

CITY OF LYNN

**Regular City Council Meeting, January 12, 2010
Council President Timothy Phelan Presiding**

**Nine Councillors Present (Councillor Ford and Councillor Crowley absent)
Moment of Silence. Councillor Lozzi asked that everyone remember Art Fiste in
their thoughts as he recently passed away.**

Pledge of Allegiance

COMMUNICATIONS:**Communication from Michael J. Barry. Solicitor**

Dear Council President Phelan:

This correspondence is in follow-up to our telecommunications of earlier this morning. Enclosed please find an amended opinion relative to your request regarding the proper salary for the Mayor of the City of Lynn. On Page 4 of the original opinion, this office inadvertently left out the word "no" with respect to the likelihood that the City could legally recover any monies which may have been paid out to former Mayors and City Councilors during the past fifteen years. Given that the salaries paid to former Mayors and City Councilors were approved by Chief Financial Officer for well over a decade, this office believes there is no reasonable likelihood that the monies could be recovered through judicial proceedings. I again apologize for any confusion which resulted from the prior opinion. Should you have any further questions regarding this matter, please do not hesitate to contact this office. Very truly yours, Michael J. Barry, City Solicitor

**Motion made by Councillor Colucci and seconded by Councillor Lozzi to accept
for the files.**

Motion carried.

Communication from Michael J. Barry, Solicitor:

Re: Amendments to State Ethics and Conflict of Interest Law:

Dear Council President Phelan:

Pursuant to your request, enclosed please find a copy of the most recent amendments to Massachusetts General Laws Chapter 268A and 268B, the state's conflict of interest law and State Ethic's Commissions enabling act. Further, in accordance with your request, enclosed please find a council Order designating the City Solicitor as the Municipal Liaison to ensure compliance with this law. Should you have any further question regarding this matter, please do not hesitate to contact this office. Very truly yours, Michael J. Barry, City Solicitor.

Appointment of Senior Level Employee of the Municipality pursuant to MGL, Chapter 268A and 268B.

Motion made by Councillor Cahill and seconded by Councillor Colucci to appoint Michael J. Barry:

CAHILL	- Barry	DUFFY	- Barry
CAPANO	- Barry	FORD	- ABSENT
COLUCCI	- Barry	LOZZI	- Barry
CRIGHTON	- Barry	PHELAN	- Barry
CROWLEY	- ASENT	TRAHANT	- Barry
CYR	- Barry		

9 = Michael J. Barry (Councillor Ford and Councillor Crowley absent).

PUBLIC HEARINGS TO BE SET DOWN ON FEBRUARY 9, 2010:

- Petition of Francisco Meneses, for permission for a Car Detail Shop at 3 Mt. Vernon Street.
- Petition of Francisco Meneses, for permission for a Coffee Shop/Convenience Store at 3-11 Mt. Vernon Street.
- Petition of National Grid, Christopher Radzik, for permission to install 2-3" pvc conduit in the sidewalk at #154-158 Pleasant Street.
- Petition of National Grid, Christopher Radzik, for permission to install 2-2" conduit and cable for #219 Lewis Street.
- Petition of National Grid, Christopher Radzik, for permission to install 5' of 2" conduit and cable for #3-5 Chestnut Street.
- Petition of New England Power Company, d/b/a National Grid, Lauren Peloquin, for the Lynn Harbor Line Relocation along Harding Street.

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

Motion carried.

COMMITTEE REPORTS:

Report of the January 12, 2010 Committee on Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW):

