

**CITY OF LYNN**

**Regular City Council Meeting – May 12, 2015  
Council President Daniel F. Cahill, Presiding**

**Ten Councillors Present (Councilor Barton absent).**

**Moment of Silence**

**Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of April 28, 2015.**

**Motion carried.**

**Council President Cahill stated that Councilor Barton could not attend this evening's meeting as he had a previously scheduled family trip in honor of his Aunt's 95<sup>th</sup> Birthday Celebration.**

**PUBLIC HEARINGS:**

Petition of BEP Corp., d/b/a Little Caesar's Pizza for a Restaurant in a Business District at 58 Market Square.

The following appeared in Favor:

Chris Elwell, Little Caesar's Pizza

No one appeared in Opposition.

Public Hearing Closed.

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

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of BEP Corp., d/b/a Little Caesar's Pizza for permission for a sign permit at 58 Market Square.

The following appeared in Favor:

Chris Elwell, Little Caesar's Pizza

No one appeared in Opposition.

Public Hearing Closed.

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

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of Dimitros Stefanidis (Owner under P & S Agreement) for permission to convert a legal two family dwelling currently used as a funeral parlor with two apartments to a three family dwelling at 893-893A Western Avenue.

The following appeared in Favor:

Attorney Thomas Demakis

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:**

**10 YES 0 NO (Councilor Barton absent).**

Petition of Richdale Convenience Store, Manzur Alam, for permission to transfer package store Wine & Malt License from 2 Market Square to 573 Chestnut Street.

The following appeared in Favor:

Attorney Thomas Truax, Salem, MA

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Lozzi and seconded by Councilor Trahant to accept the Letter of Withdrawal Without Prejudice.**

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of El Gran Jaguar Restaurant, Erica J. Rauda for permission to add a Wine and Malt License to an existing restaurant at 228 Union Street.

The following appeared in Favor:

Erica Rauda, owner

The following appeared in Opposition:

Lieutenant Stephen Haberek, Lynn Police Department

Public Hearing Closed.

**Motion made by Councilor Colucci and seconded by Councilor Ford to DENY.**

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of National Grid, Rafael Panos for permission to install 25' +/- of 1-3" concrete encased conduit from existing Pole P11 to property of 25 Gordon Road to provide service to the customer.

The following appeared in Favor:

Nguyen Ngo, National Grid

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Lozzi and seconded by Councilor Cyr to TABLE.**

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of National Grid, Rafael Panos, for permission to install solely owned in line P51-50 between Pole 51 and Pole 53 Alley Street and to install sidewalk fixture Anchor at P51-50 and at P52. Pole 51-50 shall be located approximately 56' +/- Northeasterly from P53. Further install approximately 147' +/- of 2-4" concrete encased conduits from existing rise P52 Alley Street towards Commercial Street up to customers property at 175-189 Alley Street. (Capano)

The following appeared in Favor:

Nguyen Ngo, National Grid

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Cyr to TABLE.**

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of National Grid, Rafael Panos, for permission to install approximately 7" +/- of 1-3" conduit from P24 to the property at 555 Western Avenue.

The Following appeared in Favor:

Nguyen Ngo, National Grid

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Ford to grant the prayer of the Petitioner with the stipulations that road /sidewalk be returned to current condition and that infrared be used for patching.**

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of Comcast, Timothy Broderick for permission to place (1) 4" pvc conduit from existing vault manhole on Andrew Street, 30' +/- in a Westerly direction to property of 1 Andrew Street.

The following appeared in Favor:

Timothy Broderick, Comcast

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Ford to grant the prayer of the Petitioner with the following stipulations that road /sidewalk be returned to current condition and that infrared be used for patching.**

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

**10 YES 0 NO (Councilor Barton absent).**

Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on Silsbee Street and place new manhole. From new manhole, place (1) 4" pvc conduit 35' +/- in a Southwesterly direction to property of 270 Union Street

The following appeared in Favor:

Timothy Broderick, Comcast  
 No one appeared in Opposition.  
 Public Hearing Closed.

**Motion made by Councilor Colucci and seconded by Councilor Trahan to grant the prayer of the Petition with the following stipulations that road /sidewalk be returned to current condition and that infrared be used for patching.**

**Motion carried by the following ye and nay vote:  
 10 YES 0 NO (Councilor Barton absent).**

Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on Silsbee Street and place new manhole. From new manhole, place (1) 4' pvc conduit 25' +/- in a Northwesterly direction to property of 8 Silsbee Street.

