

**CITY OF LYNN**

**Regular City Council Meeting, May 11, 2010  
Council President Timothy Phelan Presiding**

10 Councillors Present (Councillor Duffy absent)

Moment of Silence

Pledge of Allegiance

**Motion made by Councillor Crowley and seconded by Councillor Colucci to accept the Meeting Minutes of April 27, 2010.**

**Motion carried.**

**Motion made by Councilor Capano and seconded by Councillor Cahill to suspend the rules to introduce a Resolution “Supporting the Veolia Wastewater Treatment workers in their quest for a fair contract and an effort to keep decent jobs in Lynn. Veolia’s profits increased 44% in 2009 and can afford to treat their workers fairly. They have a 20-Year lease from the city to operate the Treatment Plant. We want Veolia to know that the Lynn City Council vehemently opposes the use of replacement workers and will be monitoring this situation closely”.**

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

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

**10 YES 0 NO (Councillor Duffy absent).**

**Motion made by Councillor Ford and seconded by Councillor Trahan to suspend the rules to present citations to Ronald Ellis in recognition of attaining the National Golden Gloves Championship in the USA and Alex Rivera from Rivera Boxing for his commitment to the youth of the City.**

**Motion carried.**

**PUBLIC HEARINGS:**

Petition of Michael Iovanna, for permission for a sign permit at Pride Hyundai,  
777-793 Lynnway

No one appeared in Favor.

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:**

**10 YES 0 NO (Councillor Duffy absent)**

Petition of Donald Jaynes, Jaynes Industrial Moving, Inc. for permission to rent rooms in a Heavy Industrial area to musicians and artists at 69 Bennett Street with hours of operation from 8:00 a.m. to 12:00 a.m.

The following appeared in Favor:

Donald Jaynes

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Capano and seconded by Councillor Crowley to grant the prayer of the petitioner with the stipulations that it will be for non-residential use and for rehearsal use and that the hours of operation are 8:00 a.m. to Midnight.**

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

**10 YES 0 NO (Councillor Duffy absent at vote)**

Petition of Oliver Toomey, Clerk, Neighborhood Development Association for permission to allow construction of a single family home in a business district with less than the required area (4,634 s.f.) at 393 Summer 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 Crowley to grant the prayer of the Petitioner.**

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

**10 YES 0 NO (Councillor Duffy absent)**

Petition of David J. Potter, 92 Brookline Street, LLC, for permission for an Apartment House Use in Light Industrial District (Lesser use) at 92, 118-120 Brookline Street. **The City Clerk stated that a Letter of Withdrawal Without Prejudice was submitted.**

Petition of Gregory S. Boudreau, for permission to build a three car garage on existing new single family house at 23 Apple Hill Lane.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

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

**10 YES 0 NO (Councillor Duffy absent).**

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

-Petition of Light Tower Fiber LLC (dba) Lighttower for permission to install a 2" conduit approximately 10' between a National Grid Maintenance hole to the basement of 85 Exchange Street.

-Petition of Verizon, E. Everette Bryan, for permission to place on Nells Pond Road, from the intersection with Split Rock Road, approximately 275 feet of underground conduit on the Northerly side and approximately 80 feet of underground conduit at two road crossings; thence approximately 1100 feet of underground conduit Easterly and Westerly on Southerly side and approximately 90 feet of underground conduit northerly to intersection of Crooker Drive for a total of approximately 1545 feet.

-Petition of Verizon, E. Everette Bryan, for permission to place on Crooker Drive from jointly owned pole no 182/13 on Westerly side, approximately 100 feet of underground conduit southerly to intersection with Nells Pond Road.

-Petition of Verizon, E. Everette Bryan, for permission to place on Split Rock Road, from intersection with Nells Pond Road, approximately 318 feet of underground conduit Northerly on Easterly side and approximately 80 feet of underground conduit at two road crossings for a total of 398 feet.

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

## **UNFINISHED BUSINESS:**

### **Laid over from Public Property Meeting of April 27, 2010:**

Ordered that the City owned property at 176 Franklin Street, 182-186 Franklin Street be awarded to the highest bidder, Paramount Development, Inc., Gary Funari, President, 1 Laurel Street, Lynn for the amount of \$151,000.00 and that all bid deposits be returned to unsuccessful bidders.