Ago, Michael Derek, 55 Jenness St.- 90 day review (All City Taxi)-tabled 12/15/09 -**Granted**
 Ago, Michael Derek, 55 Jenness St.- 90 day review (Tom's Taxi)-tabled 12/15/09-**Granted**
 Biatini, Pelagro, 29 Morris St.-30 day review-**Tabled**
 Coombs, Jr., Michael Alan, 7 Berry St. Unit 6, Danvers-30 day review- **Granted**
 Cordova, Raymond, 11 Hutchinson Ct.-renewal see CORI- **Tabled**
 Diaz, Julio Cesar, 5 Spring Ave. Revere 90 Day Review-tabled 12/15/09- **Granted**
 DiTroia, Edward Alan, 23 Glen Ave. -30 day review- **Granted**
 Doucette, Daniel, 64 Lowell St.-30 Day Review-tabled 12/15/09- **Granted**
 Ysidra Frias, 160 Neptune Blvd. #208- **Tabled**
 Martins, Luiz A., 5 Olive St. - **Granted**
 Rodriguez, Raylin R. 142 Washington St. #2L,- 30 day review- **Tabled**
 Romero, Ezequier, 12 Wells Place - **Granted**
 Suarez, Alberto, 63 Graves Ave.. #1- 60 day review-tabled 12/15/09- **Granted**
 Williams, Nacin J. 33 Wolcott St. Dorchester-tabled 12/15/09- **Granted**

LIVERY OPERATORS (NEW):

Pagan, Andy, 11 Nichols St. 30 day review - **Granted**

RENEWAL CLASS II AUTO DEALER/ AUTO REPAIR/FLAMMABLE:

75 Boston St. – Boston St. Auto Sales- **Granted**
 136 Cottage St. – West Lynn Service, Inc. - **Granted**
 100 Ford St. – Performance Auto Brokers- **Granted**
 475 Lynnway – LAS Inc. - **Granted**
 1069A Western Ave. – Russo's Automatic Transmissions, Inc. (owes taxes)-**Tabled**
 1147 Western Ave. – Chino's Auto Sales- **Granted**
 1147R Western Ave. – Lynn Auto Service & Sales- **Granted**

NEW AUTO REPAIR/FLAMMABLE LICENSE:

18A Alley St. – Padilla Auto Repair (Tabled from December 15, 2009) – **Granted**
w/stipulations: No parked vehicles on street; no storing of vehicles on street; no creating any traffic hazards with vehicles; Hours to be M-F 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 3:00 p.m.

SIGN LICENSE – NEW :

391 Chatham Street, Punta Cana Grocery- **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the January 12, 2010 Committee on Ways and Means recommending the following to be accepted:

Phelan/Ordered that the City of Lynn hereby accepts easements from Lynn Water & Sewer Commission and authorizes Her Honor the Mayor to execute all necessary documents to convey all necessary easements to National Grid for the purpose of relocating the power lines near the South Harbor. Said easements are more particularly described in the Easement Relocation Agreement between the City of Lynn, National Grid and EDIC.

Councillor Lozzi 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 of Lynn hereby accepts easements from Lynn Water & Sewer Commission and authorizes Her Honor the Mayor to execute all necessary documents to convey all necessary easements to National Grid for the purpose of relocating the power lines near the South Harbor. Said easements are more particularly described in the Easement Relocation Agreement between the City of Lynn, National Grid and EDIC.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

9 YES 0 NO (Councillor Ford and Councillor Crowley absent).

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

9 YES 0 NO (Councillor Ford and Councillor Crowley absent).

REPORT ACCEPTED.

Report of the January 12, 2010 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 the Reserve Fund Expense:

To the Account of Information Technology Expense: \$12,000.00

(Lays over to January 26, 2010 Meeting).

NEW BUSINESS:

Council President asked Attorney Lamanna to address the Council regarding a communication sent to him from the Solicitor's Office. Attorney Lamanna stated that it was the recommendation of the Solicitor's Office to rescind the 1988 vote to abandon a portion of Harding Street may be ineffective given the lack of a known date for the abandonment. Attorney Lamanna stated that with the plans

for the relocation of the power lines, this action is necessary to rectify a technicality of the abandonment.

Motion made by Councillor Lozzi and seconded by Councillor Crighton to rescind the 1988 vote.

Councillor Lozzi 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 to rescind the 1988 vote to abandon a portion of Harding Street.

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 Ford and Councillor Crowley absent).

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

9 YES 0 NO (Councillor Ford and Councillor Crowley absent).

Motion made by Councillor Colucci and seconded by Councillor Crighton 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