

CITY OF LYNN

**Regular City Council Meeting, December 28, 2010
Council President Timothy Phelan Presiding**

Ten Councillors Present (Councillor Cahill absent).

Moment of Silence.

Pledge of Allegiance.

Motion made by Councillor Colucci and seconded by Councillor Crowley to accept the Meeting Minutes of November 30, 3010.

Motion carried.

COMMUNICATIONS:

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Ms. Esraa S. Ahmad, 5 Moulton Street, Apt. 3, to the Lynn Cultural Council. Ms. Ahmad's term is effective immediately, and will expire on December 31, 2012. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councillor Crowley and seconded by Councillor Duffy to accept for the files.

PUBLIC HEARINGS:

Petition of AT&T Mobility, Inc., Francis Kelley, for permission to do minor modification of an existing stealth Wireless Communication facility from 6-9 antennas, unmanned, no change in operation at Grace United Methodist Church at 372 Broadway.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Lozzi and seconded by Councillor Duffy to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Petition of AT&T Mobility, Inc., Francis Kelley, for permission to do minor modification of an existing wireless communication facility from 6-9 antennas, unmanned, no change in operation at 500 Lynnfield Street.

Motion made by Councillor Lozzi and seconded by Councillor Duffy to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

UNFINISHED BUSINESS:

Public Property Committee Report of December 14, 2010:

Ordered that Her Honor the Mayor be authorized to enter into a Lease Agreement by and between the City of Lynn and Ralph W. Sevinor, Trustee of RWS Realty Trust, for a term of five (5) years, beginning December 1, 2010, for the premises located at 424R Essex Street, Lynn, Massachusetts, more fully described in "Lease Agreement" between the parties, dated May 1, 2005, incorporated by reference.

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

Motion carried by the following yea and nay vote:

10 YES (Councillor Cahill absent).

Finance Committee Report of December 14, 2010:

Ordered that the City Comptroller be and is hereby authorized to make the following appropriation transfers:

From the Account of the Reserve Fund:

To the Account of Law Department Expense: \$50,000.00

Motion made by Councillor Crowley and seconded by Councillor Duffy to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

From the Account of Reserve Fund:

To the Account of Comptroller's Expense: \$10,010.50

Motion made by Councillor Crowley and seconded by Councillor Duffy to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Cyr and seconded by Councillor Trahant to remove from the Table the Petition of Lewis Laundry, Henry Nguyen, for permission for a Laundromat service at 219B Lewis Street and to DENY after petitioner failed to provide documentation from neighbors, with stipulation that if Mr. Nguyen presents a different plan, he can reapply.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Capano and seconded by Councillor Crighton to remove from the Table the Petition of US Stone, Inc., Joan B. Bonia, for permission to add "Retail Use" to existing Special permit granted 2/13/96 for Contractor's Yard & Storage Facility at 1071 Western Avenue and to DENY.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Crighton and seconded by Councillor Cyr to remove from the Table the Petition of Francisco Meneses, for permission for a Car Detail Shop at 3 Mt. Vernon Street and to DENY.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Trahant and seconded by Councillor Crowley to remove from the Table the Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 29 Grant Street and after hearing, may make record an order adjudging it to be a nuisance to the neighborhood or dangerous and prescribing to its disposition, alteration, or regulation all as authorized by Massachusetts General Laws, Chapter 139, Section 1 and to Grant.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Crighton and seconded by Councillor Colucci to remove from the Table the Petition of Francisco Meneses, for permission for a Coffee Shop/Convenience Store at 3-11 Mt. Vernon Street and to DENY.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Ford and seconded by Councillor Duffy to remove from the Table the Petition of National Grid, Paul McGrath, for permission to install 100' of 2" plastic gas main in Curwin Terrace from Curwin Circle and to grant.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Crighton and seconded by Councillor Cyr to remove from the Table the Petition of Wendy's, Paul Kudarauskas, for permission for a sign permit at 116 Boston Street and to DENY.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

COMMITTEE REPORTS:

