

**CITY OF LYNN**

**Regular City Council Meeting, January 11, 2011  
Council President Timothy Phelan Presiding**

**Eleven Councillors Present**

**Moment of Silence.** Councillor Cyr asked that members remember in their prayers Gabrielle Giffords, Congresswoman from Arizona.

**Pledge of Allegiance.**

**Motion made from Councillor Lozzi and seconded by Councillor Crowley to suspend the rules so that Councillor Crowley, Council President Phelan and Councillor Lozzi present plaques to the East Lynn Pop Warner Cheerleaders on behalf of the City Council in recognition of winning "First Place in the Pop Warner National Cheerleading Championship in the Junior Pee Wee Small Advanced Division" at Disney World in December 2010.**

**Motion made by Councillor Colucci and seconded by Councillor Crighton to accept the Meeting Minutes of December 14, 2010 and December 28, 2010.  
Motion carried.**

**Election of Council President:**

<b>Cahill</b>	<b>Cahill</b>	<b>Duffy</b>	<b>Phelan</b>
<b>Capano</b>	<b>Phelan</b>	<b>Ford</b>	<b>Phelan</b>
<b>Colucci</b>	<b>Phelan</b>	<b>Lozzi</b>	<b>Phelan</b>
<b>Crighton</b>	<b>Cahill</b>	<b>Phelan</b>	<b>Phelan</b>
<b>Crowley</b>	<b>Phelan</b>	<b>Trahant</b>	<b>Phelan</b>
<b>Cyr</b>	<b>Phelan</b>		
<b>Phelan = 9</b>	<b>Cahill = 2</b>		

**Council President Phelan thanked his colleagues.**

**Election of Council-Vice President:**

<b>Cahill</b>	<b>Ford</b>	<b>Duffy</b>	<b>Ford</b>
<b>Capano</b>	<b>Ford</b>	<b>Ford</b>	<b>Ford</b>
<b>Colucci</b>	<b>Ford</b>	<b>Lozzi</b>	<b>Ford</b>
<b>Crighton</b>	<b>Ford</b>	<b>Phelan</b>	<b>Ford</b>
<b>Crowley</b>	<b>Ford</b>	<b>Trahant</b>	<b>Ford</b>
<b>Cyr</b>	<b>Ford</b>		

**Ford = 11**

**Council Vice-President Ford thanked his colleagues.**

## **COMMUNICATIONS:**

### **Communication from Her Honor the Mayor:**

Dear Councilors:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40U, Section 6, I hereby appoint Robert J. Stilian as the Municipal Hearing Officer for the City of Lynn. Sincerely, Judith Flanagan Kennedy, Mayor

**Motion made by Councillor Colucci and seconded by Councillor Trahan to suspend the rules to appoint Robert J. Stilian as the Municipal Hearing Officer for the City of Lynn.**

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

**11 YES 0 NO**

### **Communication from Council President Timothy Phelan:**

Notice to the City Clerk:

I am hereby calling a Special City Council Meeting pursuant to the provisions of the Lynn City Charter, at the request of Richard Fortucci, on Tuesday, February 1, 2011 at 8:00 p.m. in the council Chambers. Please advertise this meeting in accordance with the law. This will be the only item on the agenda. Thank you in advance for attention to this matter. Very truly yours, Timothy Phelan, Council President

**Motion made by Councillor Colucci and seconded by Councillor Duffy to set down for Public Hearing.**

**Motion carried.**

### **Disclosures of Financial Interest:**

Ryan Brown, Lynn Fire Department regarding Contract for Snow Plowing/Sanding with the Lynn DPW.

Daniel Dean, ISD, regarding Contract for Snow Plowing/Sanding with the Lynn DPW.

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

**Motion carried.**

**PUBLIC HEARINGS:**

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 33 Central Square 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.

**No one appeared in Favor.**

**The following appeared in Opposition:**

**K.N. Srinivasa, Engineer (Owner with Mr. Srivivasa)**

**Seth Albaum, Lynn (If all safety issues are addressed)**

**Calvin Anderson, Lynn (If all safety issues are addressed)**

**Motion made by Councillor Crighton and seconded by Councillor Ford to TABLE.**

**Motion carried.**

**PUBLIC HEARINGS TO BE SET DOWN:**

Petition of Verizon, Robert E. Grassia, for permission to place approximately 50 feet of 4" conduit in the intersection of Lynnfield Street and Parker Hill Road and Millard Avenue, from Manhole #339 to New Pole #46/86 (Pole 46/86 is being relocated approximately 30 feet) and to place approximately 20 feet of 4" conduit from the new pole location to the existing main line conduit system on Lynnfield Street to establish a new underground connection from the new pole to the Verizon conduit system.

**Motion made by Councillor Colucci and seconded by Councillor Crowley to set down for Public Hearing. (Councillor Lozzi absent at vote).**

**Motion carried**

**UNFINISHED BUSINESS:****Interview Committee Report of December 28, 2010**

**Motion made by Councillor Trahant and seconded by Councillor Cyr to appoint the following individuals to the Pine Grove Cemetery Commission:**

Albert Waldron

Fausto Cabrera, Jr.