**Motion made by Councillor Colucci and seconded by Councillor Trahan to grant.**

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

**9 YES 0 NO (Councillor Duffy absent, Councillor Capano absent at vote).**

**Laid over from Finance Committee Meeting of April 27, 2010:**

Ordered that the City Comptroller be and is hereby authorized to appropriate One Million One and Fifty Five Thousand Eight Hundred Fifty Two (\$1,155,852.00) Dollars, as allotted to the City of Lynn by Transportation Bond Bill, Chapter 291D of the Acts of 2006, as an available fund.

**Motion made by Councillor Crowley and seconded by Councillor Colucci to grant.**

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

**10 YES 0 NO (Councillor Duffy absent)**

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

From the Account of Fire Department Expense:

To the Account of Unpaid Bills of Prior Years (Fire): \$1,264.38

**Motion made by Councillor Crowley and seconded by Councillor Colucci to grant.**

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

**10 YES 0 NO (Councillor Duffy absent)**

From the Account of Reserve Fund:

To the Account of Information Technology Expense: \$23,500.00

**Motion made by Councillor Crowley and seconded by Councillor Colucci to grant.**

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

**10 YES 0 NO (Councillor Duffy absent)**

From the Account of Mayor's Staff Payroll:

To the Account of Incidental Expense: \$49,112.00

**Motion made by Councillor Crowley and seconded by Councillor Colucci to grant.**

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

**10 YES 0 NO (Councillor Duffy absent)**

**Laid over from Ways & Means Committee Meeting of April 27:**

Resolution to file and accept grants with and from the Commonwealth of Massachusetts, Executive Office of Energy Affairs for the land and water conservation fund program for multi-park court restoration improvements.

**Motion made by Councillor Lozzi and seconded by Councillor Colucci to grant.**

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

**10 YES 0 NO (Councillor Duffy absent).**

## **COMMITTEE REPORTS:**

### **Report of the May 11, 2010 Committee on Minor Licenses recommending the following to be accepted:**

#### **TAXI OPERATORS (NEW)**

Augustine, Nyandwi, 178 Central Ave. Chelsea – 90 day review - **Granted**

Brenegan, Kevin, 15 Amity St.-30 day review - **Tabled**

Fournier, Sean, 85 Newcastle St. #408 - **Tabled**

Frias, Ysidra, 160 Neptune Blvd. #208-60 day review - **Granted**

Ibrahim, Issaq S-97 Washington St. – **Granted w/30-60-90**

Marroquin, Luis, 124 Essex St.-Tabled 4/25/2010 - **DENIED**

Mencia, Israel, 2 Rogers St.-60 day review - **Tabled**

Rizzo, Paul, 30 Prospect St. Gloucester – **Granted w/30-60-90**

Rosa, Randy, 4 Acorn St. #2-30 day review - **Granted**

Ross, Richard,17 Castle Cir. Peabody- **Granted**

Spillane, John-34 Nahant St. #1-90 day review- **Granted**

Tower, Nicholas, 24 Jenness St.-30 day review - **Tabled**

#### **EXTENDED HR LIC RENEW - TO BE SET DOWN FOR PUBLIC HEARING ON**

#### **JUNE 8, 2010:**

60 Boston St., McDonalds-Rest. 5Am-10 pm 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,-Dining Room-10Am-10 PM Drive Thru-10AM-4AM- **Granted**

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

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

120-122 Liberty, Hess Corp- 24 hours- **Granted**

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

377 Lynnway, Wendys-Dining Room-Sun-Sat-10AM-10PM , Drive Thru-Sun-  
Thurs 10 - AM-1 AM, Fri & Sat-10AM-2 AM. - **Granted**