Report of the December 28, 2010 Committee on Ordinance recommending the following to be accepted:

IN THE YEAR TWO THOUSAND TEN AN ORDINANCE AMENDING THE ORDINANCE REGARDING SNOW REMOVAL IN THE CITY OF LYNN

SECTION 1:00 Snow Removal

A. No owner, manager or tenant of (i) commercial building, estate or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk containing more than six (6) residential units shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any slush, or loose, granular or packed snow upon such sidewalk. Removal of any slush and snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two inches wide, including removal of snow from all curb cuts, intersections, crosswalks, handicapped ramps and sidewalk locations. Each day that a violation exists shall be considered a separate offense.

B. No owner, manager or tenant of a residential building, estate or land abutting a sidewalk containing six (6) or fewer residential units shall place or suffer to remain in place for more than ten (10) hours after sunrise or when snowfall ceases any slush, or loose, granular or packed snow upon such sidewalk. Removal of any slush and snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two inches wide, including removal of snow from all curb

cuts, intersections, crosswalks, handicapped ramps and sidewalk locations. Each day that a violation exists shall be considered a separate offense

C. The provisions of subsections A and B of this section shall apply to snow and ice which slides or falls from any building, and to ice formed or accumulated upon any sidewalk, however formed or accumulated.

D. The Parking Department, the Police Department, the Inspectional Services Department and Department of Public Works shall be the enforcing authority for all purposes of this Section. All persons violating any of the provisions of this section shall forfeit and pay a sum not exceeding fifty dollars (\$50.00).

SECTION 2:00 Deposit of Snow on City Streets

A. No person shall deposit or dump snow in any manner from inside their property line or from any sidewalk, onto the city streets.

B. The Parking Department, the Police Department, the Inspectional Services Department and Department of Public Works shall be the enforcing authority for all purposes of this Section. All persons violating the provisions of this section shall forfeit and pay a sum not less than one hundred dollars (\$100.00) for each offense.

SECTION 3:00 Removal of Snow from Railroad Tracks

Whenever any railway corporation clears its tracks of snow by the use of plows, it shall remove from between the tracks and outside thereof, such amount of snow as shall make the streets safe and even for public travel. Such removal of snow shall be done to the satisfaction of the Department of Public Works.

SECTION 4:00 Repeal of Inconsistent Ordinances

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5:00 Time of Taking Effect

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised.

Motion made by Councillor Lozzi and seconded by Councillor Cyr to amend to allow a warning to be issued in lieu of a fine at the Inspector's discretion.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

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 Amending the Ordinance Regarding Snow Removal 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 ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

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

10 YES 0 NO (Councillor Cahill absent).

REPORT ACCEPTED.

Report of the December 28, 2010 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Laverentios, James, 20 Neptune Blvd-tabled 12/14/2010 – 90 day review - **Granted**

Manon, Jose A-27 Ridgeway St.-tabled 12/14/2010- **Granted**

Nina, Rafael, 46 Hood St. #2 - **Tabled**

TAXI SERVICE TRANSFER

Garcia's Taxi-182 Alley St. (transfer from 888 Western Ave.) - **Granted**

LIVERY OPERATORS – NEW

Boynton, Robert, 35 Cherry St. Swampscott - **Tabled**

Laverentios, James 20 Neptune Blvd-tabled 12/14/10 90 day review- **Granted**

Manon, Jose A-27 Ridgeway St. –tabled 12/14/10- **Granted**

LIVERY SERVICE- NEW

Islande Transportation-8 French St. – **Granted Temporary License**

PAY PHONE (RENEWALS)

