CITY OF LYNN

Regular City Council Meeting, August 10, 2010
Council President Timothy Phelan Presiding

10 Councillors Present (Councillor Cahill absent).
Moment of Silence. Councillor Ford asked that Louis Rodriguez be remembered in their prayers.
Pledge of Allegiance

Council President Phelan stated that John Donoghue, a veteran, contacted the Veteran’s Office to ask them to notify the City Council that the American Flag in the Council Chambers was not located in the correct spot, stating that the American Flag should always be to the far left. Council President Phelan had the American Flag located to the correct spot on the podium, and thanked Mr. Donoghue for bringing this to the attention of the City Council.

COMMUNICATIONS:

Communication from Her Honor the Mayor:
Dear Councillors: I am hereby reappointing Mr. Charles D. Ward to the Lynn Housing Authority Neighborhood Development Commission. Mr. Ward’s term is effective immediately and will expire on May 25, 2015. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.
Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules to reappoint Charles D. Ward to the Lynn Housing Authority Neighborhood Development Commission, effective immediately and will expire on May 25, 2015. Motion carried by the following yea and nay vote:
10 YES 0 NO (Councillor Cahill absent).

Communication from Her Honor the Mayor:
Dear Councillors, I am hereby reappointing the following members to the Economic Development Industrial Corporation Board:
Lisa Panakio-Rowe – Effective immediately and will expire on June 30, 2013
Tyrone Brown – Effective immediately and will expire on June 30, 2013
Theodore Smith – Effective immediately and will expire on June 30, 2013
Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn
Motion made by Councillor Colucci and seconded by Councillor Lozzi to suspend the rules to reappoint the following members to the Economic Development Industrial Corporation Board:
Lisa Panakio-Rowe – Effective immediately and will expire on June 30, 2013
Tyrone Brown – Effective immediately and will expire on June 30, 2013
Theodore Smith – Effective immediately and will expire on June 30, 2013
Motion carried by the following yea and nay vote:
10 YES  0 NO  (Councillor Cahill absent).

Communication from Her Honor the Mayor:
Dear Councillors, I am hereby appointing Ms. Magnolia Contreras, 20 Shepard Street, to the Economic Development Industrial Corporation Board. Ms. Contreras’ term is effective immediately and will expire on June 30, 2013.

Motion made by Councillor Colucci and seconded by Councillor Trahant to suspend the rules to appoint Magnolia Contreras to the Economic Development Industrial Corporation Board effective immediately and will expire on June 30, 2013.

Motion carried by the following yea and nay vote:
10 YES  0 NO

Communication from Her Honor the Mayor:
Dear Councillors: I am hereby appointing the following to the Lynn Zoning Board of Appeals: Daniel E. Gisonno – His appointment is effective immediately and will expire on July 9, 2015.

Motion made by Councillor Crowley and seconded by Councillor Capano to suspend the rules to appoint Daniel E. Gisonno to the Zoning Board of Appeals effective immediately and will expire on July 9, 2015.

Motion carried by the following yea and any vote:
10 YES  0 NO  (Councillor Cahill absent).

Communication from Councilor-At-Large Paul T. Crowley:
Dear Ms. Audley: Please consider this letter a formal request for reconsideration of last evening’s vote relative to Section 8.00c of the Vicious Dog Ordinance. Thank you in advance for your assistance in this matter. Sincerely, Paul T. Crowley, Councilor-At-Large

Motion made by Councillor Capano and seconded by Councillor Colucci to accept reconsideration.

Motion carried by the following yea and nay vote:
10 YES  0 NO

Motion made by Councillor Crowley and seconded by Councillor Colucci to TABLE.

Motion carried by the following yea and nay vote:
10 YES  0 NO  (Councillor Cahill absent).

PUBLIC HEARINGS:

Petition of Wendy’s, Paul Kudarauskas, for permission for a sign permit at 116 Boston Street.
No one appeared in Favor.
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councillor Crighton and seconded by Councillor Cyr to Table and request the Petitioner to meet with city officials to discuss the Twenty-Four Hour License and numerous issues during the fall games at Manning Field.
Motion carried by the following yea and nay vote:
9 YES  0 NO  (Councillor Cahill absent, Council President Phelan absent at vote).