525 Lynnway-188 Commercial St.-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 AM-2 AM-7 days a week- **Granted**

66 Market Sq.-Dominos Pizza-Sun-Thurs 11 AM-1 AM Fri-Sat- 11 AM-2 AM- **Granted**

#### **SIGN LICENSE – RENEW**

511 Boston Street, Tony’s Shop- **Granted**

826 Boston Street, Riverside II- **Granted**

126 Broad Street, D & M Mart- **Granted**

314 Broadway, Wyoma Square True Value- **Granted**

319 Broadway, Century 21 Hughes- **Granted**

116 Central Avenue, Taqueria y Pupuseria Montecristo - **Granted**

1 Central Square, Dunkin Donuts (taxes owed does not own property) 2010 - **Tabled**

439 Chatham Street, Chatham Food Mart- **Granted**

520 Chestnut Street, Sam’s Barbershop- **Granted**

546 Chestnut Street., The Barber Shop- **Granted**

59 Essex Street, Osborne Pharmacy- **Granted**  
 145 Franklin Street, Tina Nails- **Granted**  
 2 Lafayette Park, Professional Beauty Salon- **Granted**  
 89 Lewis Street, International Realty Corp- **Granted**  
 217 Lewis Street, Yan's Café- **Granted**  
 177 Lynnfield Street, Knights of Columbus- **Granted**  
 3 Market Square, Market Square Beverage Co. Inc. - **Granted**  
 260 Maple Street, Primavera Family Day Care- **Granted**  
 8 Market Street, China Lion Restaurant- **Granted**  
 16 Market Street, Taqueria Mexico- **Granted**  
 42 Market Street, Dunkin Donuts- **Granted**  
 98 Market Street, Super 99 Cents State, Inc. - **Granted**  
 125 Oxford Street, Something Irresistible- **Granted**  
 727 Summer Street, Stop & Go Market- **Granted**  
 170 Union Street, Charlie Chan's - **Granted**  
 193 Union Street, B & V Jewelry- **Granted**  
 57 Washington Street, Angelina's Sub Shop- **Granted**  
 110-114 Washington Street, Showcase Laundromat- **Granted**  
 207 Washington Street, V N Market Inc - **Granted**  
 350 Washington Street, Rincon Macorisano- **Granted**  
 471 Western Avenue, Friendly Insurance Agency, Inc- **Granted**  
 742 Western Avenue, Taqueria y Puposeria- **Granted**  
 877 Western Avenue, Mittpheap Restaurant- **Granted**  
 885 Western Avenue, Bass Insurance Agency, Inc. - **Granted**

**SECOND-HAND- NEW**

844 Western Avenue, Gonzalez Refrigeration (tabled at April 13, 2010 ) letter sent out to attend meeting for owner & Bus Owner – **Send Letter to Law Department to draft agreement with owner.**

**FLAMMABLE LICENSE, (RENEWAL)**

122 Boston St., Shell- **Granted**  
 180 Boston St., Global- **Granted**  
 512 Chestnut St., Mobil- **Granted**  
 2 Circle Ave., Lynn Water & Sewer Commission – WWTP- **Granted**  
 21 City Hall Sq., Verizon- **Granted**  
 31 Collins St. Ter., Pasquanna Developers, Inc.(Delulis Bros. Constr. Co., Inc.) - **Granted**  
 247 Commercial St., Trans River Marketing- **Granted**  
 653 Eastern Ave., Global- **Granted**  
 10 High St., Atlantic Ambulance Service- **Granted**  
 120 Liberty St., Hess 21510- **Granted**  
 71 Linden St., Harvard Folding Box- **Granted**  
 500 Lynnfield St., NSMC/Union Hospital- **Granted**  
 453 Lynnway, EZ Landscaping, Inc. - **Granted**  
 535 Lynnway, Shell- **Granted**  
 700 Lynnway, Sonny's Car Wash- **Granted**

700 Lynnway, Mobil- **Granted**

59 North Franklin St., Atlantic Ambulance Service- **Granted**

390 Parkland Ave., Lynn Water & Sewer Commission- **Granted**

Raddin St., Lot 22, Ruth M. Walsh (**note change of name from her son John Walsh**) - **Granted**

5 Stetson St., Verizon - **Granted**

325 Walnut St., Lynn Water & Sewer Commission - **Granted**

510 Washington St., Michael Russo Jr. Plumbing & Heating Co., Inc. - **Granted**

520 Western Ave., Chowdhury Inc. dba Convenience Station- **Granted**

621-625 Western Ave., Stop Quick Mart (**taxes owed on property; business does not own property; owner of business and owner of property to appear at meeting**). - **Granted**

1000 Western Ave., GE Aviation- **Granted**

**AUTO BODY, AUTO REPAIR, FLAMMABLE, (RENEWAL)**

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

22 Bennett St., Munoz Auto Body- **Granted**

10 Camden St., Thibedeau Auto Body- **Granted**

165 Commerical St., Igor's Auto Body - **Granted**

148 Fayette St., Auto Body of Lynn- **Granted**

135 Pleasant St., Pudgy's Towing and Auto Repair, Inc. - **Granted**

154 South St., Bill & Son Auto Body- **Granted**

1075R Western Ave., Guate Auto Body & Repair- **Granted**

1127 Western Ave., Bridge Auto Body & Car Rental - **Granted**

**AUTO REPAIR, FLAMMABLE, (RENEWAL)**

15R Alley St., K & M Transmission- **Granted**

15 Avon St., John's Fuel Service Inc. DBA John's Oil Co. - **Granted**

606 Boston St., Solutions Auto Repair- **Granted**

100 Buffum St., U.S. Postal Service- **Granted**

326 Chatham St., Automotive Service - **Granted**

16 Chestnut St., Ed & Vin's Garage of Lynn, Inc. - **Granted**

129 Commercial St., Ernesto Auto Repair, Corp. (**please note, now a corporation**) - **Granted**

12A Ellis St., Mora Auto Repair (**open cases on CORI, please see attached criminal docket**) - **Tabled**