Joan Breed

Arthur Dulong III

David Travers

Theresa Sheehan

Jay Fink

Richard Fortucci

Daniel Horgan

Christine Napoleon

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

**11 YES 0 NO**

**TO BE ADOPTED PERMANENTLY:****From Meeting of December 28, 2010 to be adopted permanently:**

An Ordinance Amending the Ordinance Pertaining to Sex Offender Residency Restrictions in the City of Lynn

**Motion made by Councillor Colucci and seconded by Councillor Cyr to Grant.**

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

**10 YES 0 NO (Council President Phelan absent at vote).**

**LAI D OVER FROM THE MEETING OF DECEMBER 14, 2010 TO BE ADOPTED:**

Order adjudging the property located at 102 Alley Street 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.

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

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

**9 YES 0 NO (Councillor Phelan absent at vote: Councillor Capano voting PRESENT).**

Order adjudging the property located at 104 Alley Street 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.

**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 Capano voting PRESENT).**

**COMMITTEE REPORTS:****Report of the January 11, 2011 Committee on Public Safety recommending the following to be accepted:**

The following individual was approved as Constable:

James Perry, 7 Wayne Avenue, Lynn – **Granted**

**REPORT ACCEPTED.**

**Report of the January 11, 2011 Committee on Minor Licenses recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Garcia, Angel A., 16 Parker Ave - **Granted**  
 Nelson,. Kelly, 35 Cherry Street, Swampscott- **Granted**  
 Piscia, Gregory, 11 Beach Rd.#12 30 day review- **Granted**  
 Reyes, Carlos, 72 Linden St. #2- **Granted**  
 Smart, Jerry S., 80 Sagamore St. - **Granted**

**LIVERY OPERATORS-(NEW)**

Garcia, Angel A., 16 Parker Ave. – **Granted**  
 Robert Boynton, 35 Cherry Street, Swampscott - **Granted**

**SIGN- RENEWAL**

66 Franklin Street, M & J Beauty Salon- **Granted**

**SECOND HAND- RENEWAL**

323 Broadway, Broadway Antiques, ETC. - **Granted**

**CLASS I AUTO DEALER-AUTO REPAIR, FLAMMABLE**

522 & 544 Lynnway – Kelly Automotive Group, Inc. DBA Kelly Honda- **Granted**

**CLASS II AUTO DEALER-AUTO BODY-REPAIR, FLAMMABLE-RENEWAL**

174 Broad St. – Olympic Auto Body & Sales, LLC- **Granted**

171 Commercial St. – Col-Craft, Inc. - **Granted**

**CLASS II AUTO DEALER – AUTO REPAIR, FLAMMABLE – RENEWAL**

136 Cottage St. – West Lynn Service, Inc. - **Granted**

361 Lynnway – Ron Costa’s Auto World- **Granted**

730R Lynnway – Coast Corp. DBA Car Sales- **Granted**

**CLASS III AUTO DEALER – AUTO BODY, AUTO REPAIR, FLAMMABLE**

1069R Western Ave. – Cap’s Auto Wrecking Corp. - **Granted**

**AUTO BODY, AUTO REPAIR FLAMMABLE, NEW**

148 Fayette St. – Mike’s Auto Repair & Auto Body – **Granted w/stipulations hours of operation changed to M-F 7am-7pm and Saturday 7am-6pm and no vehicles on street or sidewalk. (Duffy Present).**

**FLAMMABLE – NEW**

86 Bennett St. – Seacrest Foods International- **Granted**

**FLAMMABLE – RENEWAL**

255 Blossom St. – National Grid- **Granted**

**REPORT ACCEPTED.**

**Report of the January 11, 2011 Committee on Finance recommending the following to be accepted:**

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

From the Account of Parking Meter Receipts:

To the Account of Parking Expenses: \$13,600.00  
**(Lays over to January 25, 2011)**

From the Account of Reserve Fund:  
 To the Account of Abandoned Vehicles Expense: \$212.45  
**(Lays over to January 25, 2011)**

From the Account of Reserve Fund:  
 To the Account of Parking Department Expense: \$27,200.00  
**(Lays over to January 25, 2011)**

From the Account of Reserve Fund:  
 To the Account of Personnel Payroll: \$3,882.00  
**(Lays over to January 25, 2011)**

From the Account of Reserve Fund:  
 To the Account of Library Payroll: \$24,309.06  
**(Lays over to January 25, 2011)**

From the Account of Fire Department Expense:  
 To the Account of Unpaid Bills of Prior Year: \$1,240.87  
**(Lays over to January 25, 2011)**  
**REPORT ACCEPTED.**

### **NEW BUSINESS:**

**Ford/Ordered to allow the City Council President, on behalf of the City Council, and in accordance with the provisions of the City Charter, to provide notice to all parties and individuals of the procedures and requirements to be followed for the February 1, 2011, Special City Council Meeting,**  
**Councillor Ford 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 allow the City Council President, on behalf of the City Council, and in accordance with the provisions of the City Charter, to provide notice to all parties and individuals of the procedures and requirements to be followed for the February 1, 2011, Special City Council Meeting,**

**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**

Capano/Ordered that the City Solicitor's Office draft a License Agreement permitting Seacrest Foods International to park vehicles at the Ford School Annex on Bennett Street. Said License Agreement shall be revocable at the will of the Lynn School Committee. The terms of said License Agreement shall conform to all conditions mandated by the Lynn School Committee in a prior vote. It is further ordered that Her Honor the Mayor be authorized to execute said License Agreement on behalf of the City of Lynn. (Lays over to January 25, 2011).

Motion made by Councillor Colucci and seconded by Councillor Lozzi 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