Petition of Apollo Restaurant, Dionisios Linardos, for permission to allow the sale of beer and wine for consumption on premises in accordance with Section 12 of the City of Lynn Zoning Ordinance at 21 Neptune Boulevard.
The following appeared in Favor:
Katrinia Panagiotakis, Lynn
Paul Kud
No one appeared in Opposition.
Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Colucci to grant with the stipulation that no alcohol be sold before 4 pm and stop at 12 midnight, and that no beer and wine not be served on weekends before 12 noon and stop at 12 midnight.
Motion carried on the following yea and nay vote:
10 YES  0 NO  (Councillor Cahill absent).

Petition of Clear Wireless, LLC, Tower Resource Management, James George, for permission to install a wireless antenna and related equipment on the roof of a building at 145 Washington Street.
The following appear in Favor:
Scott Lacey
No one appeared in Opposition.
Public Hearing Closed.

Motion made by Councillor and seconded by Councillor Crowley to grant the prayer of the Petitioner with the stipulation that all apparatus be painted so as to blend in with the exterior of the building.
Motion carried by the following yea and nay vote:
9 YES  0 NO  (Councillor Cahill absent, Councillor Cyr absent at vote).

Petition of Clear Wireless, LLC, Tower Resource Management, James George, for permission to install a wireless antenna and related equipment on the roof of a building at 285 Lynn Shore Drive.
Motion made by Councillor and seconded by Councillor Crowley to grant the prayer of the Petitioner with the stipulation that all apparatus be painted so as to blend in with the exterior of the building.
Motion carried by the following yea and nay vote:
10 YES  0 NO  (Councillor Cahill absent).
Petition of Ernie's Harvest Time, Ernie Fratangelo, Jr., for permission for a sign permit at 65 Boston Street.
No one appeared in Favor.
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councillor Crighton and seconded by Councillor Colucci to grant the prayer of the Petitioner with the stipulation that the sign be shut off between the hours of 9:00 p.m. and 6:00 a.m.
Motion carried by the following yea and nay vote:
10 YES 0 NO (Councillor Cahill absent).

Petition of Turbine Wine Bar, Inc., Stephen Hanley, for permission to change to All Alcohol License at 56 Central Square, with hours of operation to be 5:00 p.m. to 1:00 a.m. Tuesday through Saturday.
No one appeared in Favor.
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councillor Crighton and seconded by Councillor Cyr to grant the prayer of the Petitioner.
Motion carried by the following yea and nay vote:
10 YES 0 NO (Councillor Cahill absent).

Home Rule Petition – LeBlanc
The following appeared in Favor:
Gregg LeBlanc
Karen Mountain
40 Show of Hands
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councillor Lozzi and seconded by Councillor Colucci to TABLE.
Motion carried by the following yea and nay vote:
8 YES 1 NO (Councillor Cahill absent, Councillor Crighton voting PRESENT, and Councillor Duffy voting NO).

PUBLIC HEARINGS TO BE SET DOWN:

- Petition of Lewis Laundry, Henry Nguyen, for permission for a Laundromat service at 219B Lewis Street. (Cyr)

- Petition of Higher Ground Sports & Fitness, Neil Liston, for permission for a Personal Training Center in a Light Industrial Zone at 161 Eastern Avenue. (Cyr)

- Petition of National Grid, Greg Spinale, for permission to install 5’ +/- of secondary underground conduit for new lighting at Memorial Park, Memorial Park Avenue.
- Petition of National Grid, Paul McGrath, for permission to replace existing regulating fault at 57-59 President Street, with new vault to be located on Lexington Street, approximately 60 ft. down from President Street.

- Petition of National Grid, Paul McGrath, for permission to install 100’ underground of 2” plastic gas main in Curwin Terrace from Curwin Circle.

- Petition of Boston St. Car Wash, Jeffrey Carroll, for permission for a sign permit at 75 Boston Street. Motion made by Councillor Crighton and seconded by Councillor Cyr to set down for Public Hearings. Motion carried.

**UNFINISHED BUSINESS FROM THE JULY 13, 2010 MEETING:**

Ordered that the burnt, dilapidated or dangerous building or other structure located at 38 Rockaway Street be demolished. Motion made by Councillor Colucci and seconded by Councillor Trahant to grant. Motion carried by the following yea and nay vote: 10 YES 0 NO (Councillor Cahill absent).

Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places for the State Primary and the State Final Election. Motion made by Councillor Colucci and seconded by Councillor Trahant to grant. Motion carried by the following yea and nay vote: 10 YES 0 NO (Councillor Cahill absent).

