

**CITY OF LYNN**

**Regular City Council Meeting, April 9, 2013  
Council President Timothy Phelan Presiding**

**Eleven Councillors Present**

**Moment of Silence. Councillor Colucci asked that Bob Brest be remembered.  
Council President Phelan asked that Kathy Kostan also be remembered.  
Pledge of Allegiance.**

**Motion made by Councillor Colucci and seconded by Councillor Capano to  
accept the Meeting Minutes of March 26, 2013.  
Motion carried.**

**NEW BUSINESS:****Communication from Dr. Catherine C. Latham, Superintendent of Schools:**

Dear Mr. Phelan: Thank you for allowing an emergency vote by the City Council to support the Lynn School Department in the filing of a Statement of Interest to the Massachusetts School Building Authority (MSBA) for the refurbishment/replacement of Pickering Middle School. This is not an application for funding and in no way commits the MSBA or the City of Lynn to any school building project. This merely allows Lynn to add one school building project for consideration if the MSBA chooses to select Lynn to enter into the building pipeline. The MSBA has already entered the Marshall Middle School into its pipeline as a priority project.

Enclosed please find the required MSBA Vote Language for the Statement of Interest for the Pickering Middle School project. Very truly yours, Catherine C. Latham, Ed.D., Superintendent of Schools

**Resolved: having convened in an open meeting on April 9, 2013 the Lynn City Council, City of Lynn, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 10, 2013 for the Pickering Middle School located at 70 Conomo Avenue 01904, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for:**

- Elimination of existing severe overcrowding
- Prevention of severe overcrowding expected to result from increased enrollments
- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation expected and decrease energy related costs in a school facility
- Replacement of, or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the District of Lynn to filing an application for funding with the Massachusetts School Building Authority.

**Councillor Colucci 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 Resolved: having convened in an open meeting on April 9,2013 the Lynn City Council, City of Lynn, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 10, 2013 for the Pickering Middle School located at 70 Conomo Avenue 01904, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for: Elimination of existing severe overcrowding, Prevention of severe overcrowding expected to result from increased enrollments, Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation expected and decrease energy related costs in a school facility, Replacement of, or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the District of Lynn to filing an application for**

funding with the Massachusetts School Building Authority.

**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**

**Communication from Donald Walker, Office of Economic & Community**

**Development:**

*Dear Councilors:*

*On behalf of the Office of Economic and Community Development and the Lynn Housing authority and Neighborhood Development, we are requesting that you schedule a Public Hearing with the Lynn City Council on Tuesday, May 14, 2013. The purpose of this hearing is to allow public input to the City's Annual Action Plan, including the Use of the Department of Housing and Urban Development (HUD) estimated appropriations for the Community Development Block Grant, Home Investment Partnership Grant, Emergency Solutions Grant, and the Housing Opportunities for Persons with Aids Grant. Sincerely, Donald Walker, Director of Project Operations*

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

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

**11 YES 0 NO**

**PUBLIC HEARINGS:**

Petition of Chef's House, James P. McElwee, Jr., for permission for an Eat In Restaurant with a Wine and Malt License at 34 Acorn Street, Monday – Saturday 11 a.m. to 10 p.m.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Trahan to DENY the prayer of the petition.**

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

**11 YES 0 NO**

Petition of Golden Onion Rings, Paula Robles, for permission for preparation, sales and delivery of Onion Rings at 271 Western Avenue, Monday through Saturday 9 a.m. to 12 Midnight.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Lozzi and seconded by Councillor Cahill to TABLE the prayer of the Petitioner.**

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

**11 YES 0 NO**

Petition of Comcast, Timothy Broderick, for permission to place (1) 4" pvc underground conduit 50' +/- in a Northwesterly direction to property at 510 Washington Street.

The following appeared in Favor:

Timothy Broderick, Comcast

No one appeared in Opposition.

Public Hearing Closed.

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

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

**11 YES 0 NO**

Petition of Rosetti Restaurant Group, Robert Rosetti for permission for a Food Establishment with All Alcohol Beverage License at 41 Sutton Street with hours of operation as follows: Closed Monday, Tuesday-Thursday, 4 p.m. to 11 p.m., Friday 4 p.m. to 12 a.m., Saturday 2 p.m. to 12 a.m. and Sunday 12 p.m. to 10 p.m., except those days when Veteran's Memorial Auditorium, Lynn City Hall has scheduled events to be opened no later than midnight.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

The Clerk read into the records a Letter of Support from the Director of EDIC.

