

CITY OF LYNN**Regular City Council Meeting, June 8, 2010
Council President Timothy Phelan Presiding**

11 Councillors Present
Moment of Silence
Pledge of Allegiance

COMMUNICATIONS:**Communication from Richard Fortucci, Treasurer:**

Dear Councilors:

The City of Lynn has foreclosed on the following properties. Final Decrees can be found online at Salem Deeds:

9 Chancery Lane, Lot 014 Newhall Street, 80 Lowell Street

Please adjust your records accordingly.

Sincerely, Richard J. Fortucci, City Treasurer

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

Motion carried.

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Mexico Taco, Jeffrey Stevens, for permission for to park mobile food truck at 680 Western Avenue, 12 p.m. – 10:00 p.m. Wednesday through Sunday – Seasonal; and to visit soccer events at Magnolia Park Sundays Only, 9 a.m. to 6 p.m. – Seasonal.

-Petition of Fiesta Shows, Eugene J. Dean, for permission for a Carnival Fundraiser for 4th of July Fireworks Fund at Lynn Tech Field, July 21-25, 2010, Wed-Sun.

-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.

-Petition of Holy Family Church, Rev. Gregory Mercurio, for permission for a Carnival at 26 Bessom Street, August 5-7, 2010.

-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 Colucci and seconded by Councillor Trahant to set down for Public Hearings.

Motion carried.

UNFINISHED BUSINESS:

ORDINANCE COMMITTEE MEETING / MAY 28, 2010:

An Ordinance Amending the Zone Ordinance Pertaining to Home Occupations in the City of Lynn

Motion made by Councillor Crowley and seconded by Councillor Capano to amend as follows:

Section 6.4.1 (c) after the word “occupied”, insert the words “or use thereof”; further, after the word “profession” insert the words “which shall include but not be limited to”. Also, after the word “lighting,” insert the word “visitation”.

Section 6.4.1 (d) delete the remainder of the sentence after the word “profession”.

6.4.1 (j) insert after the word “allow”, the word “patients”. Also, after the word “salespersons” insert the words “or any other non-resident conducting business.”

Motion made by Councillor Duffy and seconded by Councillor to Table.

Motion DENIED by the following ye and nay vote:

10 NO 1 YES (Councillor Duffy voting YES).

Motion made by Councillor Cyr and seconded by Councillor Colucci to accept amendments

Motion carried by the following yea and nay vote:

10 YES 1 NO (Councillor Duffy voting NO).

Motion made by Councillor Crowley and seconded by Councillor Capano to grant as amended.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Duffy voting NO).

COMMITTEE REPORTS:

Report of the June 8, 2010 Committee on Ordinance recommending the following to be accepted:

DISCUSSION / AND OR SET DOWN FOR PUBLIC HEARING:

- 1. A Proposed Ordinance Amending the Ordinance Pertaining to Vicious Dogs and Animals Regulations in the City of Lynn (PHELAN) - (Motion to set Down for Public Hearing as amended in full Council)**

REPORT ACCEPTED.

Report of the June 8, 2010 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

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

Colon, Carlos, 29A No. Common St. - **Granted**

Frias, Ysidra, 160 Neptune Blvd #208-90 day review - **Granted**

Gomez, Julio C.-148 Liberty St. #105 - **Granted**

Ibrahim, Issaq S.-97 Washington St.-30 day review - **Granted**

Mencia, Israel, 2 Rogers Ave.-60 day review - **SUSPENDED**

Rizzo, Paul, 30 Prospect St. Gloucester-30 day review - **Granted**

Rosa, Randy-4 Acorn St. #2-60 day review - **Granted**

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

PUBLIC HEARING-EXTENDED HOURS

60 Boston St.-McDonalds, Rest-5 AM-10 PM Drive thru-24 hours- **Granted**

108 Boston St.-Burger King-Sun-Wed 6 AM-Midmght Thur-Sat-6 AM-2 AM- **Granted**

116 Boston St.-Wendy's-Sun-Sat dining room-10 AM-10 PM Drive Thru 10 AM-4AM- **Granted**

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

124 Broad St.-George's Roast Beef-10:30 am-2 am 7 days a week- **Granted**

120-122 Liberty St.-Hess Corp.-24 hours- **Granted**

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

377 Lynnway-Wendy's- Sun-Sat Dining Room-10:am-10 Pm Drive thru-Sun-Thurs 10 AM-1 AM Fri & Sat 10 AM-2 AM- **Granted**

525 Lynnway-188 Commercial St.-ESSE Energy DBA 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.-Domino's Pizza-Sun-Thurs 11 AM-1 AM Fri-Sat 11AM-2 AM- **Granted**

Chairman Cyr passed the gavel to Councillor Trahant. Motion made by Councillor Cyr and seconded by Councillor Duffy to request these businesses consider hiring a police detail during the night hours.

Motion carried.