**COMMITTEE REPORTS:**

- *Report of the August 10, 2010 Committee on Public Property recommending the following to be accepted:*  
  Motion to allow the Information Technology Department to dispose of various surplus computer equipment. - **Granted**

  Motion to allow the Police Department to release a Toshiba Copier, no longer serviceable, to the Inspectional Services Department for proper disposal. - **Granted**

  Motion to allow St. George Greek Orthodox Church to hang banners throughout the City of Lynn to publicize the Annual Grecian Festival beginning the week of August 16. – **Granted**

**REPORT ACCEPTED.**
Report of the August 10, 2010 Committee on Ordinance recommending the following to be accepted:
A Proposed Ordinance Amending the City of Lynn Zone Ordinance – Granted to be Set Down for Public Hearing).
REPORT ACCEPTED.

Report of the August 10, 2010 Committee on Public Safety recommending the following to be accepted:
The following individuals were appointed constable:
   Brittney D’Avella, 5 Rockingham Street, Lynn - Granted
   Charles Demoree, 44 Pacific Street, Lynn – Granted
REPORT ACCEPTED.

Report of the August 10, 2010 Committee on Minor Licenses recommending the following to be accepted:
TAXI OPERATORS   (NEW)
Alexis, Pierre Moise, 30 Moulton St.- Tabled
Anasoulis, Louie, 490 Rantoul St. Beverly - Granted
Carballo, Jose W. 71 Lewis St. - Granted
Flaherty, Frank, 188 Washington St.-30 day review - Tabled
Garcia, Leovigildo, 144 Williams Ave. 30 day review- Granted
Hodgdon, Christopher A.-8 Summer St. Pl. #2 60 day review- Granted
Ibrahim, Issaq, 97 Washington St.-90 day review - Granted
Jimenez, Rafael, 15 Grove St. #3 - Tabled
Khun, Mao, 14 Wardwell Place- Granted w/30-60-90 Review
Mota, Edinson, 15 Linwood Pl #2- Granted
Reyes, Alberty, 74 Broad St. - Granted
Rizzo, Paul, 30 Prospect St. Gloucester-60 day review - DENIED
Rosa, Randy, 4 Acorn St. #2-90 day review- Granted
Ruel, Melvin, 12 Border St. #B1-90 day review- Granted
Sandler, Mark, 30 Sculpin Way, Swampscott-60 day review- Granted
Sharif-Mohamed, Bashir, 97 Washington St. #3- Granted
Tavarez, Jose, 5 Belvidere Pl - Tabled
LIVERY OPERATORS – NEW
Bourdeau, Ste, 62 Tontoquon Ave- Granted
Heard, Nicole, 10 Pleasant St. - Tabled
Hunter, James E. 56 River St- Granted
Lane-Mkusa, Lisa, 118B Green St. Marblehead- Granted
PUBLIC HEARINGS-EXTENDED HOURS
969  Western Ave.- A L Prime Energy- 24 hours- Granted w/stipulations workers be over 21 years of age on later shifts.
SIGN LICENSE-RENEWAL
22 Bennett Street, Ferro’s Welding Fabrication- Granted
47 Bennett Street, R.E. M Auto Body- Granted
55 Boston St., Over Easy - Granted
152 Boston Street, Advance Auto Parts- Granted
617 Boston Street, JJ’S Pizza & Subs - Granted
9 Broad Street, Millie’s Hair Styling- Granted
133 Broad Street, Divinity Dance Studio- Granted
244 Broadway, Mino’s Roastbeef, Inc. - Granted
132 Central Ave., Da Boost Shop- Granted
151 Central Ave., Kevin’s Bar & Grille (2008-2009 Tax Title and 2010 taxes owed) – Send Letter to appear at next meeting.
326 Chatham Street, Automotive Service- Granted
160 Chestnut Street, Kuky’s Hair Design- Granted
234 Chestnut Street, Fleming Towing - Granted
1 City Hall Square, Punta Cana Travel & Multi Services- Granted
6-12 Commercial Street, M.C Heald Co- Granted
61A Essex St., BiBi Hair Studio- Granted
99 Essex Street, Essex Market – Send Letter to appear at next meeting.
197 Essex Street, Merengue Market- Granted
598 Essex Street, Cannon’s Place Barbershop- Granted
137 Euclid Avenue, Connor Real Estate- Granted
61 Franklin Street, Boston Fried Chicken- Granted
60 Granite Street, Bay Ridge Hospital- Granted
11 Lewis Street, Hair Affair - Granted
276 Lynnway, R & B Imports- Granted
18 Market Street, California Nails & Spa- Granted
112 Market Street, Eastern Bank- Granted
9 Minot Street. Western Ave Auto Body- Granted
23 Munroe Street, Fernando’s Rest. - Granted
52 Oakville Street, American By Product- Granted
92 Oakville Street, Dandreo Bros. General Contr- Granted
125 Pleasant Street, American Repair- Granted
353-355 Summer Street, Amigo Market- Granted
189 Union Street, La Fe Restaurant- Granted
114 Union Street, Vecino Meat Market- Granted
116 Union Street, La Nacional Corp. - Granted
126 Union Street, Apollo Hotel LLC- Granted
189 Union Street, La Fe Rest- Granted
108 Western Avenue, Western Ave Market- Granted
577 Western Avenue, Lena’s Original Sub Shop- Granted
617 Western Avenue, JJ’S Pizza $ Subs- Granted
665 Western Avenue, BB Q’s- Granted
728 Western Avenue, S.E.A. CROPS Store- Granted
734 Western Ave., Star Wireless LLC- Granted
793 Western Avenue, Salvy The Florist- Granted
818 Western Avenue, Global Insurance- Granted
NEW DOOR TO DOOR SALES
20 Murphy Street, Steve’s Pro Seal Coating – Driveways - DENIED
REVIEW SECOND-HAND ARTICLE LICENSE
844 Western Avenue, Gonzalez Refrigeration - TABLED