Public Hearing Closed.

**Motion made by Councillor Crighton 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**

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

The following appeared in Favor:

John O'Brien, Essex County Registrar of Deeds

Ellia Thomas, 31 Fearless Avenue

Dawn Jenkins, Lynn

Vin , North Shore Labor Council

Don Green, Lynn

Rev. Jane Gould, St. Stephen's Church

Coleen Spagnoli, 12 Lynn Shore Drive

Gina Grandberry, Lynn

Ron Mendez, Lynn

Abdel Souissa, Lynn

Gardy, 71 Michigan Avenue

Issac Hodes, Lynn United for Change

150 Show of Hands in Support

Leon Freedman, Plum Island, MA Foreclosure Defense League

C. David Surface, CEO & President of St. Jean's Credit Union

Cheryl D'Amico, Lynn

Attorney Eloise Lawrence, Harvard Law School/Legal Aid Bureau

Richard Bandemer, 19 Halford Place, Lynn

Robert Marley, Lynnfield

Marilyn Flores, Lawrence Housing Corp.

Katrina Panagiotakis, Lynn

Aracelis Mercedes, Lynn

No one appeared in Opposition.

Three Letters of Support were read into the record from Richard Bandemer, Lynn;

Andrea Kelly and Karina Osella, Lynn.

Public Hearing Closed.

**Motion made by Councillor Capano and seconded by Councillor Trahant to approve with all amendments and Clerk to read entire Ordinance with amendments into the record.**

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

**11 YES 0 NO**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser at Lynn Tech Field, May 15 – 19. (Capano)

-Petition of JB Auto Center, Jorge Benites, for permission for a sign permit at 100A Central Avenue. (Crighton)

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

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

**8 YES 0 NO (Councillor Capano, Colucci and Ford absent at vote).**

**Motion carried.**

### **UNFINISHED BUSINESS:**

**Motion made by Councillor Cyr and seconded by Councillor Trahan to accept the Ordinance Committee Report of March 26, 2013:**

#### **PUBLIC HEARINGS:**

1. Discussion re: A Proposed Ordinance Amending the Ordinance Regulating Public Safety Within Convenience Stores in the City of Lynn. (BARTON) – Tabled at March 26<sup>th</sup> Ordinance Committee Meeting).
2. Discussion re: A Proposed Ordinance Establishing a Senior Citizen Property Tax Work-Off Abatement. - **Granted**

#### **DISCUSSION AND/OR SET DOWN FOR PUBLIC HEARING:**

1. Proposed Amendment to the Zone Ordinance (Section 16C./ Site Plan Review) – **Set Down for Public Hearing at the March 26<sup>th</sup> Ordinance Committee Meeting).**

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

**8 YES 0 NO (Councillor Capano, Councillor Colucci and Councillor Ford absent at vote).**

### **COMMITTEE REPORTS:**

**Report of the April 9, 2013 Committee on Ordinance recommending the following to be accepted:**

#### **DISCUSSION AND/OR SET DOWN FOR PUBLIC HEARING:**

1. **A Proposed Ordinance Amending the Ordinance Establishing A Dog Park in the City of Lynn and Regulating the Use of the Dog Park. – Set Down for Public Hearing.**
2. **OTHER BUSINESS:**  
**REPORT ACCEPTED.**

**Report of the April 9, 2013 Committee on Public Safety recommending the following to be accepted:**

The following individuals were appointed Constables:

Jorge Mendoza, 232 Havre Street, East Boston - **Granted**

Lisa Pressman, 30 Red Rock Street, Lynn – **Granted**

**REPORT ACCEPTED.**

**Report of the April 9, 2013 Committee on Minor Licenses recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Alexis, Jean 27 Linden St # 3- **Granted**

Antoine, Kendall 9 Fay St- **Granted**

Arias, William 22 Bellevue Rd- **Granted**

Bellevue, Jean Junior 9 Autumn St- **Granted**

Exantus, Fernor 104 Lincoln Ave - **Tabled**

Figueroa, Nelson, 604 Essex St # 301- **Granted- Granted**

Limose, Robert 244 Kennedy Drive #805. Malden

Mirthil, Frantz 138 South Common St #24- **Granted**

Nardella, Laura M 112 Bridge St # 1 Salem- **Granted**

Sanon, Jonel 20 Lyman St # 1 (**See Probation Letter**) – **Granted with 30-60-90 Review**