119 Essex St., Jerry Auto Care (**letter sent to appear – complaints**) – **Send Letter to ISD to issue cease and desist until such time as they appear before the Committee on Licenses.**

109 Lynnfield St., R & R American Service Station, Inc. - **Granted**

555 Lynnway, Midas Muffler- **Granted**

760 Summer St., J & L Fuel Corp. - **Granted**

1071 Western Ave., Ana Auto Repair (**taxes owed on property; business does not own property; owner of business and owner of property to appear at meeting.**) - **Tabled**

**AUTO BODY, AUTO REPAIR, FLAMMABLE (CHANGE OF ADDRESS)**

Caribbean Auto Body from 18B Alley St. to 35 Alley St. – **Granted**

Caribbean Auto Body I at 35 Alley Street - **Granted**

**AUTO REPAIR, FLAMMABLE (90 DAY REVIEW FOR TAXES OWED)**

106 Chestnut St., Los V Tires (taxes still owed by owner of property) **Send Letter that both are to appear or licenses may be revoked.**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the May 11, 2010 Committee on Ways and Means recommending the following to be accepted:**

**RESOLUTION**

**WHEREAS**, Constantine “Gus” Belitsos and his family were raised in the Highlands and never forgot his neighborhood or the “Highland Boys” with whom he grew up; and

**WHEREAS**, Constantine “Gus” Belitsos served his country honorably as in the United States Army during World War Two as a Prisoner of War; and

**WHEREAS**, Constantine “Gus” Belitsos upon returning home, married Elaine and raised a beautiful family while still giving back to his community, starting the “Highland Reunion Group” which later became Friends of High Rock Tower, and became the driving force behind the City’s beautification and revitalization of this historic landmark; and

**WHEREAS**, Constantine “Gus” Belitsos made sure Friends of High Rock Tower honored veterans as the driving force behind the Friends of High Rock Tower’s Veterans Day and Memorial Day Ceremonies; and

**THEREFORE, BE IT RESOLVED**, that the Lynn City Council go on record as expressing their appreciation for all of the efforts of Mr. Belitsos; and

**BE IT FURTHER RESOLVED**, that the Lynn City Council wishes to name the island on Circuit Avenue at the entrance to High Rock Park as the *Constantine “Gus” Belitsos Island* and that a copy of these resolutions be spread upon the records of the Lynn City Council.

**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 a Resolution that the Lynn City Council wishes to name the island on Circuit Avenue at the entrance to High Rock Park as the Constantine “Gus” Belitsos Island.**

**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 Duffy absent).**

**Emergency Order was then adopted by the following yea and nay vote: 10 YES 0 NO (Councillor Duffy absent).**

**NEW BUSINESS:**

Joanne Bissetta, Northeast Regional Coordinator Green Communities Division Massachusetts Department of Energy Resources addressed the Council with a presentation “The Green Communities Program – Partnering with Massachusetts Cities and Towns.

**Recommendation by Councillor Lozzi and seconded by Councillor Crighton that the Council President establish a Task Force to determine the feasibility of making the City of Lynn become a Green Community with members to include the ISD Director, the Director of Economic and Community Development, Councilor Lozzi, Councilor Cahill , and a representative from the Mayor’s Office.**

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

**7 YES 0 NO (Councillor Duffy absent; Council President Phelan, Councillor Cyr and Councillor Trahan absent at vote).**

Councilor Crighton invited all Councilors to attend the Cambodian Community Day on Saturday, May 15, 2010 in the Council Chambers that he is hosting to celebrate a new partnership between the Cambodian community and the City of Lynn.

Councillor Lozzi presented a Proclamation designating “May 16, 2010 through May 22, 2010 as National Public Works Week”.

**Motion made by Councillor Colucci and seconded by Councillor Trahan to request ISD Director Michael Donovan and a representative from Coviello Electric and National Grid to be present at the next scheduled City Council Meeting to discuss the various street lighting issues throughout the city. Also requested was a copy of the contracts for Council review.**

**Motion carried.**

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