REVIEW RENEWAL SIGN LICENSE
19 Sutton Street, Tati’s Beauty Salon (all taxes paid in full) people can’t come to meeting. - Granted

AUTO REPAIR, FLAMMABLE (NEW)
100 Ford St. – San Marcos Auto Repair - Granted

CLASS II – AUTO DEALER, AUTO REPAIR, FLAMMABLE – TRANSFER
1071 Western Ave, From: Russo Automatic Transmissions to Bonia Motors - Granted

AUTO BODY, AUTO REPAIR, FLAMMABLE, (RENEWAL)
15 Alley St, Crystal Diamond - (Open CORI case- Probation Officer letter attached for consideration) - TABLED
17 Alley St. – Italmondo Foreign Auto - Granted
475 Lynnway – Barrera & Sons Auto Body & Repair - Granted

AUTO REPAIR, FLAMMABLE, (RENEWAL)
9 Minot St. – West Lynn Auto Sport - Granted
125 Pleasant St. – Caruso’s Auto Repairs - Granted
125 Pleasant St. Rear – American Repair - Granted
725 Summer St. – RD Auto - Granted

FLAMMABLE (RENEWAL)
637 Lynnway – Auto Zone #5122 - Granted
52 Oakville St. – American By Products - Granted
56 Sanderson Ave – Leahy Landscaping Inc - TABLED

COIN OPERATED DEVICES VENDOR (RENEWAL)
83 Broadway, Malden, MA – Action Jackson Amusements - Granted

COIN OPERATED DEVICES ARCADE LICENSE (RENEWAL)
800 Lynnway – Mass Merchandise Mart. (Action Jackson Amusements is the Vendor) - Granted

COIN OPERATED DEVICES (RENEWAL)
163 Blossom St. – Brickyard – 1 Class II, 1 Class III - Granted
47 Central Ave. – 47 Central – 2 Class III - Granted
119 Fayette St. – Spin City – 1 Class III - Granted
105 Federal St. – Hibernian Building Corp. – 1 Class II - Granted
173 Lewis St. – Molly’s Irish Pub. – 1 Class III - Granted
800 Lynnway – Lynnway Mart. – 6 Class III - Granted
16 Market Sq. – Lynn House of Roast Beef – 2 Class III - Granted
17 Market Sq. – People’s Choice – 2 Class III - Granted
37 Market St. – Brandy Barrel – 1 Class III - Granted
70 Market St. – Tatiana’s Restaurant & Lounge – 1 Class II - Granted
170 Union St. – Charlie Chan’s – 2 Class III - Granted
776 Washington St. – Fran’s Place – 2 Class II, 2 Class III - Granted

RENEWAL AUTO REPAIR/FLAMMABLE

30 DAY REVIEW FOR TAXES OWED
106 Chestnut St. – Duran Auto Repair - DENIED
106 Chestnut St. – Los “V” Tires - DENIED

60 DAY REVIEW AUTO REPAIR/FLAMMABLE
119 Essex St. – Jerry’s Auto Care, Inc. - TABLED
CANNING:
East Lynn Pop Warner (Adults Only) – August 5-7, 2010 - Granted
Request from Burger King to fundraise for the Jimmy Fund by canning and selling
(representatives from Burger King will be present at meeting to answer questions) - Granted
REPORT ACCEPTED.