The following appeared in Favor:

Timothy Broderick, Comcast  
 No one appeared in Opposition.  
 Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Trahan to grant the prayer of the Petitioner with the following stipulations that the road /sidewalk be returned to current condition and that infrared be used for patching.**

**Motion carried by the following ye and nay vote:  
 10 YES 0 NO (Councilor Barton absent).**

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

-Petition of Jaynes Real Estate Trist. Caitriona & Donald P. Jaynes, for permission to change use of space to auto body/auto repair shop at 69 Bennett Street with hours of operation Mon-Sat 7 am to 6 pm. (Capano)

-Petition of Ital Marble Co., Inc., Antonio Lonigro, for permission for an electronic sign at 500 Lynnway. (Capano)

**Motion made by Councilor Cyr and seconded by Councilor Hong to set down for Public Hearings.**

**Motion carried.**

### **COMMITTEE REPORTS:**

**Report of the May 12, 2015 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:

Transfer the sum of Eleven Thousand Nine Hundred Dollars and Zero Cents (\$11,900.00) from the Reserve Fund to the Personnel Expense Account.

**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**

Eleven Thousand Nine Hundred Dollars and Zero Cents (\$11,900.00) from the Reserve Fund to the Personnel Expense Account.

**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:

**10 YES 0 NO (Councilor Barton absent)**

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

**10 YES 0 NO (Councilor Barton absent).**

Transfer the sum of Ten Thousand Dollars and Zero Cents (\$10,000.00) from the Election Precinct Payroll Account to the City Clerk's Expense Account.

**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 Ten Thousand Dollars and Zero Cents (\$10,000.00) from the Election Precinct Payroll Account to the City Clerk's Expense Account**

**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:

**10 YES 0 NO (Councilor Barton absent)**

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

**10 YES 0 NO (Councilor Barton absent).**

Transfer the sum of Forty Nine Thousand Six Hundred Eight Dollars and Ninety Eight Cents (\$49,608.90) from the Insurance Losses 20K or greater Account to the ISD Expense/Schools Account.

**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 Forty Nine Thousand Six Hundred Eight Dollars and Ninety Eight Cents (\$49,608.90) from the Insurance Losses 20K or greater Account to the ISD Expense/Schools Account.**

**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:

**10 YES 0 NO (Councilor Barton absent)**

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

**10 YES 0 NO (Councilor Barton absent).**

Certify as an “Available Fund” the amount of One Hundred Ninety Eight Thousand Five Hundred Dollars and Zero Cents (\$198,500.00) as allotted to the City of Lynn Office of Economic and Community Development by North Shore Workforce Investment Board for Youth Works Summer 2015 jobs.

**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 certifying as an “Available Fund” the amount of One Hundred Ninety Eight Thousand Five Hundred Dollars and Zero Cents (\$198,500.00) as allotted to the City of Lynn Office of Economic and Community Development by North Shore Workforce Investment Board for Youth Works Summer 2015 jobs.**

**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:**

**10 YES 0 NO (Councilor Barton absent)**

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

**10 YES 0 NO (Councilor Barton absent).**

Certify as an “Available Fund” the amount of One Hundred One Thousand Seven Hundred Twelve Dollars and Zero Cents (\$101,712.00) as allotted to the City of Lynn School Department by the Executive Office of Housing and Economic Development (EED) to fund the LVTI Capital Equipment Grant. Grant period 03/13/15 – 06/30/15.

**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 certifying as an “Available Fund” the amount of One Hundred One Thousand Seven Hundred Twelve Dollars and Zero Cents (\$101,712.00) as allotted to the City of Lynn School Department by the Executive Office of Housing and Economic Development (EED) to fund the LVTI Capital Equipment Grant. Grant period 03/13/15 – 06/30/15.**

**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:**

**10 YES 0 NO (Councilor Barton absent)**

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

**10 YES 0 NO (Councilor Barton absent).**

**REPORT ACCEPTED.**

**Report of the May 12, 2015 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Antunano, Alberto, 22 Paleologos St. Peabody, MA 01960- **Granted**