EXT HRS TO BE SET DOWN PUBLIC HEARING JULY 13, 2010 (NEW)

Los Hermanos Market, 64 Franklin Street- 24 hours - **Granted**

EXT HRS TO BE SET DOWN PUBLIC HEARING JULY 13, 2010 (RENEWALS)

102 Boston St.-CVS Pharmacy- 24 hours - **Granted**

264 Essex St.-7-11 24 hours- **Granted**

3 Lynnfield St.-7-11 24 hours- **Granted**

17 Market Sq.-People's Choice- 10:00 AM-2 AM 7 days a week- **Granted**

144 Market St.-Dragon Inn-11 AM-2 AM 7 days a week- **Granted**

50 Western Ave.-7-11 24 hours- **Granted**

FLAMMABLE LICENSE, (RENEWAL)

6 Bennett St., L-A-C Steel Fabrication & Erection- **Granted**

30 Boston St., Home Décor Group- **Granted**

45 Boston St., North Shore Metals DBA Automotive Parts- **Granted**

423 Boston St., A.L. Prime Energy- **Granted**

668 Chestnut St., Cumberland Farms- **Granted**

84-86 Lynnway, Lynn Yacht Club- **Granted**

330 Lynnway, Garelick Farms- **Granted**

626 Lynnway, Garelick Farms- **Granted**

195 Market St., Eastern Bank- **Granted**

149 Walnut St., Richdale Convenience Store- **Granted**

969 Western Ave., A.L. Prime Energy- **Granted**

AUTO BODY, AUTO REPAIR, FLAMMABLE, (RENEWAL)

19 Alley St., Spina's Auto Body - **Granted**

77 Alley St. European Legends, (owes taxes, has letter from Fred Cronin, please note taxes are still owed from last year despite agreement to pay made then) - **90 DAY EXTENSION. SET DOWN FOR SEPTEMBER MEETING AND SEND REMINDER. HE MUST BRING PROOF OF PAYMENTS MADE.**

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

892 Washington St., Gio's European Auto Body - **Granted**

AUTO REPAIR, FLAMMABLE, (RENEWAL)

18A Alley St., Padilla Auto Repair - **Granted**

159 Commercial St., Ricardo Astacio DBA Cabrera Auto Repair - **Granted**

12 Ellis St., Enrique Auto Repair Center - **Granted**

119 Essex St., Jerry Auto Care, (temp. approve- 2 wks on 5/25- sent certified letter to appear 6/8/10) **APPROVED FOR 60 DAYS – SEND LETTER TO REMIND FOR AUGUST MEETING.**

76 Oakville Ave., Meninno Construction Co., Inc. - **Granted**
 41 Stewart St., North Reading Transportation - **Granted**
COIN OPERATED DEVICES VENDOR (RENEWAL)
 AP Vending & Amusement Co., Inc., 244 Newburyport Turnpike, Rowley, MA - **Granted**
 C & R Vending Co., 21 Gates Rd., Middleton, MA - **Granted**
COIN OPERATED DEVICES (RENEWAL)
 138 Boston St., Imperial Buffet, 2 Class III - **Granted**
 170 Broad St., Champion Bar & Grill, 2 Class II - **Granted**
COIN OPERATED DEVICES (RENEWAL) continued
 160 Franklin St., Hogan's II, 1 Class II, 1 Class III
 68 Lynnway, Volunteer Yacht Club, 1 Class III- **Granted**
 595 Summer St., 595 Café, 1 Class II- **Granted**
 612 Summer St., White Eagle, 1 Class III- **Granted**
 535 Western Ave., Franco Amvets, 2 Class III_- **Granted**
RENEWAL SECOND HAND ARTICLE LICENSE
 204 Essex Street, Continental Unicom Communications- **Granted**
 41 State Street, Game Stop #6006- **Granted**
SIGN LICENSE – RENEW
 96 Adams Street, Highland Variety- **Granted**
 152 Boston Street, Advance Auto Parts- **Granted**
 361 Boston Street, Lynn Neighborhood Mart- **Granted**
 369 Boston Street, Lucky Seven Market- **Granted**
 603 Boston Street, Natural Nails- **Granted**
 620 Boston Street, D'Class Beauty Salon- **Granted**
 624 Boston Street, Family Corner Grocery- **Granted**
 43 Broad Street, Jim's Corner Market- **Granted**
 237 Broadway, Wyoma Dairy Twirl- **Granted**
 47 Central Avenue, 47 Central- **Granted**
 101 Central Avenue, Century Tire Co. Inc. - **Granted**
 56 Central Square, Turbine Wine Bar Inc. - **Granted**
 256 Chatham Street, Quisqueya Rest. (Taxes owed 4th quarter** not owner of property) - **Granted**
 451 Chestnut Street, EZ Shop- **Granted**
 99 Commercial Street, Eddie Moe LLC d/b/a D & M Variety- **Granted**
 105 Commercial Street, Commercial Market- **Granted**
 423 Eastern Avenue, Norm's Variety- **Granted**
 495 Eastern Avenue, Nails By Tina- **Granted**
 61A Essex Street, Pizza Lovers- **Granted**
 105 Essex Street, T.C. Nails- **Granted**
 135 Essex Street, Neves Karate Academy- **Granted**
 161 Essex Street, Alnour Market- **Granted**
 200 Essex Street, Lincoln Market- **Granted**
 204 Essex Street, Continental Unicom & Communication- **Granted**
 333 Essex Street, New Angkor Thom Market- **Granted**
 395 Essex Street, Centro Liquors- **Granted**
 403 Essex Street, Lynn New Market (Taxes Owner to appear at this meeting** certified