Report of the August 10, 2010 Committee on Ways and Means recommending the following to be accepted:

Ordered that the fees for Municipal Lien Certificates shall be increased to Fifty ($50.00) Dollars for single family and condominiums and increased to Seventy Five ($75.00) Dollars for all other properties, including commercial and industrial properties.
Councillor Duffy 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 fees for Municipal Lien Certificates shall be increased to Fifty ($50.00) Dollars for single family and condominiums and increased to Seventy Five ($75.00) Dollars for all other properties, including commercial and industrial properties.
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
Emergency Order was then adopted by the following yea and nay vote:
10 YES  0 NO

Ordered that Her Honor the Mayor is hereby authorized to execute an extension to a Mutual Aid Fire Dispatch Agreement with the towns of Nahant and Swampscott.
Councillor Duffy 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 Her Honor the Mayor is hereby authorized to execute an extension to a Mutual Aid Fire Dispatch Agreement with the towns of Nahant and Swampscott.
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
Emergency Order was then adopted by the following yea and nay vote:
10 YES  0 NO
Report of the August 10, 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 Transfers:

From the Account of the Reserve Fund:  
To the Account of ISD Expense:  $19,200.00

Councillor Crowley 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 the Reserve Fund to the Account of ISD Expense in the amount of $19,200.00.
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).

Ordered that the sum of $15,724.75 derived from a contract between the Commonwealth Corporation and the North Shore Workforce Investment Board be designated as an available fund for the Youth Works Jobs Program in the City of Lynn.

Councillor Crowley 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 sum of $15,724.75 derived from a contract between the Commonwealth Corporation and the North Shore Workforce Investment Board be designated as an available fund for the Youth Works Jobs Program 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:
10 YES  0 NO
Emergency Order was then adopted by the following yea and nay vote:
10 YES  0 NO

Ordered that the City Comptroller be and is hereby authorized to make the following Appropriation Transfers:

From the Account of Fire Dept. Expense:
To the Account of Assistance to Firefighters Expense:  $11,588.61

(Lays over to September 7, 2010)
From the Account of Fire Dept. Expense:
To the Account of Unpaid Bills of Prior Year: $266.00  
(Lays over to September 7, 2010)

From the Account of Fire Dept. Expense:
To the Account of Unpaid Bills of Prior Year: $163.00  
(Lays over to September 7, 2010)

From the Account of Fire Dept. Expense:
To the Account of Assistance to Firefighters Expense: $692.23  
(Lays over to September 7, 2010)
From the Account of Fire Dept. Expense
To the Account of Emergency Management Expense: $1,099.00  
(Lays over to September 7, 2010)

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councillor Capano and seconded by Councillor Colucci to remove from the table the 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 and to deny the permit portion for 680 Western Avenue.  
Motion carried by the following yea and any vote:  
10 YES  0 NO  (Councillor Cahill absent).

Motion made by Councillor Capano and seconded by Councillor Crowley to remove from the table the Petition of Verizon, E. Everett Bryan, for permission to place approximately 106 feet of underground conduit on Stanley Terrace from existing jointly owned pole, southerly to intersection with Western Avenue and grant with the stipulations set forth by the DPW Commissioner.  
Motion carried by the following yea and any vote:  
10 YES  0 NO  (Councillor Cahill absent).

Motion made by Councillor Capano and seconded by Councillor Cyr to remove from the table the Petition of Verizon, E. Everett Bryan, for permission to place approximately 131 feet of underground conduit on Western Avenue from existing Verizon Manhole on the northerly side at the intersection with Spencer Street, Westerly to intersection with Stanley Terrace and grant with the stipulations set forth by the DPW Commissioner.  
Motion made by Councillor Ford and seconded by Councillor Duffy to forward a letter to EDIC and the Office of Economic and Community Development to see if funds are available to make repairs to lights at Barry Park, prior to daylight savings time.  
Motion carried.
Motion made by Councillor Duffy and seconded by Councillor Crowley 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