256 Chatham St.-Good Eats-Churchill Public Comm. - **Granted**

101 Commercial St.-My Sons-Churchill Public Comm. - **Granted**

395 Essex St.-Centro Liquors-Churchill Public Comm. - **Granted**

78 Henry Ave.-Jenny's Convenience-Churchill Public Comm. - **Granted**

780 Washington St.-Dymes Store-Churchill Public Comm. - **Granted**

SECOND HAND ARTICLE – NEW

1 Market Square, Market Square Too (transfer Father to Son) - **Granted**

SECOND HAND ARTICLE-RENEWAL

512 Boston St.-B & M Treasure Chest- **Granted**

32 Market Square-Market Square Exchange & Emporium- **Granted**

193 Union St.-B & V Jewelry Co. Inc- **Granted**

PAWN – RENEWAL

32 Market Square-Market Square Exchange & Emporium- **Granted**

193 Union St.-B & V Jewelry- **Granted**

433 Washington St.-A & S Pawn- **Granted**

PAWN- NEW

1 Market Square-Market Square Too (Transfer father to son) - **Granted**

OLD GOLD & SILVER-RENEWAL

126 Boston St.-Three G Rentals d/b/a Colortyme- **Granted**

512 Boston St.-B & M Treasure Chest- **Granted**

32 Market Square-Market Square Exchange & Emporium- **Granted**

193 Union St.- B & V Jewelry Co.Inc- **Granted**

OLD GOLD & SILVER – NEW

1 Market Square-Market Square Too(transfer from father to son) - **Granted**

REVIEW TAXES

151 Central Ave., Kevin’s Bar & Grille –Sign license-previously tabled (partial payment on tax title in Nov)_–**Granted to February 15, 2011.**

AUTO REPAIR/FLAMMABLE LICENSE –RENEWAL

106 Chestnut St.-Los V Tires (tabled from 12/14/2010 owes taxes, see letter from F.Cronin) – **Granted to February 15, 2011.**

CLASS I– AUTO DEALER, AUTO REPAIR, FLAMMABLE – RENEWAL

715 Lynnway-Pride Chevrolet- **Granted**

CLASS 1 AUTO DEALER-AUTO REPAIR,FLAMMABLE

777-793 Lynnway-Pride Hyundai of Lynn dba Pride Kia- **Granted**

CLASS II AUTO DEALER-AUTO REPAIR-FLAMMABLE-RENEWAL

106 Chestnut St. Kevin’s Auto Sales (tabled from 12/14/2010, owes taxes, see letter from F.Cronin) – **Granted to February 15, 2011.**

350 Chestnut St.-East Lynn Auto- **Granted**

475 Lynnway-LAS Inc- **Granted**

623 Lynnway-Lynnway Auto Exchange- **Granted**

921 Western Ave-Ideal Auto Sales- **Granted**

1147R Western Ave.-Lynn Auto Service & Sales- **Granted**

CLASS III AUTO DEALER-AUCTION-AUTO REPAIR FLAMMABLE RENEWAL

732R Lynnway-Lynnway Auto Auction Inc- **Granted**

COIN OPERATED DEVICES RENEWAL

829 Boston St.-O’Brien’s-3 Class III (owes taxes see letter from F. Cronin) - **Granted**

20-36 Union St.-Rinse Cycle Laundromat-4 Class III- **Granted**

REPORT ACCEPTED.

Report of the December 28, 2010 Committee on Public Property recommending the following to be accepted:

Motion to approve the request of the North Shore Community College to mount a Commemorative Plaque in the Lobby of Lynn City Hall, acknowledging the Power of Women: Defining Moments in Workforce History. **(Tabled).**

REPORT ACCEPTED.

Report of the December 28, 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 Reserve Fund:

To the Account of Awards & Executions Expense: \$10,000.00

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 Account of Awards and Executions Expense (Law) in the amount of \$10,000.00.

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:

10 YES 0 NO (Councillor Cahill absent).

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

10 YES 0 NO (Councillor Cahill absent).

NEW BUSINESS:

Councillor Cyr commended the Department of Public Works for doing an exceptional job plowing during the recent storm. He also stated that many of the problems that have been reported about snow on the roadways was caused by residents and businesses shoveling snow onto the street after it had been plowed. He also said that everything should be done to remove cars left on the streets. In addition, he commended ISD for getting people out to abandoned properties to clear the snow.

Councillor Colucci wished the citizens of Lynn a Happy New Year.

Motion made by Councillor Lozzi 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