Chestnut St-La Casa Chimi - **Tabled**

264 Essex St.-7-11, 24 hours- **Granted**

391 Essex St-Vista Market- 7 AM-2 AM 7 days- **Granted to Midnight/6 Month Review**

64 Franklin St.-El Colmadon Market-24 hours 7 days - **Tabled**

120-122 Liberty St.-Hess Corp 24 hours- **Granted**

3 Lynnfield St.-7-11 24 hours- **Granted**

364 Lynnway-Dunkin Donuts, 24 hours- **Granted**

525 Lynnway-188 Commercial St.-ESSE Energy dba Spiros Energy-24 hours- **Granted**

535 Lynnway-Lynnway Shell-24 hours- **Granted**

567 Lynnway-McDonalds-24 hours- **Granted**

16 Market Sq.-Lynn House of Roast Beef-10:00 AM -2:00 AM 7 days- **Granted**

17 Market Sq.-Peoples Choice- **Granted**

144 Market St.-Dragon Inn-11 AM- 2AM 7 days - **Tabled**

112 Union St.-Paastelitos, 112 Union St.-7 A-M -2 AM- 7days - **Tabled**

50 Western Ave-7-11-24 hours- **Granted**

707 Western Ave.-Domino's Pizza-10: AM-2 AM 7 days- **Granted**

709 Western Ave.-Subway-6 AM-2 AM 7 days- **Granted**

969 Western Ave.-A L Prime Energy- 24 hours- **Granted**

Motion made by Councillor Cyr suggesting the businesses hire a police detail after midnight. No one seconded.

AUTO REPAIR/FLAMMABLE/AUTO BODY – NEW

35 Alley St. – Global Auto Body & Mechanic- **Granted with stipulations: No tires on street, no parking on street, now weekends, and no evening hours.**

FLAMMABLE LICENSE – RENEWAL

45 Boston St. – Mahan’s Hardware/Automotive Parts/North Shore Metal- **Granted**

20 Homesite St. – National Grid- **Granted**

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

623 Lynnway – Securitech Locks DBA Mass. Recovery Bureau- **Granted**

637 Lynnway – Auto Zone #5122- **Granted**

195 Market St. – Eastern Bank- **Granted**

56 Sanderson Ave. – Leahy Landscaping, Inc. - **Granted**

896-898 Western Ave. – NRT Bus Company- **Granted**

COIN OPERATED DEVICES VENDOR – RENEWAL

Roadway Amusements – 1500 Shawsheen St. Tewksbury, MA- **Granted**

COIN OPERATED DEVICES – RENEWAL

738 Western Ave. – Celley’s – 2 Class II, 1 Class III- **Granted**

SIGN LICENSE- RENEWAL

134 Central Ave., Bagdad Convenience Store- **Granted**

11 Lewis St., Hair Affair- **Granted**

70 Granite St., Zea III Realty- **Granted**

840 ½ Western Ave., Denny Tailor Shop- **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the September 11, 2012 Committee on Finance recommending the following to be accepted:

Ordered that the City Comptroller certify as an “Available Fund” the sum of Three Million Eight Hundred Fifty Nine Thousand Forty Two Dollars and Zero Cents (\$3,859,042.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative from the Race to the Top Grant Application. Grant Period is 7/1/12 to 6/30/13.

Councillor Cahill 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 Comptroller certify as an “Available Fund” the sum of Three Million Eight Hundred Fifty Nine Thousand Forty Two Dollars and Zero Cents (\$3,859,042.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative from the Race to the Top Grant Application. Grant Period is 7/1/12 to 6/30/13.

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

Ordered that the City Comptroller be and is hereby authorized to transfer the sum of Two Thousand One Hundred Sixty Dollars and Seventy Four Cents (\$2,160.74) from the Account of Fire Department of Various Objects to the Account of Unpaid Bills of Prior Year/Fire Department.

Councillor Cahill 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 Comptroller be and is hereby authorized to transfer the sum of Two Thousand One Hundred Sixty Dollars and Seventy Four Cents (\$2,160.74) from the Account of Fire Department of Various Objects to the Account of Unpaid Bills of Prior Year/Fire Department.

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

Ordered that the City Comptroller be and is hereby authorized to transfer the sum of Two Thousand Six Hundred Forty Six Dollars and Fifty Five Cents (\$2,646.55) from the Account of Fire Department of Various Objects to the Account of Unpaid Bills of Prior Year/Fire Department.

Councillor Cahill 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 Comptroller be and is hereby authorized to transfer the sum of Two Thousand Six Hundred Forty Six Dollars and Fifty Five Cents (\$2,646.55) from the Account of Fire Department of Various Objects to the Account of Unpaid Bills of Prior Year/Fire Department.

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

TABLED (2):

Ordered that the City Comptroller is hereby authorized to transfer the sum of Thirty Two Thousand Five Hundred Dollars and Zero Cents (\$32,500.00) from the Reserve Fund to the DPW/Legal Account.

REPORT ACCEPTED.

NEW BUSINESS:

Discussion with the Off Street Parking Commissioners/Director of Parking Department:

After a lengthy discussion, Councillor Colucci requested the following information:

- **The number of lots the city owns**
- **List of Lots and their locations**
- **The dollar amount each Lot brings in**
- **Price to sell or lease individual Lots**
- **Any other suggestions the Off-Street Parking Commissioners have**

Councillor Crighton thanked Mr. Fenton and the Off-Street Parking Commissioners for attending the meeting. He requested Mr. Fenton come up with a plan. In regards to the \$200,000 in escrow, Councillor Crighton said he would like to see the Off-Street Parking Commission consider using this money to invested in capital improvements to the city lots. Councillor Crighton said he is looking for action in cleaning up these lots and also communication between the Council and the Off-Street Parking Commission. Mr. Fenton said he would need about four weeks to compile the information requested. Councillor Crighton told Mr. Fenton that he would see them back in about month.

Discussion with representatives from National Grid regarding various projects throughout the City – Rescheduled to September 25, 2012.

Motion made by Councillor Colucci and seconded by Councillor Barton 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