Adil Faris, Lynn (Tabled at March 26, 2013 Meeting) - **Granted**

**TAXI OPERATORS – TABLED**

Garrido, Walquiry 8 Carnes St # 1R

Kabir, Abm Lutful 126 Eastern Ave. – **Granted with 30-60-90 Review/bring Receipt**

**TAXI OPERATORS- 30 DAY REVIEW.**

Causey, Ray 16 Glenwood Rd. - **Granted**

Dorcely, Guyboyson Rivelino 37 Kirtland St- **Granted**

Lewis, Jamie 75 Lyman St # 5- **Granted**

**TAXI OPERATORS-60 DAY REVIEW**

Ehiabhi, Moises 10 Safford Rd - **Tabled**

**TAXI OPERATOR-90 DAY REVIEW**

Doucette, Justin 126 Eastern Ave. - **Granted**

**LIVERY OPERATORS-NEW**

Papagikos, Marc 53 Whiting St. - **Granted**

**LIVERY OPERATORS -90 DAY REVIEW**

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

Severino, Brailin, 8 Duke St # 2- **Granted**

**RENEWAL SIGN**

707 Western Ave., Domino's Pizza- **Granted**

**NEW PAWN BROKER**

317 Chestnut St., Black Diamond Pawn, LLC (Prev tabled for correct address) - **Granted**

**NEW SECOND HAND**

317 Chestnut St., Black Diamond Pawn, LLC (Prev tabled for correct address) - **Granted**

**NEW OLD GOLD & SILVER**

317 Chestnut St., Black Diamond Pawn, LLC (Prev tabled for correct address) - **Granted**

**AUTO BODY/AUTO REPAIR/FLAMMABLE- TRANSFER**

35B Alley St. – K & J Auto Body- **Granted Pending CORI**

46 Bennett St. – Tatiana’s Auto Body (is currently Polo Auto Body) - **Granted**

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

1071 Rear Western Ave. – 26 Auto Body- **Granted**

**AUTO REPAIR/FLAMMABLE-RENEWAL**

100A Central Ave. – JB Auto Center- **Granted**

59 Commercial – Rifle’s Auto Details- **Granted**

905 Western Ave. – S & S Auto Repair- **Granted**

105 Willow St.- Bill Walsh Auto Repair- **Granted**

**CANNING:**

Knights of Pythias (Adults Only) – June 15 and June 16, 2013- **Granted**

Lynn Youth Soccer (Adults Only) – April 5, 6, 7, 2013 - **Granted**

**OTHER BUSINESS:****Second Class Dealers – Transfer:**

Armando’s Motor Sales – Maryann Grannasch to Eduardoa Bettencourt - **Granted**  
**REPORT ACCEPTED.**

**Report of the April 9, 2013 Committee on Finance recommending the following to be accepted:**

Transfer the sum of Five Thousand Dollars and Zero Cents \$5,000.00 from the Account of Reserve Fund to the Account of IT Payroll and IT OT.

**Councillor Colucci 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 from the Reserve Account to the Account of IT Payroll and IT OT in the amount of \$5,000.00**

**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:**

**9 YES 0 NO (Councillor Cyr voting PRESENT; Councillor Colucci absent at vote).**

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

**9 YES 0 NO (Councillor Cyr voting PRESENT; Councillor Colucci absent at vote).**



Transfer the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) from the Account of Election Transfer Account to the City Clerk/Payroll Account.

**Councillor Colucci 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 from the Account of Election Transfer Account to the City Clerk/Payroll Account in the amount of \$7,500.00.**

**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:**

**9 YES 0 NO (Councillor Cyr voting PRESENT; Councillor Colucci absent at vote).**

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

**9 YES 0 NO (Councillor Cyr voting PRESENT; Councillor Colucci absent at vote).**

Transfer the sum of \$36,295.00 From the Account of Reserve Fund to the Accounts of Election/Precinct Officers, City Clerk/Outside Professional Expense and City Clerk/OT.

**Councillor Colucci 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 from the Account of Reserve Fund to the Accounts of Election/Precinct Officers, City Clerk/Outside Professtional Expense and City Clerk/OT in the amount of \$36,295.00.**

**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:**

**9 YES 0 NO (Councillor Cyr voting PRESENT; Councillor Colucci absent at vote).**

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

**9 YES 0 NO (Councillor Cyr voting PRESENT; Councillor Colucci absent at vote).**

**REPORT ACCEPTED.**

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