Chery, Rodner, 7 Liberty Square #733V- **Granted**

Colanton, John, 4 Belmont Avenue- **Granted**

De La Cruz, Wilfredo, 134 Allen Ave. Apt. #2- **Granted**

Jolly, Melissa, 31 Home St. Beverly, MA- **DENY**

Matos, Christian, 22 W. Baltimore St. Apt. #9- **Granted**

Mondello, Tracy, 39 Kings Hill Dr. - **Granted**

Osborne, James, 62 Nahant St. #2- **Granted**

Reed, Angelica, 44 Estes St. #9- **Granted**

Saladin, Ramon, 445 Essex St. - **Granted**

Soto, Angel, 76 Franklin St. Apt. - **Granted**

**TAXI OPERATOR (60 DAY REVIEW)**

Nieves Rodriguez, Christian, 62 Rockway St. #3- **Granted**

**TAXI OPERATOR (90 DAY REVIEW)**

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

**LIVERY OPERATORS (NEW)**

Francis, Raul, 267 Chatham St. #1- **Granted**

Jazmin, Pedro, 55 W. Neptune St. - **Granted**

Lott, Abasi, 124 Central Avenue #24- **Granted**

Matos, Christian, 22 W. Baltimore St. #9- **Granted**

Urena, Devora, 229 s. Common St. #5- **Granted**

**AUCTION PERMIT-NEW**

270 Lynnway, Peter J. Cocculuto, III- **Granted**

**SIGN LICENSE-REWEWAL**

158 Chestnut St., Santo Domingo Grocer- **Granted**

115 Commercial St., Pollo Royal Restaurant- **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – NEW**

1071 Western Ave. – Edna’s Auto Body of Lynn, Inc. - **Granted**

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

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

26 Bennett St. – REM Auto Body & Truck Repair, Inc. - **Granted**

220 Chestnut St. – Auto Body Rebuilders, Inc. - **Granted**

9 Green St. – Legere Auto Body- **Granted**

92 Harbor St. – Urban Auto Body- **Granted**

892 Washington St. – Giovanni’s Auto Body - **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

17A Alley St. – ARM Garage- **Granted**

18A Alley St. – E & M Auto Repair- **Granted**

37 Bennett St. – Gem Line Auto Repair- **Granted**

47 Bennett St. – DLC Auto Innovationz, Inc. - **Granted**

122 Boston St. – S and H Auto Repair, Inc. - **Granted**

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

148 Fayette St. – Auto Repair of Fayette Street, Inc. - **Granted**

100 Ford St. – San Marcos Auto Repair- **Granted**  
 315 Lynnway – Brothers Garage (adding second owner – his wife) - **Granted**  
 475R Lynnway – Barrera & Sons Auto Body and Repair- **Granted**  
 35 Suffolk St. – Toro’s Auto Repair- **Granted**  
 1069A Western Ave. – Mell’s Tire and Auto Service- **Granted**  
 1147 Western Ave. – Stoneham Boat Center, Inc. - **Granted**

**FLAMMABLE LICENSE – RENEWAL**

668 Chestnut St. – Cumberland Farms #2492- **Granted**  
 122 Liberty St. – Hess 21510- **Granted**  
 84-86 Lynnway – Lynn Yacht Club, Inc. - **Granted**  
 621-625 Western Ave. – Stop Quick Mart- **Granted**  
 1073R Western Ave. – Albert Kemperle, Inc. - **Granted**

**OTHER BUSINESS**

**CANNING:**

Lynn Lacrosse (Adults Only) – May 22, 23, 24, 2015- **Granted**

**Councilor Cyr stated he received a letter from a constituent complaining about a “Door to Door” solicitation (Verizon) and how they misrepresented themselves and offered him a service and did not follow through. Councilor Cyr asked the Solicitor’s Office to look into the city issuing city stickers and/or badges from the City for the “Door to Door” employees to wear. Councilor Cyr also stated that at this time, no one has permission to go “Door to Door”.**

**Motion carried.**

**REPORT ACCEPTED.**

**Report of the May 12, 2015 Committee on Public Property and Parks recommending the following to be accepted:**

1. Request from Barbara Gallagher, 20 Garfield Terrace to purchase two (2) pieces of city-owned property, Parcel #007-376-005, and Parcel #007-376-006. - **Motion to refer request from Barbara Gallagher, 20 Garfield Terrace to the Solicitor’s Office for title search and report back to the Public Property and Parks Committee.**

2. **Other Business.**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

**Councilor Cyr stated that a communication had been sent to the City Clerk by the Mayor, appointing Robert Stilian as Acting Parking Director in the absences of Jay Fenton.**



**Motion made by Councilor Cyr and seconded by Councilor Trahant to accept for the files.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Crighton 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**