letter sent out) - **TALBED**

148 Fayette Street, Auto Body Of Lynn- **Granted**

98 Federal Street, Teresa Fashion- **Granted**

63 Franklin Street, Santiago Market- **Granted**

143 Franklin Street, New England Laundromat- **Granted**

160 Franklin Street, Hogan's II- **Granted**

162 Franklin Street, Chapin Express- **Granted**

2-4A Lafayette Park, San Francisco Super Market- **Granted**

45 Lewis Street, Mildreds' Corner Café- **Granted**

76 Lewis Street, Arnold Bakery Outlet- **Granted**

88 Lewis Street, A & T Nails and Spa- **Granted**

161 Lewis Street, Harriet's Beauty Salon- **Granted**

163 Lewis Street, Shoreline Grill- **Granted**

179 Lewis Street, Perkins Properties- **Granted**

183 Lewis Street, Casa Molina- **Granted**

207 Lewis Street, Beachside Roastbeef (Taxes Owner to appear at this meeting** certified letter sent out) **SET DOWN FOR JULY 8. SEND LETTER TO REMIND. MUST SHOW PROOF OF AGREEMENT AND PAYMENTS MADE.**

64 Lynnfield Street, Nickey's Pizza- **Granted**

125 Lynnfield Street, Hayward's Restaurant- **Granted**

263 Lynnfield Street, Lynnfield Street Market- **Granted**

29 Market Square, Lynn Community Health- **Granted**

144 Market Street, Dragon Inn- **Granted**

76 Oakville Street, Meninno Construction Co. Inc. - **Granted**

595 Summer Street, 595 Café- **Granted**

15 Union Street, Rincon Crillo Rest. - **Granted**

49 Union Street, Cali Sandwich- **Granted**

53 Union Street, Enjoy Liquor- **Granted**

100 Union Street, Los Peluches Market- **Granted**

201 Union Street, Mi Guatemala Bakery- **Granted**

205 Union Street, Jimenez Market- **Granted**

546 Walnut Street, T-Stop Superette- **Granted**

56 Washington Street, MDMA Inc d/b/a Sunshine Market- **Granted**

32 Western Ave. W Proodian & Sons Inc- **Granted**

518 Western Ave., Hines Liquor- **Granted**

596 Western Ave., Lily's Beauty Salon- **Granted**

730 Western Ave., El Pulgarsito Rest. - **Granted**

813 Western Ave., D X T Convenience- **Granted**

883 Western Ave., Supreme Sub- **Granted**

CANNING

Lynn English High Girls Soccer (Adults Only) – August 31-September 1 & September 17-19, 2010- **Granted**

Phunk Phonemenon (Adults Only) – June 9, 2010 and July 17-18, 2010. - **Granted**
REPORT ACCEPTED.

Report of the June 8, 2010 Committee on Ways and Means recommending the following to be accepted:

Recommends that the Lynn City Council be requested to set down a public hearing relative to a burnt, dilapidated or dangerous building or other structure located at 38 Rockaway 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. **(Granted)**

Ordered that the city of Lynn hereby accepts the provisions of Massachusetts General Laws, Chapter 40, §22 and hereby establishes an annual fee of fifty (\$50.00) dollars for a license to operate recreational camp for children in the city of Lynn..

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 the provisions of Massachusetts General Laws, Chapter 40, §22 and hereby establishes an annual fee of fifty (\$50.00) dollars for a license to operate recreational camp for children 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 yea and nay vote:

11 YES 0 NO

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

11 YES 0 NO

NEW BUSINESS:

Discussion with representatives from National Grid and Coveillo Electric regarding street light issues in the City of Lynn.

Motion made by Councillor Cyr and seconded by Councillor Crowley to forward a letter to National Grid, Verizon, and Comcast to clean all utility and control boxes, and mail boxes on city of Lynn sidewalks and to paint them dark green to blend in with the environment and to maintain those boxes in the future. Further, that the Post Office be requested to clean and repaint mailboxes throughout the city and to maintain those boxes.

Motion carried.

Motion made by Councillor Crowley 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